

# 2Way Systems' Privacy Notice

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# Table of Contents

Introduction	1
1. Information we collect from you	2
1.1. Information you give us.	2
1.2. Information we collect about you.	2
1.3. Information we receive from other sources.	3
2. Cookies	3
3. Purposes for which we may process the information	3
4. Disclosure of your information	4
4.1. You agree that we have the right to share your personal information with:	4
5. Legal basis of processing	5
5.1. Grounds	5
5.2. Special categories of personal data	5
6. Where we store your personal data	5
7. Length of data storage	6
8. Your rights	6
9. Accessing your data	7
10. Other websites	7
11. Changes to this privacy notice	7

# Introduction

This privacy notice applies in relation to all personal data that you provide to us, unless we say otherwise with you in a separate legal agreement.

2Way is made up of different legal entities, details of which can be found here. This privacy notice is issued on behalf of the 2Way group, a consortium of companies. When we refer to “2Way”, “we”, “us” or “our” in this privacy notice, we are referring to the relevant 2Way company responsible for processing your personal data in respect of the circumstances to which this privacy notice applies. We will let you know which entity will be the controller for your data when you purchase a product or service with us. 2Way Systems (Pty) Ltd<sup>[2]</sup> is the controller and responsible for this website.

We have appointed Data Protection Managers (“DPMs”) who are responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact them using the details set out below.

## 1. UK:

- Northwall Cyber LLP is our Data Protection Manager in respect of any aspect falling under the scope of other applicable data protection laws in the UK.
- Contact: Northwall Cyber LLP, 38 Chancery Lane, London, WC2A 2LY, United Kingdom.  
Email: [data.protection@northwallcyber.com](mailto:data.protection@northwallcyber.com).

## 2. South Africa:

- James Bracher is our Data Protection Manager (also referred to as an ‘Information Officer’) in respect of any aspect falling under the scope of applicable data protection laws in South Africa.
- Contact: 2Way Systems (Pty) Ltd, Unit 3, The Neptune, 21 Dorsetshire St, Paarden Eiland, Cape Town, 7405. Email: [io@2waysystems.com](mailto:io@2waysystems.com).

Please use the definitions list at the end of this privacy notice to understand the meaning of some of the terms used in this privacy notice.

This notice (together with any terms of use on our website (“our site”), any contracts between you and us and any other documents referred to in this notice) sets out the basis on which any personal data we collect from you, that you provide to us, or that we obtain about you from other sources, will be processed by us.

We process your personal data when you personally or for a juristic entity:

- visit our site;
- use any of our products or services as a customer;
- engage with us on prospective contracts or other commercial arrangements with us or for other business purposes; and
- conclude a contract with us (for example, where you act as a customer or supplier).

The above circumstances do not relate to children and we do not knowingly process personal data relating to children.

Please read the following carefully to understand our practices regarding your personal data and how we treat it. By visiting our site, or by providing us with any personal data, you are accepting and agreeing to

the practices described in this notice.

# 1. Information we collect from you

We will collect and process the following data about you:

## 1.1. Information you give us.

This is information about you that you give us, for example by filling in forms on our site or by corresponding with us by phone, e-mail or otherwise, by providing us with documents, ordering and using our products and services, or providing us with products or services. The information you give us may include your name, address, e-mail address or phone number, and details regarding or relating to your business needs. If you provide any information about any other data subjects such as your company's representatives, employees, directors, suppliers, contractors, customers or other data subjects, you warrant to us that you have lawfully obtained and are entitled to provide that information, and to authorise us to process it on the same basis as we will process the rest of the data you provide about yourself.

## 1.2. Information we collect about you.

Personal data means data about a natural person (or a juristic person, where applicable) from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data which we have grouped together as follows:

- a. With regard to each of your visits to our website we may automatically collect and process the following information:
  - technical data, including the Internet protocol (IP) address used to connect your computer to the Internet, location, device type, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, and service provider; and

- Usage data including information about your visit, including the full Uniform Resource Locators (URL), clickstream to, through and from our site (including date and time), items you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from the page, and any phone number used to call us,

("Website Data").

b. With regard to your use of our products and services, in addition to the above information relating to your use of our products and services, we may also collect and process:

- Identity data including first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender;
- Contact data including billing information, delivery addresses, email and telephone numbers and other biographical information about you, your company, suppliers, customers and the relationship between such persons.
- Financial data including bank account and payment card details, details about payments from you and other details of products and services you have purchased from us, and includes details about invoicing and other payment arrangements and financial history that may apply to our relationship with you;
- Usage and profile data including usernames, passwords, titles, pictures, purchases, business data and other data which can be derived from such data; and
- Marketing and communications data which will include your preference regarding receiving marketing from us and our affiliated companies,

("Customer Data").

c. With regard to your engagement with us a potential or existing service provider, we may also collect and process:

- Identity data including company name, company registration number, tax number, due diligence (know-your-client) data, in addition to identity data relating to your representative or key contact including their first name, maiden name, last name, and title;
- Contact data including billing information, delivery addresses, email and telephone numbers and other biographical information about you, your company, representatives/key contacts, suppliers, customers and the relationship between such persons; and
- Financial data including bank account and payment card details, details about payments to you and other details of products and services we have purchased from you, and includes details about invoicing and other payment arrangements and financial history that may apply to our relationship with you,

("Supplier Data").

We may also collect, use and share **aggregated data** such as statistical or demographic information for any purpose. Aggregated data could be derived from your personal data but is not considered personal data in law as this information will **not** directly or indirectly reveal your identity.

We do not collect any special categories of personal data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

## **1.3. Information we receive from other sources.**

This is information we receive about you from sources other than directly from yourself, which may include information from your company and your employees as well as other source information available over the internet including social media such as LinkedIn, Facebook, Twitter and Instagram.

## **2. Cookies**

Our site may use cookies to distinguish you from other users of our site. If we use cookies, this will be to help us to provide you with a good experience when you browse our site and will also allow us to improve our site. For detailed information on the cookies we use and the purposes for which we use them see our Cookies policy (if applicable).

## **3. Purposes for which we may process the information**

We will only use your personal data as the law allows. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.
- Where we have obtained your consent to process your personal information for the specific purposes described to you. Where you have provided such consent, you have the right to withdraw consent at any time by contacting us unless the data is processed in relation to an ongoing transaction or relationship and you may not be able to access certain products or services if you withdraw consent.
- Where the applicable data protection law or authority has explicitly authorised us to do so.

More specifically, but not only, we will use the relevant data:

- Customer Data
  - to understand your needs and craft proposals to you;
  - to provide you with the information and services that you request from us;
  - to provide technical and business support your use of our services;
  - to carry out our obligations arising from any contracts entered into between you and us;
  - to provide you with information about other services we offer that are similar to those that you have already purchased or enquired about;
  - to notify you about changes to our services; and
  - to bill you for our services and collect outstanding fees from you;
- Supplier Data
  - to enable us to negotiate a potential contract or commercial engagement with you; and
  - to enable us to perform our obligations to you in terms of a written contract, and/or to enable us to receive services you may be providing to us in terms of a written contract;
- Website Data
  - to administer and protect our business, this website (and any other website owned or operated by us) and our services (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data);
  - to deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you;
  - to use data analytics to improve our website, products, services, marketing, customer relationships and experiences; and
  - to ensure that content from our site is presented in the most effective manner for you and for your computer;
- General
  - for our own legal and risk management purposes; and
  - to manage our relationship with you which will include notifying you about changes to our terms or privacy policy, our products, or asking you to leave a review or take a survey.

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

## 4. Disclosure of your information

### 4.1. You agree that we have the right to share your personal data with:

- Other affiliates companies of the 2Way group;
- Selected third parties including:
  - suppliers and sub-contractors for the performance of any contract we enter into with you;
  - credit reference agencies for the purpose of assessing your credit score where we require this before entering into a contract with you or during the course of our provision of services to you;
  - Other parties so that they can assist us with any obligations relating to money laundering, terrorist financing checks or to perform or assist with other related client due diligence.
- Additionally, we may disclose your personal information to:
  - Third parties, if we outsource any aspect of our business or systems, then we may disclose your personal data to our service provider(s);
  - Third parties in relation to the performance of any contract or business with you;
  - Third parties, if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply the terms of any agreement or policy to which we are a party, or to protect the rights, property, or safety of us, our clients, or others;
  - Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice;
  - Legal advisers and insurers where necessary to investigate, exercise or defend claims and other professional advisers;
  - Auditors where necessary to ensure proper functioning of our business;
  - Law enforcement bodies, where necessary to facilitate the prevention or detection of crime or the apprehension or prosecution of offenders;
  - Public authorities, regulators and government bodies, where necessary for us to comply with our legal and regulatory obligations (for example, the ICO or Information Regulator), and in some cases contractual obligations; and
  - Any other juristic or natural person for any authorised purpose with your express consent.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

## 5. Where we store your personal data

1. The personal data that we collect and process will be stored by us (on our computers and servers, or in hardcopy where appropriate and permitted by applicable law) or those of our service providers (on their computers and servers, or in hardcopy where appropriate and permitted by applicable law).
2. It will not be transferred to a third party located in another country unless that third party is a processor acting on our behalf (i) which is in a country that is considered by applicable law and/or data protection authorities as having an adequate level of protection for data subjects' privacy, (ii) which is subject to one of the data protection safeguards set out in applicable Data Protection Law or on the basis of contractual terms approved by the relevant data protection authority, or (iii) where the transfer to such processor is made in one of the circumstances listed in applicable data protection law.
3. Personal data may be shared within the 2Way Group, subject to applicable law and safeguards.
4. All personal data we process about you is securely stored.
5. Unfortunately, the transmission of personal data via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted; to the extent that you transmit any personal data to us via the internet, you acknowledge that such transmission is at your own risk. Once we have received your information, we will use appropriate and reasonable procedures and security features to try to prevent unauthorised access.

## 6. Length of data storage

Our policy is to ensure that personal data is only stored for as long as is necessary for the purposes set out at section 3 above. This may vary according to the type of data and the specific applicable purpose(s). If you would like to know what that means in respect of your personal data, please contact us (see section 8.2 below). In determining how long we retain your personal data, we take into consideration the following criteria: whether you have purchased or used our products and/or services, our legal obligations to you and others, claim limitation periods, good industry practice, and the guidance of relevant authorities.

## 7. Your rights

1. You have various rights under Data Protection Law. These include:
  - a. The right to ask us not to process your personal data for direct marketing purposes, even if you have given consent;
  - b. If our processing is based on your consent, the right to withdraw any consent you may have given for our processing of your data – if you exercise this right, we will be required to stop such processing if consent is the sole lawful ground on which we are processing that data;
  - c. The right to ask us for access to the data we hold about you (see section 9 below for further details);
  - d. The right to ask us to rectify any data that we hold about you that is inaccurate or incomplete;
  - e. The right to ask us to delete your data in certain circumstances;
  - f. The right to ask us to restrict our processing of your data in certain circumstances;
  - g. The right to object to our processing of your data in certain circumstances;
  - h. In certain circumstances, the right to require us to give you the data we hold about you in a structured, commonly used and machine-readable format so that you can provide the data to another data controller.
2. You can exercise any of the rights set out above, free of charge, by using any applicable methods set out in our communications with you, or by contacting us at either of the addresses set out at the beginning of this notice or by emailing our Data Protection Managers (see the Introduction section of this privacy notice for their details).. In respect of most of the rights referred to above, your right may be qualified by data protection law, for example where our processing of data is for the purposes of the establishment, exercise or defence of legal claims. We may therefore not be able or required to fulfil your request, but we will discuss this with you following your request if necessary. Also, we may need more information from you, which we will ask you for following your request. We may ask you to provide further information in order to confirm your identity. Please also note that if you submit unfounded or excessive (for example repetitive) requests to exercise any of these rights, we reserve the right to make a reasonable charge for providing the requested information or taking the requested action, or to decline your request.
3. You also have the right to lodge a complaint with the applicable data protection authority if you are concerned that we are not respecting your rights under applicable data protection law.

4. You also have the right to institute civil proceedings regarding any alleged interference with the protection of your personal data.

## 8. Accessing your data

You have the right to obtain from us:

1. Confirmation as to whether we are processing (including holding) personal data about you; and
2. If we are processing personal data about you, you are entitled to be provided with:
  - a. Information as to the purposes for which we process the data;
  - b. Information as to the categories of the data that we are processing;
  - c. Information as to the recipients or categories of recipients to whom the data has or will be disclosed;
  - d. Information as to the envisaged period for which we will store the data, or if the basis on which that period will be determined;
  - e. A copy of the data (further copies are available at a reasonable charge, which we will inform you of should you request further copies). Please note that this right is subject to the rights of others in relation to their own personal data, meaning that we cannot disclose data to you if it would involve disclosing data about someone else.
3. Please see section 8.2 above as to how to exercise your rights under this section 9. Section 8.2 applies in full to the exercise of these rights.

## 9. Other websites

Our site may, from time to time, contain links to and from the websites of other useful entities or information sources. If you follow a link to any of these websites, please note that these websites should have their own privacy policies and that we do not accept any responsibility or liability for those policies. Please check those policies before you submit any personal data to those websites.

## 10. Changes to this privacy notice

Any changes we make to our privacy notice in the future will be posted on this page. Please check back frequently to see any updates or changes to our privacy notice.

Questions, comments and requests regarding this privacy notice are welcomed and should be referred in the first instance to our Data Protection Manager (see Introduction section at the beginning of this privacy notice).

# Definitions

The following terms are used in this privacy notice:

1. **data controller** means the entity that decides how and why personal data is processed. For all matters to which this privacy notice is applicable, 2Way is the data controller;
2. **data processor** means any person that processes personal data on our behalf and on our instructions;
3. **data protection authority** means an independent public authority that is legally tasked with overseeing compliance with applicable data protection law in the relevant jurisdiction, and includes the ICO and the Information Regulator where applicable;
4. **data protection law** means all laws and regulations of the relevant processing region which are applicable to our processing of your personal data, and where applicable includes the European Union's General Data Protection Regulation (GDPR), the UK Data Protection Act 2018, and South Africa's Protection of Personal Information Act 2013 (POPIA), Promotion of Access to Information Act, 2000 and any other applicable laws and regulations as may be amended from time to time;
5. **data subjects** for the purpose of this privacy notice include all living individuals, and where applicable identifiable, existing juristic persons, about whom we hold personal data;
6. **ICO** means the UK's Information Commissioner's Office;
7. **Information Regulator** means South Africa's regulatory authority who is established in terms of section 39 of POPIA;
8. **personal data** means any data relating to a living identified or identifiable individual, including any individual who can be identified directly or indirectly by reference to an identifier such as a name, identification number, location, date, online identifier or some other factor specific to that individual. Personal data can be factual (for example, a name, address, email address date of birth or financial information) or it can be an opinion about that person, their actions and behavior, and where applicable includes personal data relating to an identifiable, existing juristic person;
9. **processing** is any activity that involves any kind of operation on personal data. It includes obtaining, recording, holding, organising, structuring, storing, adapting, altering, amending, retrieving, consulting, using, disclosing, erasing or destroying it. Processing also includes transferring personal data or otherwise making it available to third parties, as well as alignment, combination and restriction;
10. **processing region** means the country whose data protection law is applicable to our processing of your personal data;
11. **special categories of personal data** includes information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition, sexual life or sexual orientation. For the purposes of the Policies, it also includes information about the commission of, or proceedings relating to any offence committed or alleged to have been committed by a person, the disposal of such proceedings or the sentence of any court in such proceedings.