

PRIVACY POLICY

We are committed to protecting your privacy and the privacy of the personal information of our visitors and we subscribe to the principles as described in the Protection of Personal Information Act, No 4 of 2013.

This Privacy Policy discloses how we collect, use, disclose and protect the Personal Information that you provide to us on our Website or that we collect from you whilst you visit our Website and/or the Blog. Please read this Privacy Policy before using the Website and/or the Blog or submitting any personal information. By using the Website and/or the Blog, you are consenting to the Processing of your Personal Information according to the terms of this Privacy Policy. We may update this Privacy Policy from time to time and will provide you with reasonable notice of any material changes made to this Privacy Policy and we encourage you to please review this Privacy Policy regularly.

1. Definitions

1.1 In this Privacy Policy the following words shall bear the following meanings –

1.1.1 “Act” means the Protection of Personal Information Act, 4 of 2013;

1.1.2 “Blog” means the blog;

1.1.3 “Consent” means any voluntary, specific and informed expression of will in terms of which permission is given by or on behalf of You for the processing of your Personal Information;

1.1.4 “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;

1.1.5 “Information Officer” means the directors of Chommies Cape Town (PTY) LTD;

1.1.6 “Operator” means an outside third party who processes Personal Information for or on behalf of Chommies Cape Town (PTY) LTD in terms of a contract or mandate;

1.1.7 “Personal Information” means any information linked to You or information that can identify You, including but not limited to –

1.1.7.1 information relating to Your gender, nationality, ethnic or social origin, age, language;

1.1.7.2 information relating to Your education or your financial, criminal or employment history;

1.1.7.3 Your identity number, e-mail address, physical address, telephone number, location information or online identifier;

1.1.7.4 Your personal opinions, views or preferences;

1.1.7.5 correspondence sent by You which is of a private or confidential nature;

1.1.7.6 the views or opinions of others about You; and

1.1.7.7 Your name if it appears with other personal information relating to You, or if the disclosure of Your name on its own would reveal further personal information about You;

1.1.8 “PAIA” means the Promotion of Access to Information Act, No 2 of 2000;

1.1.9 “Process” means, in relation to Personal Information, any operation or activity or any set of operations, whether or not by automatic means, including –

1.1.9.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use of that information;

1.1.9.2 dissemination by means of transmission, distribution or making available in any other form; or

1.1.9.3 merging, linking, as well as restriction, degradation, erasure or destruction of that information, and “Processing” shall have a corresponding meaning;

1.1.10 “Chommies Cape Town (PTY) LTD” “we” “us” or “our” means Chommies Cape Town (PTY) LTD (Proprietary) Limited, registration number 2020/083598/07, a limited liability private company incorporated in the Republic of South Africa and having its registered address at 8 Orange Street, Hout bay, Cape Town, 7806 South Africa;

1.1.11 “Website” means the website or any part thereof which is accessible from the URL <http://www.chommies.com> and

1.1.12 “You” means a visitor or user of the Website or Blog, or any of the content or services associated with the Website or Blog.

2. Responsible Party

2.1 Chommies Cape Town (PTY) LTD will be the party who will be collecting and processing Your Personal Information and as such is designated as the “responsible party” for the purposes of this Privacy Policy.

2.2 Our contact details are as follows –

2.2.1 Physical address: 8 Orange Street, Hout bay, Cape Town, South Africa;

2.2.2 Email address: hello@chommies.com

2.2.3 Website address: www.chommies.com

2.3 We may instruct third party Operators from time to time to undertake certain Processing activities relating to Your Personal Information.

3. What Personal Information is collected

3.1 We may collect the following Personal Information from You –

3.1.1 Initials, first name, surname;

3.1.2 Identity number and/or date of birth;

3.1.3 Physical and postal address;

3.1.4 Email address;

3.1.5 Telephone and mobile telephone numbers;

3.1.6 Gender, nationality, ethnic and social origin, age, language preference;

3.1.7 Your personal opinions, views or preferences;

3.1.8 correspondence sent by You which is of a private or confidential nature; and

3.1.9 the views or opinions of others about You; and

3.2 The supply of Personal Information by You to Chommies Cape Town (PTY) LTD is voluntary and not mandatory. However, if You refuse to supply any Personal Information, certain consequences may naturally flow from such a refusal, such as preventing Chommies Cape Town (PTY) LTD from concluding or performing any contract with You, or preventing Chommies Cape Town (PTY) LTD from complying with one or more of our obligations in law.

3.3 There is no applicable law which directly requires or authorises Chommies Cape Town (PTY) LTD to collect Your Personal Information.

4. Purpose for collection and processing of personal information

4.1 Chommies Cape Town (PTY) LTD shall only collect Your Personal Information for a specific, explicitly defined and lawful purpose relating to a function or activity of Our business.

4.2 Such purposes may include the following –

4.2.1 to enter into a contract with You;

4.2.2 to perform any obligations under a contract with You;

4.2.3 to comply with a legal obligation;

4.2.4 to protect a legitimate interest of Yours (unless You have specifically objected in writing to all or some of the Processing activities on reasonable grounds);

- 4.2.5 to pursue its own legitimate interests or the legitimate interests of a third party who it is sharing the information with (unless You have specifically objected in writing to all or some of the processing activities on reasonable grounds);
 - 4.2.6 to Process Personal Information for credit reporting purposes;
 - 4.2.7 to Process Personal Information for Direct Marketing purposes (unless You have opted out of receiving any Direct Marketing material);
 - 4.2.8 to present content to You in the most effective way for Your and Your viewing device and browser;
 - 4.2.9 to customise and display content including, but not limited to products, articles, listings and advertisement to You in a way that We feel may interest You or be most beneficial to You;
 - 4.2.10 to send content including, but not limited to products, articles, listings and advertisement content to You via email or other electronic media, where You have consented to be contacted by Chommies Cape Town (PTY) LTD with such content;
 - 4.2.11 to enable You to voluntarily participate in interactive features on the Website;
 - 4.2.12 to notify You about changes to the Website;
 - 4.2.13 to contact You regarding your orders and/or deliveries.
- 4.3 If Chommies Cape Town (PTY) LTD intends to Process Your Personal Information for any other purpose not listed in clause 4.2 or which is otherwise not automatically permitted by law, we shall ensure that we obtain Your written Consent to do so.
- 4.4 Chommies Cape Town (PTY) LTD will not sell Your Personal Information to any third party without Your prior written Consent.

5. Collection directly from You

- 5.1 Chommies Cape Town (PTY) LTD shall, as far as possible, always collect Personal Information about You directly from You, except in the following circumstances –
- 5.1.1 where Personal Information is collected from a public record, or from another source if the information has already been made public by You;
 - 5.1.2 where You have given Your written Consent to Chommies Cape Town (PTY) LTD to collect your information from another source;
 - 5.1.3 where the collection of Your Personal Information from another source will not prejudice any of Your legitimate interests;
 - 5.1.4 where the collection of Personal Information from another source is necessary to maintain Our legitimate interests or those of any third party we intend sharing the information with;
 - 5.1.5 where the collection of Personal Information directly from You would prejudice the purpose for the collection;
 - 5.1.6 where the collection of Personal Information directly from You is not reasonably practicable in the circumstances.
- 5.2 If Chommies Cape Town (PTY) LTD collects Personal Information from a source other than You, we shall record in writing the details of that source, including the full names and contact details of that source where applicable.
- 5.3 Personal Information may be collected from or supplied by You in any of the following ways –
- 5.3.1 during the process of registering as a member on this Website;
 - 5.3.2 when subscribing to a service or participating in a survey offered on this Website;
 - 5.3.3 when posting a comment, review, reply or recommendation on the Blog;
 - 5.3.4 when requesting further services or information from Chommies Cape Town (PTY) LTD;

5.3.5 when contacting Us to report a problem with the Website or for any other reason;

5.3.6 when completing any forms on the Website.

5.4 You 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 Your visit, information about Your computer, including IP (Internet Protocol) address, operating system and browser type, Your location, and usage information. You will not be identified from or by this information and Chommies Cape Town (PTY) LTD is entitled to copy, distribute or otherwise use such information without limitation.

6. Cookies

6.1 "Cookies" are small text files transferred by a webserver to your hard drive and thereafter stored on Your computer. The types of information a Cookie collects includes Your name, the date and time of Your visits to the Website and/or the Blog, Your browsing history and preferences.

6.2 Chommies Cape Town (PTY) LTD may use Cookies on this Website and/or the Blog to –

6.2.1 distinguish You from another user on the Website or Blog;

6.2.2 remember Your last session when You return to the Website or Blog;

6.2.3 estimate the Website or Blog's audience size and usage patterns;

6.2.4 store information about Your preferences, which allows Us to customize the Website or Blog and content according to Your individual preferences; and

6.2.5 speed up searches on the Website or Blog.

6.3 The provisions of this clause are only applicable to Cookies used by Chommies Cape Town (PTY) LTD. In some instances, third-party service providers may use Cookies on the Website and/or the Blog. We cannot and do not control or access Cookies used by third party service providers and we take no responsibility therefor.

6.4 You have the right and ability to either accept or decline the use of Cookies on Your computer's web browser, whether you are logged in as a member, or simply casually visiting the Website or Blog. However, declining the use of Cookies may limit Your access to certain features on the Website or Blog.

7. General conditions for processing personal information

7.1 Chommies Cape Town (PTY) LTD shall comply with all laws, contracts or regulations when we Process Your Personal Information.

7.2 Chommies Cape Town (PTY) LTD shall not act unreasonably when Processing Your Personal Information. This means that we will collect and Process Your Personal Information in a way that You can reasonably expect and in a way that is fair.

7.3 Chommies Cape Town (PTY) LTD shall respect Your right to privacy at all times. If there is another way in which we can achieve the same goal without posing any risk of harm to Your privacy rights, then we will choose that option.

7.4 Similarly, if Chommies Cape Town (PTY) LTD needs to Process Personal Information but there are less privacy-invasive methods of collecting, using and sharing that information, then Chommies Cape Town (PTY) LTD will use those methods.

7.5 Chommies Cape Town (PTY) LTD shall ensure that the Personal Information that is collected and Processed is and remains relevant to the identified purpose/s for such processing, and that such information is and remains adequate, but not excessive, for achieving the identified purpose/s.

7.6 If there are any alternative ways to achieve the identified purpose/s without Processing Personal Information, Chommies Cape Town (PTY) LTD shall not Process that Personal Information.

7.7 Chommies Cape Town (PTY) LTD shall ensure that the Processing activities we choose to apply are proportionate to achieving the identified purpose/s and that no less privacy invasive measures are available to achieve the same purpose/s.

7.8 Chommies Cape Town (PTY) LTD shall ensure that, regardless of the stated purpose/s for Processing Personal Information, Your rights and interests will not be unnecessarily prejudiced or infringed, unless it cannot be avoided, and then in such cases, we shall ensure that our own rights and/or interests justify such prejudice or infringement taking place.

7.9 Once Chommies Cape Town (PTY) LTD has achieved the purpose for the collection of Your Personal Information, we will destroy or delete such information, unless You have directed otherwise in writing, or We are required by law to retain the information for a longer period of time.

7.10 If Chommies Cape Town (PTY) LTD no longer needs to Process Personal Information to achieve the purpose originally specified, we will stop using that information.

8. Disclosure and sharing of personal information

8.1 Chommies Cape Town (PTY) LTD may, in the course of providing any content or services on this Website or Blog, or for the purposes of concluding or performing any sale or other transaction with You, share certain Personal Information with third party Operators who perform certain Processing activities on behalf of Chommies Cape Town (PTY) LTD.

8.2 Chommies Cape Town (PTY) LTD may also share aggregated information about Your use of this Website or Blog and Your usage patterns. We may also use such aggregated information to help advertisers target specific audiences. Such aggregated information will be de-identified and Your Personal Information will not be disclosed.

8.3 Other than as stated in clause 8.2, Chommies Cape Town (PTY) LTD shall not share Your Personal Information with any third parties unless We have Your express Consent to do so.

9. Your rights in relation to the processing of your personal information

9.1 You shall have the following rights in relation to the Processing of Your Personal Information –

9.1.1 to access and correct any Personal Information held by Chommies Cape Town (PTY) LTD about You;

9.1.2 to object to the Processing of their information; and

9.1.3 to lodge a complaint with the Information Regulator.

9.2 You may make a request in terms of clause 9.1.1 by following the process for making such a request as set out in Chommies Cape Town (PTY) LTD PAIA manual.

10. Further processing

10.1 Chommies Cape Town (PTY) LTD shall not Process Your Personal Information for any purpose not previously specified except in the following circumstances –

10.1.1 where You have Consented to such further Processing;

10.1.2 where the further Processing is necessary for the exercise of any contractual rights or the fulfillment of any obligations between Chommies Cape Town (PTY) LTD and You;

10.1.3 where the further Processing activities are linked to or compatible with the original purpose;

10.1.4 where the further Processing is necessary for the prevention, detection, investigation, prosecution and punishment of an offence;

10.1.5 where the further Processing is necessary to enforce any law;

10.1.6 where the further Processing is necessary for the conduct of legal proceedings in any court or tribunal that has commenced or is reasonably contemplated;

10.1.7 where the further Processing is necessary to prevent or mitigate a serious and imminent threat to Your life or health of or another individual;

10.1.8 where the further Processing is necessary for historical, statistical or research purposes.

10.2 Chommies Cape Town (PTY) LTD shall ensure that if we intend Processing Personal Information for other purposes not previously specified, we shall notify You of such further purposes and the possible consequences of the intended further Processing for You.

11. Accuracy, correctness and completeness of personal information

11.1 Chommies Cape Town (PTY) LTD shall take reasonably practicable steps to ensure that the Personal Information kept by Us about You is complete, accurate, not misleading and is updated when necessary.

11.2 However, if You are aware of any Personal Information in Chommies Cape Town (PTY) LTD's custody that is incorrect, inaccurate or which needs to be updated, You must make a written request to hello@chommies.com to update or correct the relevant information.

11.3 If You have contested the accuracy of any Personal Information being used by Chommies Cape Town (PTY) LTD, You shall immediately stop using that information until its accuracy has been verified.

11.4 Chommies Cape Town (PTY) LTD reserves Our right to only adhere to a request from You in terms of clause 11.2 if the correction or updating of that information will result in the Personal Information being correct and accurate.

11.5 Where Personal Information that has been shared by Us with a third party is subsequently updated or corrected, Chommies Cape Town (PTY) LTD shall ensure that all third parties, with whom that information was shared, receives the updated and/or corrected version of the information as soon as it has been updated and/or corrected.

12. Security safeguards

12.1 Chommies Cape Town (PTY) LTD is committed to protecting the Personal Information in Our custody against any loss of, damage to or unauthorised destruction of that information, and to prevent any unauthorised parties from accessing that information.

12.2 Chommies Cape Town (PTY) LTD takes steps to continually identify and document any risks to the Personal Information We have in Our possession or under Our control and that appropriate security safeguards are in place against those risks.

12.3 We shall ensure that in any contracts entered into with third party Operators who Process Personal Information on Our behalf, include the following obligations –

12.3.1 the Operator shall not Process any Personal Information without Our knowledge and authority;

12.3.2 the Operator shall treat all Personal Information given to it as confidential and shall not disclose it to any unauthorised third parties;

12.3.3 the Operator shall establish and maintain adequate security measures, which are the same or offer similar protection over the Personal Information as that employed by Us;

12.3.4 the Operator shall notify Chommies Cape Town (PTY) LTD immediately where there are reasonable grounds to believe that any Personal Information has been leaked to or accessed by any unauthorised person;

12.3.5 if the Operator is situated in another country, it must comply with the data protection laws in that country and be able to provide verification that it is so compliant;

12.3.6 if an Operator is legally obliged to disclose any Personal Information Processed by them on Our behalf to other parties, it must notify Chommies Cape Town (PTY) LTD

beforehand to enable Chommies Cape Town (PTY) LTD and/or individual users to protect their rights if necessary.

12.4 You must maintain the secrecy of any passwords used to gain access to this Website or Blog and should change such passwords regularly.

12.5 Chommies Cape Town (PTY) LTD shall ensure that all Personal Information on Our systems are properly backed-up and that back-up copies are stored separately from the live files.

13. Notification of breach of security

13.1 If Personal Information about You is inadvertently leaked or Chommies Cape Town (PTY) LTD's security has been unlawfully breached by any unauthorised party, Chommies Cape Town (PTY) LTD shall immediately identify the relevant user who may be affected by the security breach, and shall contact them at their last known email address or contact details or by the quickest means possible.

13.2 Chommies Cape Town (PTY) LTD shall provide sufficient information to You to allow You to take the necessary protective measures against the potential consequences of the compromise, or shall advise You of the steps to be taken by You and the possible consequences that may ensue from the breach for You.

14. Decisions based on personal information processed

14.1 If Chommies Cape Town (PTY) LTD is required to make a decision about You using any Personal Information that has been obtained, Chommies Cape Town (PTY) LTD shall ensure that a record of such information and the decision made is kept for a reasonable period of time to give You an opportunity to request access to that record.

14.2 Chommies Cape Town (PTY) LTD shall allow You a reasonable opportunity to make representations before any decision is made solely on the basis of the Personal Information Processed, if that decision will affect Your legal position, or will otherwise adversely affect You in some manner or form.

14.3 Chommies Cape Town (PTY) LTD shall always ensure that the underlying logic behind any decision made pursuant to the automated Processing of Personal Information is sound and that this underlying logic can be communicated to You to enable You to make representations.

14.4 If Chommies Cape Town (PTY) LTD has made a decision based on incorrect Personal Information, Chommies Cape Town (PTY) LTD shall immediately revisit that decision as soon as Chommies Cape Town (PTY) LTD receives notice or becomes aware of the error or inaccuracy of that information.

15. Linked third party websites

15.1 This Website or Blog may contain links or references to other websites, including those of advertisers ("third party websites") which are not under Chommies Cape Town (PTY) LTD control.

15.2 The provisions of this Privacy Policy are not applicable to third party websites and Chommies Cape Town (PTY) LTD shall not be responsible for the information processing practices and/or privacy policies of those third party websites, or the cookies that those websites may use.

16. Direct marketing

16.1 Where You are a pre-existing customer of Chommies Cape Town (PTY) LTD, Chommies Cape Town (PTY) LTD shall be entitled, without Your consent, to sending electronic communications to You for the purpose of marketing similar products or services offered by Chommies Cape Town (PTY) LTD.

16.2 You may object, free of charge, and without unnecessary formality, to the use of Your details either when the information is first collected from You or when each subsequent electronic communication is sent to You by Us.

16.3 You can opt out of receiving further marketing communications by contacting Chommies Cape Town (PTY) LTD at hello@chommies.com

17. Children's personal information

Chommies Cape Town (PTY) LTD shall not Process any Personal Information relating to a person under the age of 18 years unless We have obtained Consent from that person's parent or legal guardian. If this Website or Blog is being accessed by the parent or guardian of a child under the age of 18 years, and Personal Information pertaining to that child is being provided by the parent or guardian, then they hereby expressly Consent to Us Processing such information according to the further provisions of this Privacy Policy.

18. Cross border transfers of personal information

18.1 Subject to clause 18.2, Chommies Cape Town (PTY) LTD does not intend sharing Your Personal Information with a third party in another country.

18.2 Chommies Cape Town (PTY) LTD may transfer Personal Information to another country in the following circumstances –

18.2.1 the transfer is necessary for the performance of a contract that Chommies Cape Town (PTY) LTD has with You;

18.2.2 the transfer is necessary for the implementation of pre-contractual measures taken in response to Your request;

18.2.3 the transfer is necessary for the conclusion or performance of a contract with a third party which is for Your benefit of or in Your interest;

18.2.4 the transfer is otherwise for Your benefit; or

18.2.5 You have consented to the transfer of Your information.

18.3 If Chommies Cape Town (PTY) LTD is required to transfer Personal Information from South Africa to a third party in a foreign country, Chommies Cape Town (PTY) LTD shall ensure that the third party is subject to a law, binding code of conduct or contract which effectively upholds principles for the reasonable processing of personal information which are substantially similar to the data protection offered in the Republic of South Africa.

19. Retention of information

19.1 Chommies Cape Town (PTY) LTD will keep a record of any Personal Information collected for no longer than is necessary to achieve the specific purpose for which it collected such information in the first place unless –

19.1.1 Chommies Cape Town (PTY) LTD is required by law to keep a record of such information for a longer period of time; or

19.1.2 Chommies Cape Town (PTY) LTD needs to keep a record of such information for another lawful purpose; or

19.1.3 Chommies Cape Town (PTY) LTD has a contractual obligation to keep a record of such information; or

19.1.4 You have consented to Your information being kept for a longer period.

19.2 Chommies Cape Town (PTY) LTD may, if Chommies Cape Town (PTY) LTD has de-identified Personal Information, keep such information for historical, statistical or research purposes. Chommies Cape Town (PTY) LTD shall ensure that appropriate safeguards are in place to prevent those records from being used for any other purposes, or against the information being re-identified.

20. Returning, destroying or deleting personal information

20.1 Where Chommies Cape Town (PTY) LTD is no longer authorised to retain a record of any Personal Information, Chommies Cape Town (PTY) LTD shall either –

20.1.1 ensure that the information is permanently destroyed or deleted as soon as reasonably practicable; or

20.1.2 return the information to You or transfer it to a third party, if requested by You in writing to do so.

21. Consent

21.1 You hereby Consent to the Processing of Your Personal information in terms of the provisions of this Privacy Policy.

21.2 You acknowledge and agree that such Consent has been given voluntarily after You have read and understood the provisions of this Privacy Policy, in particular, regarding the following –

21.2.1 the types of Personal Information to be Processed;

21.2.2 the specific Processing activities to be undertaken;

21.2.3 the specific purpose/s for such Processing; and

21.2.4 the possible consequences for You that may arise from such Processing.

21.3 Should You wish to withdraw any Consent previously given by You, You must notify Chommies Cape Town (PTY) LTD's Information Officer in writing.

22. Lodging an objection

22.1 You may, on reasonable grounds, object to the Processing of Your Personal Information at any time after that Processing has started.

22.2 If You wish to object to the Processing of Your Personal Information, You must send written notice of Your objection to Our Information Officer, together with Your reasons for doing so.

23. Changes to this Privacy Policy

Chommies Cape Town (PTY) LTD reserves the right to change, update add, remove and/or amend any of the provisions of this Privacy Policy from time to time. Such changes, updates, additions, removals or amendments will become effective from the date of their publication on this Website or the Blog. You are accordingly encouraged to check the Website regularly. If You use this Website and/or the Blog after such updated or amended Privacy Policy has been displayed on this Website, You will be deemed to have accepted such updates or amendments.

24. Governing Law

This Privacy Policy shall be governed and interpreted in accordance with the laws of the Republic of South Africa.