

**PRIVACY POLICY**  
**October 2021**

## **Kolisi Foundation Privacy Policy**

### **1. Introduction and scope**

- 1.1. The Kolisi Foundation ("**we**" or "**us**" or "**our**") is a non-profit company that seeks to support people living in under-resourced communities in South Africa, by providing relief resources, facilitating capacity-building and horizontal learning exchanges, and mobilizing and advocating for systemic change. The Kolisi Foundation's mission is shaped around the following three programmatic areas: Food Security, Gender Based Violence, and Education and Sports Development. Our offices are located at Stoep Startup, 3 Tiverton Road, Plumstead, Cape Town. The Kolisi Foundation is a responsible party (or data controller in some jurisdictions) of your personal information and special personal information as defined below.
- 1.2. The Kolisi Foundation respects the right to privacy and confidentiality of our potential and existing stakeholders' personal information. We are committed to protecting your privacy and strive to ensure that your personal information is collected and used properly, lawfully and transparently with the ultimate goal of improving our services. This notice extends to all activities within the Kolisi Foundation.
- 1.3. We have appointed an Information Officer who is responsible for overseeing questions in relation to the Privacy Policy. You may contact our Information Officer at [info@kolisifoundation.org](mailto:info@kolisifoundation.org) to discuss this Privacy Policy or your rights under data protection legislation that is applicable to you.
- 1.4. This privacy policy is meant to help you understand how we collect, use, share and protect your personal information and special personal information, whether provided by you to us, or collected by us through other means when you engage with us, in your ordinary use of our services, in providing us with your products and services, or in accessing our website. The Kolisi Foundation subscribes to the conditions of the Protection of Personal Information Act (POPIA) as well as the principles set out in Section 51 of the Electronic Communications and Transactions Act 25 of 2002 to make sure that you are always protected when supplying us with personal information and/or special personal information.
- 1.5. POPIA describes personal information as information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The person to whom personal information relates is referred to as the "data subject".

1.6. According to POPIA personal information includes, but is not limited to, contact information, financial information, information relating to race, gender, sexual orientation, age, contact details, identity number, religion, name, culture, language and nationality. Special personal information refers to details about your religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or information about your criminal offences or convictions.

## 2. What type of personal information do we collect and process?

2.1. The type of information we collect will depend on the purpose for which it is collected and used. We will only collect information that we need for that purpose. When personal information is collected, the Kolisi Foundation will indicate the purpose for the collection and whether the information required is compulsory or voluntary. The Kolisi Foundation will not collect such information if it is unnecessary or if no consent is given by the data subject.

2.2. We may process various types of personal information about you, as follows:

2.2.1. **Identity Information**, which includes information concerning your name, username or similar identifier, occupation, interests, date of birth, gender, race and legal status, as well as copies of your identity documents, photographs, identity number, registration number and your qualifications;

2.2.2. **Contact Information**, which includes your e-mail addresses and telephone numbers;

2.2.3. **Financial Information**, which includes bank account details; tax clearance certificates and VAT registration numbers;

2.2.4. **Transaction Information**, which includes details about payments made to or received from you and company information, which may consist of financial activity;

2.2.5. **Usage Information**, which includes information as to your access to and use of our services, or the website, such as what links you went to, what content you accessed, the amount of content viewed and the order of that content, as well as the amount of time spent on the specific content and what services you access and use when engaging with us; and

2.2.6. **Location Information**, which includes geographical information from the device you may use to access our website or engage with us (which is usually based on the GPS or IP location).

2.3. We hereby notify you that, in certain circumstances, by engaging with The Kolisi Foundation, we may also collect certain special personal information about you such as your race or ethnic origin, or your health or sex life.

- 2.4. The processing of special personal information requires higher levels of protection and we need to have further justifications for processing such special personal information. We have implemented appropriate policies and safeguards, which we are required by law to maintain, to process special personal information.
- 2.5. We will generally not process special personal information about you unless it is necessary for establishing, exercising or defending a right or obligation in law, or where we have obtained your consent to do so. On rare occasions, there may be other reasons for processing your special personal information, such as where the information has been deliberately made public by you.
- 2.6. The Kolisi Foundation may collect, get, receive, record, organise, collate, store, update, change, retrieve, read, process, use and share your personal information and special personal information in the ways set out in this Privacy Policy. When we do one or more of these actions with your information, we are "**processing**" your personal information (and "**process**" has a corresponding meaning).
- 2.7. We may, where permitted or required to do so by applicable law, process your personal information without your knowledge or permission, if sufficient grounds of justification are present, and we will do so in accordance with the further provisions of this Privacy Policy.

### **3. Why we collect personal information?**

- 3.1. We collect, hold, use and disclose your personal information and/or special personal information mainly to provide you with access to the services and support that we provide. We will only process your information for a purpose you would reasonably expect, including:
- 3.1.1. To establish and verify your identity and/or update your details;
  - 3.1.2. To administer and manage our service to you;
  - 3.1.3. To measure impact, and improve our operations through monitoring, evaluation and reporting;
  - 3.1.4. To notify you of news and /or developments that may be of interest to you;
  - 3.1.5. To promote the work of the Kolisi Foundation;
  - 3.1.6. To receive and process donations or grants;
  - 3.1.7. To comply with any legal and regulatory requirements; and
  - 3.1.8. for other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our

services and/or the use of the website, or such other purpose for which it was collected.

- 3.2. We will obtain your permission before collecting or using your personal information and/or special personal information for any other purpose.

#### **4. How we collect personal information?**

The Kolisi Foundation collects information either directly from the data subject or third parties and public sources. The source from which the personal information and special personal information was obtained, if not directly from the data subject, will be disclosed.

#### **5. Use of personal information**

- 5.1. After obtaining your consent, the personal information and/or special personal information collected or held by The Kolisi Foundation may be used, stored, transferred, disclosed or shared only for the purposes for which it was collected, as set out above in clause 3.1 above, and/or as agreed with you.
- 5.2. Records of personal information will be retained for the period necessary for achieving the purpose for which the information was collected. Please note that you have a right to object to the processing of your personal information for example for purposes of direct marketing, unless consent was obtained from you.
- 5.3. Aside from clause 5.2 above and any other clause in this Privacy Policy, we may retain and process some or all of your personal information if and for as long as:
  - 5.3.1. we are required or permitted by law, a code of conduct or a contract with you to do so;
  - 5.3.2. we reasonably need it for lawful purposes related to the performance of our functions and activities;
  - 5.3.3. we reasonably require it for evidentiary purposes; or
  - 5.3.4. you agree to us retaining it for a specified further period.
- 5.4. The Kolisi Foundation will always comply with applicable legal, regulatory, or other requirements as they pertain to the retention of your personal information.

## **6. Methods of processing and storage of personal information**

6.1. We store your personal information and special personal information on:

- 6.1.1. our premises, in the form of hard copies;
- 6.1.2. the premises of third party service providers such as document storage service providers;
- 6.1.3. our servers; or
- 6.1.4. on the servers of our third party service providers, such as IT systems or hosting service providers.

6.2. Data processing is carried out using computers and/or IT-enabled tools, following organisational procedures and modes strictly related to the purposes indicated. In some cases, the data may be accessible to certain types of persons in charge, involved with the operations of The Kolisi Foundation's Communications and Marketing department, Programme Department, Operational Department, or Partnerships Department or external parties (such as third party technical service providers). Any third party will be required to adhere to all privacy and confidentiality requirements of POPIA, we will also ensure that we have entered into written agreements with those third party service providers governing our relationship with them that require them to secure the integrity and confidentiality of personal information in their possession by taking appropriate, reasonable technical and organisational measures.

## **7. Third party sites**

7.1. This Privacy Policy does not apply to the websites of any other parties, or the applications, products or services such websites advertise and which may be linked to our website, or websites that link to or advertise on our website.

7.2. We are not responsible for the privacy practices of such third party websites, or for any claims, loss or damage arising from these.

7.3. The Kolisi Foundation makes use of third-party payment platforms (including, but not limited to, PayFast, PayPal and Backabuddy) to process donations. We advise you to read the privacy policy of each third party website and decide whether you agree to their privacy practices and policies, before you reveal any of your personal information on these platforms.

## 8. Analytics and Cookies

8.1. We may passively collect some of your personal information from the device that you use to access and navigate our website, by way of various technological applications and services, such as web analysis services including Google Analytics and Facebook Pixel.

8.2. The technological applications and services referred to in this section enable The Kolisi Foundation to monitor and analyse web traffic and are used to track user behaviour and optimise user experience on our website.

8.3. Web analysis service providers collect data to examine the use of the Kolisi Foundation website and to prepare reports on website use activities to improve the user experience and site performance.

8.4. The web analysis service providers may also use cookies and anonymous identifiers which enable our computer system to recognise you when you next visit the website to distinguish you from other users and to improve our service to you, this can also be used to enhance the content of the website and make it more user-friendly, as well as to give you a more personalised experience. A cookie is a small text file stored on your device by the website you are visiting. When you visit the website again, the cookie allows the site to recognise your browser. Cookies may store user preferences and other information.

8.5. Each web analysis service is responsible for adherence to relevant data protection rules which can be obtained via their own Privacy Notices.

8.6. The Kolisi Foundation website uses Google Analytics and Facebook Pixel.

8.6.1. Google Analytics collects data about how people use our website. Google Analytics will, *inter alia*, collect the following information:

- Time of visit, pages visited, and time spent on each page of the webpages;
- Referring site details (such as the URI a user came through to arrive at this site);
- Type of web browser;
- Type of operating system (OS);
- Flash version, JavaScript support, screen resolution, and screen colour processing ability;
- Network location and IP address.

You can find out more about Google Analytics data processing terms here: <https://www.google.com/analytics/terms/default.html> and here <https://policies.google.com/privacy>. Google Analytics' Terms of

Service prohibits the collection of personally identifiable data such as name, email address, or billing information.

8.6.2 Facebook Pixel may use cookies, web beacons and other storage technologies to collect or receive information from our website and elsewhere on the internet and use that information to provide measurement services and target ads. You can find out more about Facebook Pixel's data processing terms here:

<https://www.facebook.com/legal/terms/dataprocessing/update>. Facebook Pixel aligns its data usage with the General Data Protection Regulation (GDPR) which creates consistent data protection rules across Europe.

8.6.3. We have implemented an affirmative assent cookie 'opt-in' banner for users on our website. You can opt-out of the collection and use of information for ad targeting, by going to <http://www.aboutads.info/choices>. However, please note that some parts of the website may not function optimally if you refuse cookies and you may not be able to enjoy all of the features and functionality of the website.

8.6.4. The personal information that we passively collect from your device through Google Analytics and Facebook Pixel may include your technical information, your profile information, your usage information, your location information and your marketing and communications information, or any other personal information which you permit us, from time to time, to passively collect from your device.

## **9. Sharing of personal information**

9.1. The Kolisi Foundation will only share your personal information or special personal information with third parties if you have consented to such disclosure. If consent has been obtained, we may share your personal information or special personal information with third parties who are involved in the delivery of services to you. We have agreements in place to ensure that they comply with the POPIA.

9.2. Where the Kolisi Foundation discloses personal information to any third parties, the third party will be obliged to use that personal information only for the reasons and purposes it was disclosed for.

9.3. You agree and give permission for us to share your personal information under the following circumstances:

9.3.1. to enable us to enforce or apply any agreement you have with us;

9.3.2. to enable us to monitor web traffic: web servers serving the website automatically collect information about pages you visit. This information is used for internal review, to tailor information to individual visitors and for traffic audits;

9.3.3. if required to do so by law or when we reasonably believe that such action is necessary to:

- 9.3.3.1. comply with the law or with any legal process;
- 9.3.3.2. protect and defend the rights, property or safety of the Kolisi Foundation, or our clients, employees, contractors, suppliers, agents or any third party;
- 9.3.3.3. detect, prevent or manage actual or alleged fraud, security breaches, technical issues, or the abuse, misuse or unauthorised use of the website and/or contraventions of this Privacy Policy; and/or
- 9.3.3.4. protect the rights, property or safety of members of the public (if you provide false or deceptive information or misrepresent yourself, we may proactively disclose such information to the appropriate regulatory bodies and/or commercial entities).

## **10. Securing personal information**

10.1. The Kolisi Foundation processes the personal information and special personal information of data subjects in a proper manner and shall take appropriate and reasonable technical, organisational and security measures to prevent loss of, damage of personal information, unauthorised access, disclosure, modification, or unauthorised destruction of such information. We will store all the personal information in secured environments, for example on secured servers in a protected data centre.

10.2. We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.

10.3. **Despite the above measures being taken when processing personal information and special personal information, subject to the provisions of this clause 11.3, as far as the law allows, we will not be liable for any loss, claim and/or damages arising from any unauthorised access, disclosure, misuse, loss, alteration or destruction of your personal information and/or special personal information.**

10.4. **In this clause, you acknowledge that you know and you accept that technology is not absolutely secure and there is a risk that your personal information and special personal information will not be secure when processed by means of technology. We do not promise that we can keep your personal information and special personal information completely secure. To the maximum extent permitted by law, you will not be able to**

**take action against us if you suffer losses or damages in these circumstances.**

## **11. Your rights**

- 11.1. You have the right to request to review your personal information contained by the Kolisi Foundation at any time to correct or update the information. If the purpose for which your personal information was requested initially does not exist anymore, for example you no longer wish to be a donor, you may request information held by the Kolisi Foundation to be deleted. However, the Kolisi Foundation can decline your request to delete the information from its records if other legislation requires the continued retention thereof or if it has been de-identified.
- 11.2. If you would like to obtain a copy of your personal information held by the Kolisi Foundation, please review the Kolisi Foundation's Promotion of Access to Information Manual, a copy may also be obtained at our offices:

Stoep Startup  
3 Tiverton Road  
Plumstead  
7801 Cape Town

- 11.3. POPIA also provides you with the right to request the restriction of your personal information. This enables you to ask The Kolisi Foundation to suspend the processing of your personal information in limited circumstances.
- 11.4. You may withdraw your consent for us to process your personal information at any time. The withdrawal of your consent can only be made by you on condition that such withdrawal of your consent:
- 11.4.1. does not affect the processing of your personal information before the withdrawal of your consent; or
  - 11.4.2. does not affect the processing of your personal information if the processing is in compliance with an obligation imposed by law on us; or
  - 11.4.3. does not affect the processing of your personal information where such processing is necessary for the proper performance of a public law duty by a public body; or
  - 11.4.4. does not affect the processing of your personal information as required to finalise the performance of a contract in which you are a party; or

11.4.5. does not affect the processing of your personal information as required to protect your legitimate interests or our own legitimate interests or the legitimate interests of a third party to whom the information is supplied.

11.5. You also have the right to submit a complaint to the Information Regulator alleging interference with the protection of the personal information of a data subject. See contact details below.

## **12.Updating this notice**

Please note that we may, in our sole discretion, amend this Policy from time to time. Please check this website periodically to inform yourself of any changes. If you continue to engage with us, provide products or services to us or access or use our website and/or services after amendments are made to the Privacy Policy and displayed on this website, you will be deemed to have accepted the updated Privacy Policy

## **13.General**

13.1. You agree that this Privacy Policy, our relationship and any dispute of whatsoever nature relating to or arising out of this Privacy Policy whether directly or indirectly is governed by South African law, without giving effect to any principle of conflict of laws.

13.2. You agree that we may, at any time, transfer, cede, delegate or assign any or all of our rights and obligations under this Privacy Policy without your permission. We will notify you if we transfer, cede, delegate or assign any rights or obligations to a third party, but we do not have to notify you if we transfer, cede, delegate or assign any rights or obligations to any person which acquires all or part of our business and/or assets. We may in certain instances, also sub-contract our obligations, for example, engaging with external IT service providers or printers. Where we engage such sub-contractors, we will do so without your permission and we do not have to notify you if we sub-contract any of our obligations.

13.3. Subject to clause 14.2, this Privacy Policy shall apply for the benefit of and be binding on each party's successors and assigns.

13.4. Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision.

13.5. Each provision of this Privacy Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision (or part of a provision) of this Privacy Policy is found by a court or authority of competent jurisdiction to be illegal, invalid or unenforceable (including without limitation, because it is not consistent with the law of another jurisdiction), it must be treated as if it was not included in this Privacy Policy and the rest of this Privacy Policy will still be valid and enforceable.

#### **14.How to contact us**

Please direct any questions, complaints or concerns regarding this privacy policy, data privacy and our treatment of your personal information to the following:

info@kolisifoundation.org or follow the steps outlined in the Promotion of Access to Information Manual.

Upon receiving your request, we will contact you directly, investigate your request, and work to address your concerns. We will respond to your request without undue delay. We reserve the right to take reasonable steps to verify your identity prior to granting access or processing changes or corrections.

#### **15.Information Regulator**

Should you feel that your rights in respect of your personal information have been infringed, please address your concerns to our Information Officer at info@kolisifoundation.org. If you feel that the attempts by The Kolisi Foundation to resolve the matter have been inadequate, you have the right to contact the Information Regulator, whose contact details are:

Tel: 012 406 4818

Fax: 086 500 3351

Email: info@justice.gov.za