

WELCOME TO THE TAKEALOT FULFILMENT SOLUTIONS PRIVACY POLICY

A. WHO WE ARE

The purpose of this Privacy Policy is to set out how, why and when Takealot Fulfilment Solutions, a division of Takealot Online (RF) (Pty) Ltd (“**TFS**”, “**we**”, “**us**” and “**our**”), use your Personal Information so as to comply with the Protection of Personal Information Act 4 of 2013 (“**POPI**”).

We respect your privacy and take the protection of Personal Information very seriously. We strive to deliver excellent service every time and to do this, we need to use some of your Personal Information.

This Privacy Policy describes how we handle the Personal Information we collect about you and/or receive from you. By using our Platforms, you agree to the processing of your Personal Information as set out in this Privacy Policy.

It is important that you read this Privacy Policy together with our other terms and conditions, privacy notices or policies that TFS may provide from time to time when collecting or using your Personal Information.

Further, please pay special attention to the clauses in this Privacy Policy **that appear in similar text and style (i.e. bold) which:**

- **may limit the risk or liability of TFS or a third-party.**
- **may create risk or liability for Merchants.**
- **may compel you as a Merchant to indemnify TFS or a third-party.**
- **serves as an acknowledgement, by the Merchant, of a fact.**

This Privacy Policy applies to all Merchants.

TFS provides Merchants with Platforms, in order to:

- facilitate the sale of goods and services to our customers using our website, related mobi-sites and software applications.
- facilitate the delivery and collection of goods from Merchants to TFS distribution centres and/or other addresses that the Merchant might nominate, to ensure a smooth and hassle-free delivery experience.
- offer other services, products or third-party solutions to all Merchants within the TFS ecosystem.

In this Privacy Policy, the terms -

- “**Personal Information**”, and “**process/processing**” bear the same meanings as set out in POPI. Personal Information in particular refers to any information that identifies you (information of a natural or a juristic person) or specifically relates to you.
- “**you**” and “**your**” refers to a Merchant that accesses or uses our Platforms.
- “**Merchant**” means a registered user including any of their nominated authorised users on our Platform(s) and any person (juristic or natural) utilising and/or accessing our Platforms.
- “**Platforms**” mean the online portals and tools made available by TFS to you, including this website and any of our physical facilities that might require the processing of any Personal Information.

B. WHAT PERSONAL INFORMATION DO WE COLLECT AND RECEIVE

TFS processes Personal Information in a manner that is reasonable, adequate, relevant, non-excessive and purpose-specific. We may also gather Personal Information about you from your devices, other persons and organisations.

We collect Personal Information about you when you use our Platforms, products or services, or when you interact with us and do so in particular when you:

- contact us, including via our websites or apps to become a Merchant and use all our related products or services.
- engage with us on social media.
- have already made your Personal Information available in public sources (such as newspapers, company registers, online search engines, websites, public posts on social media etc.).
- start a commercial relationship with us and for its duration. We may also process your Personal Information when your relationship with us has ended subject to other legislation.
- engage with third-parties that we interact with for the purpose of conducting our business (such as partners, regulators and government departments or service providers).

We **may** collect the following Personal Information from or about you as a Merchant:

- legal name in instances where the Merchant is a juristic person.
- name and surname where a Merchant is a sole proprietor.
- office bearers of any juristic person or sole proprietor.
- official email address and/or any other email address.
- official physical address and/or any other physical address.
- official phone number and/or any other relevant phone number.
- identity number of any relevant natural persons.
- registration number of any juristic persons or sole proprietors.
- banking information.
- tax number and tax residency status.
- financial and transaction information.
- identifying number(s) such as an identification number, passport number, registration number, VAT number.
- online and other unique identifiers (these are identifiers assigned to you that uniquely identify you in relation to us or in relation to any third-party that processes Personal Information about you).
- social media profiles.
- location data.
- Special Personal Information, that we might collect and process in compliance with the requirements that are specifically applicable in terms of POPI including biometric information, criminal behaviour or any pertinent legal judgements.

You warrant that the Personal Information you have provided is accurate, current, true and correct and that does not impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.

Should your Personal Information change or you wish to amend and/or correct your Personal Information, you can do this by logging a request to your applicable support team via the our contact form or by logging into the relevant account on our Platforms.

Information from using the Platforms

When you access our Platforms, we process some of your Personal Information. Depending on how you access and use the Platforms, we may receive:

- log information, including information on how, when and for how long you use our Platforms, products and other services, the content you view and search queries you submit.
- information about the equipment you use to access or use our Platforms, including the type of device you are using, how you access our Platforms, your browser or operating system and your Internet Protocol address.

- the geographic location from which you accessed our Platforms, including your device's global positioning system signal and information about nearby wifi networks and cell towers. We get this information when you use location-enabled services.
- information relating to support you may require from us such as information about your query and your contact details. When you interact with our platforms via email or phone we may collect and use information about you in order to provide support. Your communications with us may be recorded.

C. WHY DO WE NEED TO PROCESS YOUR PERSONAL INFORMATION?

We primarily use the Personal Information we collect from you to enable you access to our Platforms, products and services. We also use your Personal Information for other reasons, including to ensure that we comply with all laws, to better understand you and your needs, and to inform you about other products and services you might be interested in.

We may lawfully process the Personal Information we collect and receive from you to:

- identify you.
- verify your identity if the law requires or permits it.
- to protect or pursue your, our or a third party's legitimate interest.
- if you have consented to us processing your Personal Information.
- enter into and conclude a contract or perform under a contract entered into with you.
- provide you with access to and use of our Platforms in order to provide you with our products and services in order to fulfill our contractual obligations to you.
- enable us to process payments.
- communicate with you regarding our Platforms.
- notify you about changes to our Platforms, services, products, terms and conditions, privacy policies or notices, and any other changes that impact our Platforms, services and products.
- get feedback from you which we need to develop our products and services and grow our business.
- comply with any legal or regulatory obligations such as tax or financial laws.
- undertake research for statistical purposes. The research and statistics we get from this process do not include your Personal Information and cannot be linked to you, nor can you be identified from these statistics.

The law may permit us to process your Personal Information when we need to:

- comply with legislative, regulatory risk and compliance requirements.
- to fulfil reporting requirements and lawful information requests.
- to meet record-keeping obligations.
- to minimise risks, detect, prevent, investigate and report theft, fraud, money laundering, corruption and other illegal activities or crimes.
- to develop fraud models and fraud tools.

We may process your Personal Information if it is required to protect or pursue ours or a third-party's legitimate interest which may include:

- the daily management of our business and finances to protect our customers, employees, service providers and assets.
- to provide you with the most appropriate products and services and to develop and improve our products and services and our business.
- to develop, implement, monitor and improve our business processes, policies and systems.
- to manage business continuity and emergencies.
- to protect and enforce our rights and remedies in the law.

- to develop, test and improve solutions which may include connecting your Personal Information with other Personal Information obtained from third-parties or public records to better understand your needs and develop solutions that meet your needs.
- tailoring products and services which would include consideration of your use of third-party products and/or services.
- to provide information about the products and services we offer directly or through partners.
- to respond to complaints including analytics of complaints to understand trends and prevent future complaints and provide compensation where appropriate.
- to detect, prevent and report theft, fraud, money laundering, corruption and other crimes. This may include the processing of Special Personal Information, such as criminal behaviour or the supply of false, misleading or dishonest information or when you access any of our physical premises.
- for statistical purposes, such as market segmentation or customer segments. This does not include your Personal Information and/or might be sufficiently aggregated so as to not be linked to you, nor can you be identified from this type of data set.

At the time that we collect Personal Information from you, we will have a lawful reason or purpose to collect that Personal Information. We may use that same Personal Information for other purposes. We will only do this where the law allows us to, and where the purpose of further processing is compatible with the original purpose(s) when we collected your Personal Information.

D. DIRECT MARKETING

We also collect and use your Personal Information to tell you about products or services we think you might be interested in including co-branded products and services with our business partners. To do this, we may contact you via:

- Email.
- Phone.
- SMS.
- WhatsApp.
- Social media.
- Advertising through our Platforms, apps, websites or third-party websites.

We will only direct market to you by electronic communications with your consent. In all cases, you can request us to stop sending direct marketing communications to you at any time.

E. USER TRACKING AND COOKIES

When you access and use our Platforms we may use various technological tools to improve your experience on our Platforms through the use of cookies and/or user tracking.

Cookies are small text files placed on the device that you use to access our Platforms. These files do not contain your Personal Information but allow us to associate you with a particular device.

Many websites use cookies and we use cookies to:

- make our Platforms more user-friendly.
- personalise your interactions with our Platforms, tailor our services and Platforms to your interests and needs, and ensure they work on your device.
- analyse Personal Information that will enable us to send you the types of promotional offers that may be particularly relevant to you.
- develop and improve our business.
- analyse your activity on our Platforms so that we can administer, support, improve and develop our business.
- undertake statistical and analytical purposes and to help us to prevent fraud.

By accessing and using our Platforms you consent to our use of cookies and/or user tracking technologies.

F. WHO WE SHARE YOUR PERSONAL INFORMATION WITH?

We do not sell your Personal Information to third-parties for their marketing or any other purposes. However where we share you Personal Information, it will be done in line with POPI and if:

- you consented to us sharing your Personal Information.
- it is necessary for us to conclude or perform in terms of a contract we have with you.
- we have to comply with a legal obligation.
- it is necessary to protect or pursue your, our, or a third-party's legitimate interests.

We will only share your Personal Information with third-parties after making sure that these third-parties have adequate data privacy policies in place and that they have an obligation to keep your Personal Information secure and confidential.

We may provide or make your Personal Information available to:

- our employees and third-party service providers who assist us to interact with you.
- our subsidiaries, associates, cessionaries, delegates, assignees, affiliates or successors in title for any of the purposes identified in this policy.
- payment processing service providers, card schemes, banks and other persons that enable or assist with the processing of transactions routing, reconciliation, authorisation and settlement requests and the enablement of transaction processing.
- internet and cloud service providers.
- law enforcement, government officials, fraud detection agencies or other third-parties when the disclosure of Personal Information is necessary or appropriate in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose us to legal liability or to prevent physical harm or financial loss, to report or support the investigation into suspected illegal activity.
- people you have authorised to obtain your Personal Information, such as your bank.
- enable our service providers (under contract with us) who help with parts of our business operations (fraud prevention, marketing, technology services etc). However, our contracts with such third-parties dictate that these service providers may only use your Personal Information in connection with the services they perform for us and not for their own benefit and must treat such Personal Information as confidential information.

G. MERCHANTS' OBLIGATION TO PROTECT PERSONAL INFORMATION

As a Merchant, you might have access to the Personal Information of customers and/or that of TFS's staff including their names, delivery or email addresses and/or telephone numbers. Given this, you have already contractually undertaken to only use or process each specific piece of Personal Information to the extent necessary for the purposes of performing the express obligations under any agreement we have concluded with you.

You have specifically undertaken that you shall:

- **process Personal Information in such a manner that is reasonable, adequate, relevant, non-excessive, purpose-specific and non-infringing of any individual's privacy in terms of POPI.**
- **secure the integrity and confidentiality of Personal Information in your possession or under your control by taking appropriate, reasonable technical and organisation measures to prevent, amongst other things, loss of, damage to or unauthorised destruction or access to the Personal Information.**

- **have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.**
- **immediately notify TFS if there are reasonable grounds to believe that any Personal Information has been accessed or acquired by an unauthorised person.**

H. RETENTION AND RESTRICTION OF RECORDS

We keep your Personal Information for as long as:

- we need it to provide our Platforms, products or services to you.
- it is required or allowed by law and is in line with our internal retention policies.
- it is necessary to uphold the contract between you and us.
- you have agreed to us keeping your Personal Information subject to your request for us to stop processing your Personal Information.

We will retain your Personal Information for as long as is necessary to achieve the purpose for which this information was collected or subsequently processed. If your Personal Information is used for more than one purpose, we will retain it until the purpose with the latest period expires but we will stop using it for the purpose with a shorter period once that period expires.

By accessing and using our Platforms, you consent to us retaining records of your Personal Information for no longer than may be necessary to achieve the purpose for which the Personal Information was initially collected or subsequently processed.

I. SENDING YOUR PERSONAL INFORMATION OUTSIDE SOUTH AFRICA

We may transfer certain Personal Information outside the geographic borders of South Africa to service providers for purposes set out above (see part C above) including for data storage purposes and data back-ups to ensure the integrity of our systems.

When we transfer your Personal Information outside of the geographic borders of South Africa, we will ensure that we do so in accordance with the requirements for lawful transfer outside of South Africa as set out in POPI.

By accessing and using our Platforms, you consent to us transferring your Personal Information outside of South Africa as set out in POPI.

J. SECURING YOUR PERSONAL INFORMATION

We secure the integrity and confidentiality of your Personal Information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of Personal Information and unlawful access to or processing of Personal Information.

In order to implement and maintain such measures, we have in place policies, controls and related processes, which are reviewed and updated on a regular basis. Our policies, controls and procedures cover for example:

- physical, technical and network security.
- access controls and monitoring of access.
- secure storage, destruction and encryption of records of Personal Information.
- Personal Information breach reporting and remediation.

- by way of written agreements, imposition of security and confidentiality obligations on third-parties (based within or outside the borders of South Africa) who process Personal Information as part of rendering services.

Should you disclose your Personal Information to any third-party other than TFS, we shall not be liable for any loss or damage arising or suffered by you as a result of the disclosure of such Personal Information to any third-party. This is because we do not regulate or control how that third-party uses your Personal Information. You should always ensure that you read the privacy policy of any third-party.

As a Merchant, you are solely responsible for maintaining the security of your login credentials (including your password) to access our Platforms. You shall be responsible for, and be bound by, any activity on your account (whether authorised by you or not) which is done using your login credentials.

K. RESPONSIBLE AI USE STATEMENT

We recognise that achieving state-of-the-art ethical and responsible AI is a process that never concludes, we strive to develop strong capabilities in this area. We follow these guiding principles to inform our ongoing use of AI:

- we are committed to ensuring that our AI applications contribute to positive changes, with ongoing human oversight and controls.
- we strive to ensure that the scientific and technical standards informing research, design and application of our AI products and services are sound and robust.
- we strive to avoid creating unfair biases and reinforcing or exacerbating existing biases.
- we are committed to ensuring that our use of AI systems and their outputs are context-sensitive, transparent and explainable.
- data used to train and deploy AI systems will be proportionate, handled in conformity with POPI. Our development, use and deployment of AI tools are designed in a way that minimises known security threats, through appropriate technical and organisational measures.

L. KNOW YOUR RIGHTS

Having provided adequate proof of your identity, you have the right to request access to the Personal Information that we hold about you. This includes:

- requesting a record or description of your Personal Information.
- requesting the identity or categories of third-parties who have had access to your Personal Information.
- requesting us to correct, delete or update any information we have of you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or if we are no longer authorised to retain the information.
- withdrawing your consent for the processing of your Personal Information.
- querying our decision to refuse you access or only let you access certain information.

Where you exercise your rights above, we will explain the consequences of this to you, which may include that we may not be able to provide certain services to you. We will inform you if this is the case.

We may proceed to process your Personal Information, even if you have withdrawn your consent, if the law permits or requires it.

It may take a reasonable time for the change to reflect on our systems. During this time, we may still process your Personal Information.

TFS may charge a fee in order to provide you with this record of your Personal Information. Where requests to access and amend your Personal Information are manifestly unfounded, excessive or repetitive TFS may charge an administrative fee or refuse the request.

Please note that the law may limit your right to access information. Please refer to our information [manual](#) prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (PAIA Manual) for further information on how you can give effect to this right.

As a Merchant, you can exercise all your rights set out above in terms of POPI by completing this [form](#).

M. HOW TO LODGE A COMPLAINT WITH THE INFORMATION REGULATOR

If you have any complaints about this privacy policy or our compliance with this privacy policy you can lodge a complaint with the Information Regulator.

The contact details of the Information Regulator are available on its website at: <https://justice.gov.za/infoereg/>

This version of the privacy policy replaces any preceding privacy policy. We may occasionally update this privacy policy. When you use our Platforms the version of the privacy policy posted on this page applies to you.