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PRIVACY AND PERSONAL INFORMATION POLICY

At Dynamikos Training Network (Pty) Ltd (reg: 2022/679665/07) (“**Dynamikos**”) we adhere to the highest standards of protecting your personal information when we process it by virtue of your use of our Services or our Platform <https://dynamikos.co.za/> any related platforms and applications (collectively, “**the Platform**”), or by providing us with your personal information in any other way. As such, we have created this privacy policy for you to read and to understand how we safeguard your personal information and respect your privacy (“**Privacy Policy**”).

Please note that Dynamikos is a private limited liability company duly registered and operating in accordance with the laws of the Republic of South Africa.

Not all terms are necessarily defined in order or may be defined in our Terms and Conditions of Use (“**Terms**”).

Please ensure that you read all the provisions below, and our policies and guidelines which may apply from time to time, to understand all of your, and our, rights and duties.

1. Important Information and Who We Are

1.1. Purpose of this Privacy Policy

- 1.1.1. This Privacy Policy aims to give you information on how we collect and process your personal information through any form of your engagement with us. This Privacy Policy complies with, and facilitates the obligations required from, the South African *Protection of Personal Information Act, No. 4 of 2013* (“**POPI**”), as amended.
- 1.1.2. It is important that you read this Privacy Policy together with any other privacy policy or fair processing notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are fully aware of how and why we are using your personal information. This Privacy Policy supplements the other notices and is not intended to override them.
- 1.1.3. We do not process the data of minors nor special categories of personal information. Do not provide us with any such personal data, where the provision of same will constitute an immediate and automatic material breach of this Privacy Policy and our Terms and Conditions of Use.

1.2. Responsible Party and Operator

- 1.2.1. Dynamikos is the “Responsible Party” and is responsible for your personal information when we decide the processing operations of your personal information. In many instances we operate as an “Operator” of personal information on behalf of third-party Responsible Parties who use our services within their business. In these cases, that Responsible Party’s privacy policy will apply to your use of their services.
- 1.2.2. We have appointed an information officer at Dynamikos who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact our information officer using the details set out below.

1.3. Our Contact Details

- 1.3.1. Our full details are:
 - **Legal entity:** Dynamikos Training Network (Pty) Ltd
 - **Information Officer:** Norman Turner



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- **Email address:** info@dynamikos.co.za
- **Postal address:** Unit 8, Rosenpark Business Park, Bella Rosa
Street, Bellville, Cape Town, 7530
- **Telephone number:** 021 949 2208

1.3.2. You have the right to make a complaint at any time to the South African regulator's office (Information Regulator's Office of South Africa). We would, however, appreciate the chance to deal with your concerns before you approach any such regulator, so please contact us in the first instance.

1.4. Changes to this Privacy Policy

1.4.1. This Privacy Policy was last updated on September 2023] and previous versions are archived and can be provided on request.

1.4.2. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

1.4.3. This Privacy Policy is subject to change without notice and is updated or amended from time to time and will be effective once we upload the amended version to the Platform. Your continued access or use of our Services constitutes your acceptance of this Privacy Policy, as amended. It is your responsibility to read this document periodically to ensure you are aware of any changes.

1.5. Third-Party Links on Platform

The Platform may include links to third-party platforms, plug-ins, and applications. Clicking on those links or enabling those connections may allow third parties to collect or share information about you. We do not control these third-party platforms and are not responsible for their privacy statements or terms. When you leave our Platform, or engage with such third parties, we encourage you to read the distinct privacy policy of every third-party you engage with.

2. **What We Collect About You**

2.1. Personal information, or personally identifiable information, means any information about an individual, both natural and juristic entities (i.e., people and companies), from which that entity can be identified. It does not include information where the identity has been removed (anonymous data).

2.2. We may collect, use, store, and transfer ("**process**") different kinds of personal information about you which we have grouped together as follows:

2.2.1. **Identity Data** including full name, or the information about your company such as company name, address and/or company registration details;

2.2.2. **Contact Data** including email address, physical/registered addresses, and contact numbers;

2.2.3. **Social Media Data** including all data accessible in your public social media account including, posts, comments and likes;

2.2.4. **Transaction Data** including details about payments to and from you, contracts, contractual terms, contract fees, signups, subscriptions, invoices and other details of products and services you have obtained from us, or provide to us;



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- 2.2.5. **Technical Data** including internet protocol address/es, login data, browser type and version, time zone setting and location, cookies, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Platform;
 - 2.2.6. **Usage Data** including information about how you use our company, Platform, surveys, and Services; and
 - 2.2.7. **Marketing and Communications Data** including your preferences in receiving notices and marketing from us and your communication preferences.
- 2.3. We also collect, use, and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal information but is not considered personal information in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific Platform feature. However, if we combine or connect Aggregated Data with your personal information so that it can directly or indirectly identify you, we treat the combined data as personal information which will be used in accordance with this Privacy Policy.
- 2.4. Where we need to collect personal information 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 services or allow you to provide us with your services). In this case, we may have to cancel Platform-access or Services you have with us, but we will notify you if this is the case at the time.

3. How Is Your Personal Information Collected?

- 3.1. We use different methods to collect personal information from and about you, including through:
- 3.1.1. **Direct interactions:** You may give us your **Identity, Contact, Social Media, Transaction, Technical, Marketing and Communications** and **Usage Data** by filling in various forms or by corresponding with us through the Platform, by phone, email or otherwise. This includes personal information you provide when you:
 - 3.1.1.1. use our Services;
 - 3.1.1.2. use our Platform;
 - 3.1.1.3. contract with us;
 - 3.1.1.4. provide any services to us as a service provider or independent contractor on contract with us;
 - 3.1.1.5. request information to be sent to you;
 - 3.1.1.6. give us some feedback.
 - 3.1.2. **Automated technologies or interactions:** As you interact with our Platform, we may automatically collect **Technical Data** and **Usage Data** about your equipment, browsing actions and patterns. We may collect this personal information by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other Platforms employing our cookies.
 - 3.1.3. **Third parties:** We may receive personal information about you from various third parties such as:



- 3.1.3.1. analytics providers;
- 3.1.3.2. financial institutions;
- 3.1.3.3. marketing platforms; and
- 3.1.3.4. search information providers.

4. How We Use Your Personal Information

- 4.1. We will only use your personal information when the law allows us to and for legitimate reasons, which you hereby expressly understand and consent to. Most commonly, we will use your personal information in the following circumstances:
 - 4.1.1. where we have your **express consent** to do so;
 - 4.1.2. where we need to consult with you or **perform on the Services contract** we are about to enter into or have entered into with you;
 - 4.1.3. where it is necessary for our **legitimate business interests** (or those of a third party) and your interests and fundamental rights do not override those interests; and/or
 - 4.1.4. where we need to comply with a **legal or regulatory obligation**.

5. Purposes For Which We Will Use Your Personal Information

- 5.1. We have set out below, in a table format, a description of
 - 5.1.1. the purpose for which we will process your personal information,
 - 5.1.2. the type of data we process; and
 - 5.1.3. the lawful basis of processing.
- 5.2. Note that we may process your personal information for more than one lawful ground depending on the specific purpose for which we are using your personal information.

PURPOSE / ACTIVITY	TYPE OF DATA	LAWFUL BASIS AND BUSINESS INTEREST
To engage with you after you have contacted us via the Platform or otherwise	(a) Identity (b) Contact (c) Technical (d) Usage (e) Marketing and Communications	(a) Express consent (b) Performance of a contract with you (c) Necessary for our legitimate interests (keep records updated, study how users use our services, develop services, grow)
To allow you to use our Services and to provide you with our Services as contracted	(a) Identity (b) Contact (c) Social Media (d) Usage (e) Transaction	(a) Performance of a contract with you (b) Express consent (c) Necessary to comply with a legal obligation – Required by the accreditation bodies and the Department of Labour.



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PURPOSE / ACTIVITY	TYPE OF DATA	LAWFUL BASIS AND BUSINESS INTEREST
		(d) Necessary for our legitimate interests (provide you with Services you contracted to acquire, keep records updated, study how users use Services)
To contract with you as a service provider to Dynamikos	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you (b) Express consent (c) Necessary to comply with a legal obligation (d) Necessary for our legitimate interests (provide us with your services, keep our records updated, and study how we may use third-party services)
To provide it to our authorised service providers who need your personal information to provide their services to you	(a) Identity (b) Contact (c) Application (d) Financial (e) Transaction	(a) Performance of a contract with you (b) Necessary for our legitimate interests (provide you with Services you contracted from the third-party, develop our services, and grow) (c) Express consent
To process and service your payment for any services rendered by Dynamikos or its service providers. To manage payments, fees, and charges	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you (b) Necessary for our legitimate interests (make or receive necessary payments) (c) Express consent
To manage our relationship with you which may include notifying you about changes to our Terms, Privacy Policy, or Services	(a) Identity (b) Contact (c) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (keep our records updated and study how users use our Services) (d) Express consent



PURPOSE / ACTIVITY	TYPE OF DATA	LAWFUL BASIS AND BUSINESS INTEREST
To administer and protect our company, Platform and services (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical (d) Usage	(a) Necessary for our legitimate interests (running our organisation, provision of administration and IT, network security, to prevent fraud and organisation restructuring exercise) (b) Necessary to comply with a legal obligation (c) Express consent
To use data analytics to improve our Platform, Services, and client relationships and experiences	(a) Technical (b) Usage (c) Identity (d) Marketing and Communications	(a) Necessary for our legitimate interests (define types of users, keep Platform updated, develop our organisation and inform our marketing strategy) (b) Express consent
To provide you with direct marketing, make suggestions about services that may be of interest	(a) Identity (b) Contact (c) Technical (d) Usage (e) Marketing and Communications	(a) Necessary for our legitimate interests (develop our services and grow) (b) Express consent

5.3. Marketing

5.3.1. We strive to provide you with choices regarding certain personal information uses, particularly around marketing and advertising. To manifest your rights attached to any marketing sent to you as an existing client, please use the in-built prompts provided on those communications, or contact us.

5.3.2. You will receive marketing communications from us if you have requested our Services, requested information from us, or provided us with your details in any other circumstance and, in each case, have not opted-out of receiving that marketing.

5.4. Third-Party Marketing

Whilst we may use your personal information within our company, we will get your express opt-in consent before we share your personal information publicly with any entity outside of Dynamikos for marketing.

5.5. Opting-Out

You can ask us to stop sending you marketing messages at any time by contacting us and requesting us to cease or change your marketing preferences. Where you opt-out of



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receiving these marketing messages, this opt-out will not apply to other personal information of yours which we process for another lawful basis.

5.6. Change of Purpose

5.6.1. We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

5.6.2. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

5.6.3. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6. **Disclosures Of Your Personal Information**

6.1. We may have to share your personal information with the parties set out below for the purposes set out in the table above.

6.1.1. Internal Third Parties as set out in the **Glossary**;

6.1.2. External Third Parties as set out in the **Glossary**;

6.1.3. Third parties to whom we may choose to sell, transfer, or merge parts of our company or our assets. Alternatively, we may seek to acquire other organisations or merge with them. If a change happens to our company, we may continue to use your personal information in the same way as set out in this Privacy Policy.

6.2. We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information in accordance with our instructions and standards.

7. **Cookies**

7.1. The Platform may make use of “cookies” to automatically collect information and data through the standard operation of the Internet servers. “Cookies” are small text files a platform can use (and which we may use) to recognise repeat users, facilitate the user’s on-going access to and use of a platform and allow a platform to track usage behaviour and compile aggregate data that will allow the platform operator to improve the functionality of the platform and its content, and to display more focused advertising to a user by way of third party tools.

7.2. The type of information collected by cookies is not used to personally identify you. If you do not want information collected using cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature. Please note that cookies may be necessary to provide you with certain features available on our Platform and thus if you disable the cookies on your browser you may not be able to use those features, and your access to our Platform will therefore be limited. If you do not disable “cookies”, you are deemed to consent to our use of any personal information collected using those cookies, subject to the provisions of this Privacy Policy and our other policies or terms.

8. **International Transfers**

8.1. We may share and process your personal information outside of South Africa for the purpose of cloud storage or to engage with third parties.



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8.2. Whenever we may transfer your personal information out of South Africa, we will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- 8.2.1. We will only transfer your personal information to countries that have appropriate data protection legislation in place similar to that of South Africa; and/or
- 8.2.2. Where we use service providers, we may use specific contracts/clauses which ensure personal information is processed and secured lawfully.

9. Data Security

- 9.1. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used, or accessed in an unauthorised way, altered, or disclosed by using Firewalls, offsite, safe servers, data encryption process, and access control.
- 9.2. We also limit access to your personal information to those employees, agents, contractors and other third parties who have a legitimate need to know. They will only process your personal information on our instruction and are subject to a duty of confidentiality.
- 9.3. We have put in place procedures to deal with any suspected personal information breach and will notify you and the Information Regulator of a breach where we are legally required to do so.

10. Data Retention

- 10.1. We will only retain your personal information for as long as necessary to fulfil the purpose we collected it for including any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purpose for which we process your personal information, any other applicable law requiring us to retain the personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.
- 10.2. Details of retention periods of your personal information are available by contacting us.

11. Your Legal Rights

- 11.1. You have rights in relation to your personal information. Please contact us to find out more about, or manifest, your rights:
 - 11.1.1. request access to your personal information;
 - 11.1.2. request correction of your personal information;
 - 11.1.3. request erasure of your personal information;
 - 11.1.4. object to the processing of your personal information;
 - 11.1.5. request a restriction of processing your personal information;
 - 11.1.6. request transfer of your personal information; and/or
 - 11.1.7. right to withdraw consent.
- 11.2. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, we may refuse to comply with your request in these circumstances.



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- 11.3. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
 - 11.4. We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.
 - 11.5. Users with citizenships from jurisdictions other than South Africa, please note that we comply with South African data protection laws when processing your personal information as we are a South African entity. Should foreign law be applicable to your use of the Services and/or the Platform in any way, including how we may process your personal information, please contact us and we will gladly engage with you on your rights.
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12. Glossary

12.1. Lawful Basis

- 12.1.1. **Legitimate Interest** means the interest of our organisation in conducting and managing our organisation to enable us to give you the best service and the most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interests. We do not use your personal information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- 12.1.2. **Performance of Contract** means processing your personal information where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- 12.1.3. **Comply with a legal or regulatory obligation** means processing your personal information where it is necessary for compliance with a legal or regulatory obligation that we are subject to.
- 12.1.4. **Express consent** means the confirmed express consent you have provided to our processing of your personal information by actively accepting this Privacy Policy.

12.2. Third Parties

- 12.2.1. **Internal Third Parties** means other entities or parties in the Dynamikos group acting as joint responsible parties or operators and provide IT and system administration services and undertake reporting.
- 12.2.2. **External Third Parties** means:
 - 12.2.2.1. Authorised third-party service providers under contract with Dynamikos who need your personal information in order to contact and transact with you pursuant to your use of the Services;



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- 12.2.2.2. service providers acting as operators who provide IT and system administration services;
- 12.2.2.3. South African or other national governments and/or their respective authorities pursuant to our adherence with anti-corruption and crime-fighting legislation; and/or
- 12.2.2.4. professional advisers acting as operators or joint responsible parties including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services as required.

12.3. Your Legal Rights

You have the right to:

- 12.3.1. **Request access** to your personal information (commonly known as a “**data subject access request**”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- 12.3.2. **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- 12.3.3. **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no valid reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with local law. **Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be communicated to you, if applicable, at the time of your request.**
- 12.3.4. **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- 12.3.5. **Request restriction of processing** of your personal information. This enables you to ask us to suspend the processing of your personal information in the following scenarios:
 - 12.3.5.1. if you want us to establish the data’s accuracy;
 - 12.3.5.2. where our use of the data is unlawful but you do not want us to erase it;
 - 12.3.5.3. where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
 - 12.3.5.4. you have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.



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- 12.3.6. **Request the transfer** of your personal information to you or to a third party. We will provide to you, or a third party you have chosen, your personal information in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform on a contract with you.
- 12.3.7. **Withdraw consent at any time** where we are relying on consent to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain Platform access or Services to you. We will advise you if this is the case at the time you withdraw your consent. **Please take note that regardless of your right to withdraw consent under POPI, other South African legislation applies and may require that we continue to process your data to comply with anti-corruption, crime-fighting and/or other national legislation, which you expressly understand and agree to.**