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## MOLENVLIET ESTATE PTY LTD PRIVACY POLICY

### 1. INTRODUCTION

- 1.1 Molenvliet Estate Pty Ltd, uses and, in some circumstances, shares the personal information of Users in and through this website and during the provision of services to you.
- 1.2 Molenvliet Estate Pty Ltd the rights of Users whose personal information is collected and used by it, including their right to protection against the unlawful collection, retention, sharing and use of such personal information.
- 1.3 The purpose of this Privacy Policy is to provide Users with information about the information processing activities of Molenvliet Estate Pty Ltd the manner in which their rights are protected.
- 1.4 This Privacy Policy shall serve as a blanket notification to Users about Molenvliet Estate Pty Ltd processing activities which will remain valid for as long as one has an active account with or is using the services of Molenvliet Estate Pty Ltd, including the browsing of this website. Users will not be notified separately on each occasion that Molenvliet Estate Pty Ltd processes the same personal information in the same way over the period.
- 1.5 Molenvliet Estate Pty Ltd may amend the provisions of this Privacy Policy to comply with any changes in the law, and/or pursuant to any changes to its information processing activities or privacy practices. Such amendments will be published on the website and will become operable from the date of such publication.
- 1.6 This privacy policy, and the interpretation and enforcement thereof, will be governed by the laws of the Republic of South Africa.
- 1.7 The provisions of this Privacy Policy must, as far as possible, be incorporated into the agreement between Molenvliet Estate Pty Ltd and Users.

### 2. DEFINITIONS AND INTERPRETATION

- 2.1 In this Privacy Policy, the following words bear the following meanings:
  - 2.1.1 "consent" means any voluntary, specific and informed expression of will in terms of which permission is given by or on behalf of a User for the processing of their personal information.
  - 2.1.2 "direct marketing" means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of promoting or offering to supply any goods or services to the data subject;
  - 2.1.3 "information officer" means the person on site responsible for the Information technology.
  - 2.1.4 "operator" means an outside third party who processes personal information for or on behalf of Molenvliet Estate Pty Ltd in terms of a contract or mandate.
  - 2.1.5 "personal information" means any information linked to a User or information that can identify a User, including but not limited to:
    - 2.1.5.1 information relating to a user's gender, nationality, ethnic or social origin age, language.



- 2.1.5.2 a user's e-mail address, physical address, telephone number, location information or online identifier.
- 2.1.5.3 a User's financial information including banking details and invoice information.
- 2.1.5.4 a User's personal opinions, views or preferences.
- 2.1.5.5 correspondence sent by a User which is of a private or confidential nature; and
- 2.1.5.6 the User's name if it appears with other personal information relating to that User, or if the disclosure of their name on its own would reveal further personal information about that User.
- 2.1.6 "POPI" means the Protection of Personal Information Act of 2013, including any regulations or codes of conduct promulgated under it.
- 2.1.7 "PAIA" means the Promotion of Access to Information Act 2 of 2000.
- 2.1.8 "process or processing" means, in relation to personal information, any operation or activity or any set of operations, whether by automatic means, including:
- 2.1.8.1 the collection, receipt, recording, organisation, collation, storage, updating, or modification, retrieval, alteration, consultation or use of that information.
- 2.1.8.2 dissemination by means of transmission, distribution or making available in any other form; or
- 2.1.8.3 merging, linking, as well as restriction, degradation, erasure, or destruction of that information.
- 2.1.9 "User" means a visitor or user of this website, or any of the content or services associated with this website; and
- 2.1.10 "the website" means the website or any part thereof which is accessible on [www.molenvliet.co.za](http://www.molenvliet.co.za)
- 2.2 Any reference in this Privacy Policy to:
- 2.2.1 the singular includes the plural and vice versa.
- 2.2.2 any one gender includes the other genders, as the case may be.
- 2.2.3 an act, regulation or other law is to the version of that law in force at the effective date of this Policy and includes any amendment or re-enactment made to that law after the effective date of this Policy.
- 2.3 When calculating any number of days for the purposes of this Policy, the first day must be excluded and the last day of the relevant interval included, unless the last day is not a business day, then the last day will be the next succeeding business day.
- 2.4 The word "include" means "include without limitation". Use of the word "include" or "in particular" is for illustration or emphasis only and where followed by specific examples must not be interpreted as limiting the meaning of the general wording preceding it.
- 2.5 A requirement that any Policy, request, demand, or other communication made in terms of this Privacy Policy must be in writing and will be met if it is in the form of a data message as defined in the Electronic Communications and Transactions Act, No. 25 of 2002, and is accessible in a manner usable for subsequent reference, provided that this policy may not be amended as such.



### 3. RESPONSIBLE PARTY

- 3.1 Molenvliet Estate Pty Ltd or their assigned third parties will be the party who will be collecting and processing a User's personal information and as such is designated as the "responsible party" for the purposes of this Policy.
- 3.2 Molenvliet Estate Pty Ltd contact details are as follows: [info@molenvliet.co.za](mailto:info@molenvliet.co.za)
- 3.2.1 Website address: [www.molenvlietestate.co.za](http://www.molenvlietestate.co.za).
- 3.3 Molenvliet Estate Pty Ltd may instruct third party operators from time to time to undertake certain processing activities relating to the User's personal information.

### 4. WHAT PERSONAL INFORMATION IS COLLECTED

- 4.1 Molenvliet Estate Pty Ltd may collect the following personal information from the User:
- 4.1.1 Initials, first name, surname;
  - 4.1.2 Date of birth, Identity Number or Passport Number;
  - 4.1.3 Email address;
  - 4.1.4 Age and language preference;
  - 4.1.5 Nationality;
  - 4.1.6 Gender;
  - 4.1.7 Company details;
  - 4.1.8 Vehicle Registration;
  - 4.1.9 Billing information;
  - 4.1.10 Address; and
  - 4.1.11 Home and Cell phone number.
- 4.2 The supply of personal information by the User to Molenvliet Estate Pty Ltd is voluntary and not mandatory. However, if the User refuses to supply any personal information, certain consequences may naturally flow from such a refusal, such as preventing Molenvliet Estate Pty Ltd from concluding or performing any contract with the User or preventing Molenvliet Estate Pty Ltd from complying with one or more of its obligations in law.
- 4.3 There is no applicable law which directly requires or authorizes Molenvliet Estate Pty Ltd to collect a User's personal information.

### 5. PURPOSE/S FOR COLLECTION AND PROCESSING OF PERSONAL INFORMATION

- 5.1 Molenvliet Estate Pty Ltd shall only collect User's personal information for a specific, explicitly defined and lawful purpose relating to a function or activity of Molenvliet Estate Pty Ltd's business.
- 5.2 Such purposes may include the following:
- 5.2.1 to enter into a contract with a User;
  - 5.2.2 to perform any obligations under a contract with a User;
  - 5.2.3 to comply with a legal obligation;
  - 5.2.4 to protect a legitimate interest of a User (unless the User has specifically objected in writing to all or some of the processing activities on reasonable grounds);
  - 5.2.5 to pursue its own legitimate interests or the legitimate interests of a third party who it is sharing the information with (unless the User has specifically objected in writing to all or some of the processing activities on reasonable grounds);



- 5.2.6 to process personal information for direct marketing purposes (only if the User has opted in to receiving any direct marketing material);
- 5.2.7 to present content to the User in the most effective way for them and their viewing device and browser;
- 5.2.8 to customise and display content including, but not limited to products, articles, listings and advertisement to the User in a way that Molenvliet Estate Pty Ltd feels may interest the User or be most beneficial to them;
- 5.2.9 to send content including, but not limited to products, articles, listings and advertisement content to the User via email or other electronic media, where the User has consented to be contacted by Molenvliet Estate Pty Ltd with such content;
- 5.2.10 to enable the User to voluntarily participate in interactive features on the website;
- 5.2.11 to notify the User about changes to the Website.

5.3 If Molenvliet Estate Pty Ltd intends to process a User's personal information for any other purpose not listed in clause 5.2 or which is otherwise not automatically permitted by law, it shall ensure that it obtains the User's written consent to do so.

5.4 Molenvliet Estate Pty Ltd will not sell a User's personal information to any third party.

## 6. COLLECTION DIRECTLY FROM USER

6.1 Molenvliet Estate Pty Ltd shall, as far as possible, always collect personal information about a User directly from the User, except in the following circumstances:

- 6.1.1 Where personal information is collected from a public record, or from another source if the information has already been made public by the User;
- 6.1.2 where the User has given their written consent to Molenvliet Estate Pty Ltd to collect their information from another source, for example by using a third party booking service;
- 6.1.3 where the collection of a User's personal information from another source will not prejudice any of the User's legitimate interests;
- 6.1.4 where the collection of personal information from another source is necessary to maintain Molenvliet Estate Pty Ltd 'legitimate interests or those of any third party it intends sharing the information with;
- 6.1.5 where the collection of personal information directly from the User would prejudice the purpose for the collection;
- 6.1.6 where the collection of personal information directly from the User is not reasonably practicable in the circumstances.

6.2 If Molenvliet Estate Pty Ltd collects personal information from a source other than the User, it shall record in writing the details of that source, including the full names and contact details of that source where applicable.

6.3 The User hereby consents to Molenvliet Estate Pty Ltd requesting and obtaining credit information pertaining to the User from any reputable credit reporting agency or institution for the purpose of concluding any transaction for the sale of goods or services to the User.



- 6.4** Personal information may be collected from or supplied by the User in any of the following ways:
- 6.4.1** during the process of making a reservation or checking out as a guest on this website or in person;
  - 6.4.2** provided by the User, or their authorised agent;
  - 6.4.3** when subscribing to a service, entering into a competition or promotion, or participating in a survey;
  - 6.4.4** when posting a comment, reply or recommendation on this website or in person;
  - 6.4.5** when requesting further services or information from Molenvliet Estate Pty Ltd;
  - 6.4.6** when contacting Molenvliet Estate Pty Ltd to report a problem with the website or for any other reason;
  - 6.4.7** when completing any forms on the website or during your stay.
- 6.5** The User may visit the website without providing any personal information. However, the website's servers may still collect technical information regarding the use of the website, which is aggregated for analytical purposes, technical maintenance and for improving the content offered on the website. Such information may include details of the User's visit, information about the User's computer, including IP (Internet Protocol) address, operating system and browser type, the User's location, and usage information. An individual User will not be identified from or by this information and Molenvliet Estate Pty Ltd is entitled to copy, distribute or otherwise use such information without limitation.

## **7. COOKIES**

- 7.1** "Cookies" are small text files transferred by a webserver to a User's hard drive and thereafter stored on their computer. The types of information a Cookie collects includes a user's username, the date and time of their visits to the website, their browsing history and preferences.
- 7.2** Molenvliet Estate Pty Ltd may use Cookies on this website to:
- 7.2.1** distinguish one User from another on the website;
  - 7.2.2** remember the User's last session when they return to the website;
  - 7.2.3** estimate the website's audience size and usage patterns;
  - 7.2.4** store information about the User's preferences, which allows Molenvliet Estate Pty Ltd to customize the website and content according to the Users individual preferences; and
  - 7.2.5** speed up searches on the website.
- 7.3** The provisions of this clause are only applicable to Cookies used by Molenvliet Estate Pty Ltd. In some instances, third-party service providers may use Cookies on the website. Molenvliet Estate Pty Ltd cannot and does not control or access Cookies used by third party service providers and takes no responsibility therefor.
- 7.4** The User has the right and ability to either accept or decline the use of Cookies on their computer's web browser. However, declining the use of Cookies may limit a User's access to certain features on the website.

## **8. GENERAL CONDITIONS FOR PROCESSING PERSONAL INFORMATION**

- 8.1** Molenvliet Estate Pty Ltd shall comply with all laws, contracts or regulations when it processes a User's personal information.
- 8.2** Molenvliet Estate Pty Ltd shall not act unreasonably when processing a User's personal information. This means that it will collect and process a User's personal information in a way that the User can reasonably expect and in a way that is fair.



- 8.3** Molenvliet Estate Pty Ltd shall respect the User's right to privacy at all times. If there is another way in which it can achieve the same goal without posing any risk of harm to the privacy rights of the User, then it will choose that option.
- 8.4** Similarly, if Molenvliet Estate Pty Ltd needs to process personal information but there are less privacy-invasive methods of collecting, using and sharing that information, then it will use those methods.
- 8.5** Molenvliet Estate Pty Ltd shall ensure that the personal information that is collected and processed is and remains relevant to the identified purpose/for such processing, and that such information is and remains adequate, but not excessive, for achieving the identified purpose/s.
- 8.6** If there are any alternative ways to achieve the identified purpose/s without processing personal information, Molenvliet Estate Pty Ltd shall not process that personal information.
- 8.7** Molenvliet Estate Pty Ltd shall ensure that the processing activities applied are proportionate to achieving the identified purpose/s and that no less privacy invasive measures are available to achieve the same purpose/s.
- 8.8** Molenvliet Estate Pty Ltd shall ensure that, regardless of the stated purpose/s for processing personal information, the rights and interests of Users will not be unnecessarily prejudiced or infringed, unless it cannot be avoided, and then in such cases, it shall ensure that its own rights and/or interests justify such prejudice or infringement taking place.
- 8.9** Once Molenvliet Estate Pty Ltd has achieved the purpose for the collection of the User's personal information, it will destroy or delete such information, unless the User has directed otherwise in writing, or Molenvliet Estate Pty Ltd is required by law to retain the information for a longer period of time.
- 8.10** If Molenvliet Estate Pty Ltd no longer needs to process personal information to achieve the purpose originally specified, it will stop using that information.

## **9. DISCLOSURE AND SHARING OF PERSONAL INFORMATION**

- 9.1** Molenvliet Estate Pty Ltd may, in the course of providing any content or services on this website, or for the purposes of concluding or performing any sale or other transaction with a User, share certain personal information with third party operators who perform certain processing activities on behalf of Molenvliet Estate Pty Ltd.
- 9.2** The information shared and the categories of third-party operators with whom it is shared will always be notified to you prior to being shared.
- 9.3** Molenvliet Estate Pty Ltd may also share aggregated information about Users of this website and their usage patterns. Molenvliet Estate Pty Ltd may also use such aggregated information to help advertisers target specific audiences. Such aggregated information will be de-identified and the User's personal information will not be disclosed.
- 9.4** Other than as stated in clause 9.1 and 9.3, Molenvliet Estate Pty Ltd shall not share a User's personal information with any third parties unless it has the User's express consent to do so.



## 10. USER'S RIGHTS IN RELATION TO THE PROCESSING OF THEIR PERSONAL INFORMATION

**10.1** Users shall have the following rights in relation to the processing of their personal information:

**10.1.1** to access and correct any personal information held by Molenvliet Estate Pty Ltd about them;

**10.1.2** to object to the processing of their information; and

**10.1.3** to lodge a complaint with the Information Regulator.