



# ASSOCIATION OF ARBITRATORS (SOUTHERN AFRICA) NPC

Registration Number: 2015/078416/08

## PRIVACY POLICY

The Association of Arbitrators (Southern Africa) NPC (“the Association”) respects your privacy. This document is a summary of our privacy policy and contains the most important and relevant points for you.

### TABLE OF CONTENTS

1.	INTRODUCTION .....	2
2.	AUDIENCE .....	2
3.	WHAT IS “PERSONAL INFORMATON”?.....	2
4.	GEOLOCATION INFORMATION .....	2
5.	SENSITIVE PERSONAL INFORMATION .....	3
6.	ACCEPTANCE .....	3
7.	HOW DO WE COLLECT PERSONAL INFORMATION? .....	3
8.	WHO ARE OUR DATA SUBJECTS? .....	5
9.	PURPOSE OF PROCESSING .....	5
10.	USE .....	6
11.	REASONS FOR SHARING YOUR PERSONAL INFORMATION .....	6
12.	SECURITY.....	7
13.	ACCURATE AND CURRENT .....	8
14.	RETENTION.....	8
15.	TRANSFER TO ANOTHER COUNTRY.....	8
16.	YOUR RIGHTS .....	9
17.	CHANGES .....	9
18.	LIMITATION.....	9
19.	CONTACT INFORMATION .....	9

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## 1. INTRODUCTION

Welcome to our Privacy Policy. This is our plan of action regarding the protection of your privacy. We respect your privacy and hold the protection of personal information in a serious light. The purpose of this Policy is to describe the manner in which we collect, store, use, and protect information that can be associated with you or another specific natural or juristic person and which can be used to identify you or that person (“**Personal Information**”).

## 2. AUDIENCE

This Policy applies to you if you are:

- 2.1. A visitor to our website and/or social media pages;
- 2.2. A member of the Association;
- 2.3. A customer who has ordered or requested the goods and/or services that we provide; or
- 2.4. A party related to a dispute which is/has been referred to us for the appointment of an Alternative Dispute Resolution (“ADR”) practitioner.

## 3. WHAT IS “PERSONAL INFORMATION”?

Personal Information includes:

- 3.1. Certain information that we collect automatically when you visit our website;
- 3.2. Certain information that we collect on registration (refer to [Item 7.1](#));
- 3.3. Certain information collected on submission; and
- 3.4. Optional information that you voluntarily provide to us (refer to [Item 7.7](#)),

but excludes:

- 3.5. Information that has been made anonymous so that it does not identify a specific person;
- 3.6. Permanently de-identified information that does not relate or cannot be traced back to you specifically;
- 3.7. Non-personal statistical information collected and compiled by us; and
- 3.8. Public information.

### 3.9. COMMON EXAMPLES

Common examples of the types of Personal Information which we may collect and process include your:

- 3.9.1. **Identifying information** such as your name, date of birth or identification number of any kind;
- 3.9.2. **Contact information** – such as your phone number, cell number, fax number and/or email address;
- 3.9.3. **Address information** – such as your physical and postal addresses;
- 3.9.4. **Employment information** – such as the name of your employer, the address and contact details; and
- 3.9.5. **Qualifications information** – such as copies of certificates and/or professional membership/s.

## 4. GEOLOCATION INFORMATION

We will not collect your geolocation information at this time as we do not operate any mobile applications.

## 5. SENSITIVE PERSONAL INFORMATION

Depending on the goods and/or services that you require, we may also collect sensitive Personal Information including:

- 5.1. **Financial information** – such as your bank account details; and
- 5.2. **Criminal information** – such as information regarding your commission or alleged commission of any offence and/or regarding any related proceedings.

## 6. ACCEPTANCE

### 6.1. ACCEPTANCE REQUIRED

You are required to accept all the terms and conditions of this Policy when you request our services or order goods from us. If you do not agree with anything in this Policy then you may not request our services or order goods from us.

### 6.2. LEGAL CAPACITY

You may not access our website or request our services or order our goods if you are younger than 18 years old or do not have legal capacity to conclude legally binding contracts.

### 6.3. DEEMED ACCEPTANCE

By accepting this Policy, you are deemed to have read, understood, accepted and agreed to be bound by all the terms and conditions contained herein.

### 6.4. YOUR OBLIGATIONS

You may only send us your own Personal Information or the Personal Information of another Data Subject where you have obtained their permission to do so.

## 7. HOW DO WE COLLECT PERSONAL INFORMATION?

### 7.1. ON SUBMISSION OF AN ENQUIRY OR REGISTRATION

- 7.1.1. When you submit an enquiry or register, via our website, via email or in-person, you will not longer be classified as anonymous to us.
- 7.1.2. Your Personal Information may include the following:
  - 7.1.2.1. Your name and surname;
  - 7.1.2.2. Your email address;
  - 7.1.2.3. Your telephone/cell phone number;
  - 7.1.2.4. Your company name, company address, company registration and/or VAT numbers;
  - 7.1.2.5. Your postal and street addresses; and
  - 7.1.2.6. Your username and password.
- 7.1.3. We will use this Personal Information to fulfil your account, provide additional services and information to you which we consider reasonably appropriate, and for any other purposes set out in this Policy.

### 7.2. ON ORDER OR REQUEST

When you order our goods or request our services, you will be requested to provide us with additional information on a voluntary basis (“goods or services information”).

### **7.3. EVENTS**

You will provide us with Personal Information when you attend an event that we host.

### **7.4. FROM YOUR BROWSER**

We automatically receive and record Internet usage information on our server logs from your browser, such as your:

- 7.4.1. Internet Protocol address (“IP address”);
- 7.4.2. Browsing habits;
- 7.4.3. Click patterns;
- 7.4.4. Version of software installed;
- 7.4.5. System type;
- 7.4.6. Screen resolutions;
- 7.4.7. Colour capabilities;
- 7.4.8. Plug-ins;
- 7.4.9. Language settings;
- 7.4.10. Cookie preferences;
- 7.4.11. Search engine keywords;
- 7.4.12. JavaScript enablement;
- 7.4.13. The content and pages that you access on our website;
- 7.4.14. The dates and times that you visit our website;
- 7.4.15. The paths you take;
- 7.4.16. The time you spent on our site and pages within our website.

**NOTE:** Other websites that you visit before entering our website might place Personal Information within your URL during your visit/s. We have no control over such websites. Accordingly, a subsequent website that collects URL information may log your Personal Information.

### **7.5. WEB BEACONS**

Our website may contain electronic image requests (“single-pixel .gif or web beacon request”) that allow us to count page views and to access cookies. Any electronic image viewed as part of a web page (including an ad banner) can act as a web beacon. Our web beacons do not collect, gather, monitor or share any of your Personal Information. We merely use them to compile anonymous information about our website.

### **7.6. OPTIONAL INFORMATION**

You may also provide additional information to us on a voluntary basis (“optional information”). This includes content or products that you decide to upload or download from our website or when you take advantage of promotions, respond to surveys, order certain additional goods or services, or otherwise use the optional features and functionality of our website.

### **7.7. RECORDING MEETINGS/CALLS**

We may monitor and record meetings and/or telephone calls that between yourself and the Association, unless you specifically request that no recordings be made.

## **8. WHO ARE OUR DATA SUBJECTS?**

We process the Personal Information of the following categories of people:

- 8.1. Members of the Association;
- 8.2. Customers and organisations;
- 8.3. Prospects or leads;
- 8.4. Employees;
- 8.5. Contractors, vendors or suppliers;
- 8.6. Debtors and creditors;
- 8.7. Dealers; and
- 8.8. Directors and committee members.

## **9. PURPOSE OF PROCESSING**

We may use or process any goods or services information or optional information that you provide to us for the purposes that you indicated when you agreed to provide such information to us. Processing includes gathering your Personal Information, disclosing it, and combining it with other Personal Information. We generally collect and process your Personal Information for various purposes, including:

- 9.1. Goods or services purposes such as:
  - 9.1.1. Collecting orders or requests for and providing our goods and services;
  - 9.1.2. Managing our contracts with various Data Subjects;
  - 9.1.3. Managing our Data Subjects' credit in general;
  - 9.1.4. Processing Data Subjects' requests or complaints;
  - 9.1.5. Updating Data Subjects' records and information;
  - 9.1.6. Better understanding of our Data Subjects' needs; and
  - 9.1.7. Providing support to our Data Subjects;
- 9.2. Marketing purposes such as:
  - 9.2.1. Marketing to members and customers; and
  - 9.2.2. Marketing to prospects;
  - 9.2.3. Reviews;
- 9.3. Business purposes such as:
  - 9.3.1. Managing employees in general;
  - 9.3.2. Internal audits;
  - 9.3.3. Accounting; and
  - 9.3.4. Business planning, due diligence, joint ventures, disposal of business, or other proposed and actual transactions;
- 9.4. Legal purposes such as:
  - 9.4.1. Processing claims and enforcing debts; and

9.4.2. Complying with regulations or in pursuit of good governance;

9.5. Statistics such as:

9.5.1. Usage information for the purposes as described above;

9.5.2. Website metrics;

9.5.3. Track your entries, submissions and status of any promotions or other activities.

## 9.6. CONSENT TO COLLECTION

We will obtain your consent to collect Personal Information:

9.6.1. In accordance with applicable law; and

9.6.2. When you provide us with any registration/application information or optional information.

## 10. USE

### 10.1. OUR OBLIGATIONS

We may use your Personal Information to fulfil our obligations to you.

### 10.2. MESSAGES AND UPDATES

10.2.1. We may send administrative messages and email updates to you regarding our organisation. In some cases, we may also send you:

10.2.1.1. Primarily promotional messages;

10.2.1.2. Administrative messages; and

10.2.1.3. Messages regarding updates, for example, to our website, new goods and services, that we believe will be of interest to you.

10.2.2. You can elect to opt-out of promotional messages.

### 10.3. TARGETED CONTENT

While you are browsing our website, we may display targeted adverts and other relevant information based on your Personal Information. In a completely automated process, computers process the Personal Information and match it to adverts or related information. We will never share Personal Information with any advertiser, unless you specifically provide us with your consent to do so. Advertisers receive a record of the total number of impressions and clicks for each advert. They do not receive any Personal Information. If you click on an advert, we may send a referring URL to the advertiser's website identifying that a customer is visiting from our website. We do not send Personal Information to advertisers with the referring URL. Once you are browsing the advertiser's website, however, the advertiser is able to collect your Personal Information.

## 11. REASONS FOR SHARING YOUR PERSONAL INFORMATION

11.1. We may share your Personal Information with:

11.1.1. Members of committee within the Association in order to provide:

11.1.1.1. Joint content and services such as registrations and transactions;

11.1.1.2. Customer support;

11.1.1.3. Assistance in detecting and preventing potentially illegal acts and violations of our policies;

11.1.1.4. Guidance decisions regarding our products, services and communications;

**NOTE:** Committee members will only use this information to communicate directly with you if you have so consented or agreed thereto.

11.1.2. Affiliates, in which case we will seek to require the affiliates to honour this Privacy Policy;

11.1.3. Our goods and services providers under contract who assist in providing certain goods and services or assist with parts of our business operations, including:

11.1.3.1. Fraud preventions;

11.1.3.2. Billing collections;

11.1.3.3. Marketing;

11.1.3.4. Technology services;

**NOTE:** Our contracts with service providers dictate that these goods and service providers only use your Personal Information in connection with the goods they supply or services they perform for the Association and not for their own benefit.

11.1.4. Credit bureaus to report account information, as permitted by law; and

11.1.5. Other third parties who provide us with relevant services where appropriate.

## **11.2. REGULATORS**

We may disclose your Personal Information as required by law or governmental audit.

## **11.3. LAW ENFORCEMENT**

We may disclose your Personal Information if required:

11.3.1. By a subpoena or court order;

11.3.2. To comply with any law;

11.3.3. To protect the safety of any individual or the general public; and

11.3.4. To prevent the violation of our customer relationship terms.

## **11.4. NO SELLING**

We will not sell your Personal Information. No Personal Information will be disclosed to anyone except as provided in the Privacy Policy.

## **11.5. MARKETING PURPOSES**

We may disclose aggregate statistics (information regarding customer population in general terms) regarding the Personal Information to advertisers or business partners.

## **11.6. EMPLOYEES**

We may be required to disclose Personal Information to our employees that require the information in order to perform their duties. These employees include our responsible management, human resources, accounting, audit, compliance, information technology and other personnel.

## **12. SECURITY**

There is no such thing as 'perfect security'. We have to compromise between increased levels of security and the convenience to you in transacting with us.

### **12.1. OUR SECURITY RESPONSIBILITIES**

12.1.1. We take the security of Personal Information in a serious light and always do our best to comply

with applicable data protection laws by maintaining reasonable measures to protect Personal Information from loss, misuse, unauthorised access and disclosure, alteration and destruction.

- 12.1.2. Our hosting company hosts our website in a secure server environment that uses a firewall and other advanced security measures to prevent interference or access from outside intruders. We authorise access to Personal Information only for those employees who require it to fulfill their responsibilities. We implement disaster recovery procedures where appropriate.

## **12.2. OUR SECURITY DISCLAIMERS**

- 12.2.1. Third parties, to whose systems we are linked, are responsible for the security of Personal Information while it is collected by, stored on or passing through the systems under their control.

- 12.2.2. We will use all reasonable endeavours to ensure that our website and your Personal Information are not compromised. However, we cannot guarantee that no harmful code will enter our website (for example, viruses, bugs, trojan horses, spyware or adware). You should be aware of the risks associated with using websites.

- 12.2.3. Should you experience a problem or loss such as:

- 12.2.3.1. Caused by information you have provided to us;

- 12.2.3.2. Your computer being compromised in some way; or

- 12.2.3.3. By something beyond our control,

we cannot take responsibility for causing the problem. We will, however, endeavour to assist you wherever possible.

## **12.3. PHISHING**

You must only log into your member profile from a webpage that begins with <https://www.arbitrators.co.za>.

## **13. ACCURATE AND CURRENT**

We try to keep the Personal Information that we collect as accurate, current, complete, confidential and reliable for the purposes defined in this Privacy Policy. We may request that you provide us with your updated Personal Information. You are able to review or update your Personal Information by emailing or phoning us.

**NOTE:** In order to safeguard your Personal Information, we take steps to verify your identity before making any corrections to your Personal Information.

## **14. RETENTION**

- 14.1. We will only retain your Personal Information for as long as it is necessary to fulfil the purposes explicitly set out in the Policy, unless:

- 14.1.1. Retention of the record is required or authorised by law; or

- 14.1.2. You have consented to the retention of the record.

- 14.2. During the retention period, will continue to abide by our non-disclosure obligations and will not share or sell your Personal Information.

- 14.3. We may retain your Personal Information in physical or electronic records at our discretion.

## **15. TRANSFER TO ANOTHER COUNTRY**

We send Personal Information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to those of South Africa and that provide an adequate level of protection, or to recipients who can guarantee the protection of Personal Information to the same standard as the Association.



## **16. YOUR RIGHTS**

### **16.1. REQUEST FOR THE INFORMATION HELD BY THE ASSOCIATION**

You may request access to your Personal Information held by the Association in the form of a copy thereof.

### **16.2. UPDATING OR REMOVING**

You may elect to correct or update the Personal Information that you have submitted to us by sending us an email request.

### **16.3. WITHDRAWAL OF CONSENT OR OBJECTION TO PROCESSING**

16.4. You may withdraw your consent where we are relying on consent as a lawful justification to process your Personal Information. You may also object to our processing your Personal Information where we are relying on another lawful justification for the processing thereof.

**NOTE:** We might not be able to provide services to you should you withdraw your consent or object to processing your Personal Information.

16.5. We may need to request additional information from you to verify your identity for you to access these rights. This is to ensure that your Personal Information is not disclosed to an unauthorised person.

## **17. CHANGES**

We may amend the terms and conditions of this Policy at any time by updating our website. We will notify you of any changes by placing a notice in a prominent place on our website or by sending you an email detailing the changes that we have made and indicating the date of the update/s. If you do not agree with the changes then you must refrain from using our website and our goods or services. Should you continue to use our website or our goods or services following such notification, the amended terms and conditions will apply to you and you will be deemed to have accepted the update/s.

## **18. LIMITATION**

We are not responsible for, give no warranties, nor make any representations in respect of the privacy policies or practices of linked or any third party websites.

## **19. CONTACT INFORMATION**

The Association welcomes your comments or concerns in regard to this Policy. Please contact our Information Officer.