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## GROUP PRIVACY POLICY IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 of 2013

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### 1. INTRODUCTION & PURPOSE OF GROUP PRIVACY POLICY

- 1.1 LSM Distributors (Pty) Ltd (**LSM**) is a company functioning within the automotive industry, and is the official and solely authorised custodian, importer and retailer of the Porsche, Bentley and Lamborghini vehicle and component brands in South Africa.
- 1.2 LSM is also the sole and officially authorised pre-owned Porsche, Bentley and Lamborghini dealer in South Africa in the course of which LSM attends to the service, repair and maintenance of Porsche, Bentley and Lamborghini vehicles.
- 1.3 In terms of the Protection of Personal Information Act 4 of 2013 (**POPIA**), LSM is obliged to inform its customers as to the manner in which their personal information is, *inter alia*, used, disseminated, disclosed and destroyed.
- 1.4 LSM guarantees its commitment to protecting its customers' privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.
- 1.5 This Privacy Policy sets out the manner in which LSM deals with its customers' personal information and stipulates the purpose for which said information is used.
- 1.6 This Privacy Policy is made available on the various websites owned and/or managed by LSM which include:

<https://dealer.porsche.com/za/johannesburg/en-GB>

<https://dealer.porsche.com/za/pretoria/en-GB>

<https://dealer.porsche.com/za/capetown/en-GB>

<https://dealer.porsche.com/za/umhlanga/en-GB>

<https://johannesburg.bentleymotors.com/meia/en/home>

<https://capetown.bentleymotors.com/meia/en/home>

<https://www.lamborghini.com/en-en/ownership/dealer-locator/lamborghini-johannesburg>

<https://www.lamborghini.com/en-en/ownership/dealer-locator/lamborghini-cape-town>

and by request from LSM's Information Officer(s) in terms of this Policy.



1.7 Guides to the POPIA can be obtained and queries directed to:

POPIA
<p><b>Address:</b> The Information Regulator (South Africa) JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 PO Box 31533 Braamfontein Johannesburg 2017</p> <p><b>Website:</b> <a href="http://www.justice.gov.za/infocreg/index.html">www.justice.gov.za/infocreg/index.html</a></p> <p><b>Email:</b> <a href="mailto:infocreg@justice.gov.za">infocreg@justice.gov.za</a></p>

**2. PERSONAL INFORMATION COLLECTED**

- 2.1 Section 9 of POPI states that *“Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.”*
- 2.2 Categories of data subjects and personal information processed by LSM include (but are not limited to) the following:
- o **Customer and potential customer information:** Customer personal information; customer contracts, service and/or maintenance plans and warranties; and customer vehicle information.
  - o **Supplier information:** Supplier personal information and personal information of supplier representatives.
  - o **Employee information:** Employee personal information; employee medical information; employee disability information; employee Pension and Provident Fund Information; employee contracts; employee performance records; payroll records; electronic access records; surveillance records; health and safety records; training records; employment history; and time and attendance records.
  - o **Job applicant information:** Curriculum vitae and application forms; criminal checks and background checks.
  - o **Visitor information:** Physical access records; electronic access records and scans as well as surveillance records.

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- 2.3 LSM aims to have agreements in place with all product suppliers, insurers and third party service providers to ensure a mutual understanding with regard to the protection of the customer's personal information. LSM's suppliers will be subject to the same principles as applicable to LSM.

### **3. THE USAGE OF PERSONAL INFORMATION**

- 3.1 The Customer's personal information will only be used for the purpose for which it was collected and as agreed.

This may include:

- providing products or services to customers and to carry out the transactions requested;
- confirming, verifying and updating customer details;
- for purposes of vehicle and vehicle ownership history;
- for the detection and prevention of fraud, crime, money laundering or other malpractices;
- for audit and record keeping purposes;
- providing services to customers, to render the services requested and to maintain and constantly improve the relationship;
- in connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law;
- to maintain customer vehicle records;
- for employment purposes;
- for apprenticeship purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners, including all of LSM's dealerships;

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- to help us improve the quality of our products and services; and
  - to help us recover debts.
- 3.2 According to section 10 of the POPIA, personal information may only be processed if certain conditions, listed below, are met along with supporting information for LSM's processing of personal information:
- 3.2.1 The customers must consent to the processing: Consent is obtained from customers at the point of conclusion of the sale transaction and/or instruction to proceed with repairs and/or regular service work and/or at the point of requesting a cost estimate from the customer;
  - 3.2.2 Processing complies with an obligation imposed by law or a contractual obligation on LSM;
  - 3.2.3 Processing protects a legitimate interest of the customer: It is in the customer's best interest to have full and proper needs analysis performed in order to provide them with an applicable and beneficial product or service; or
  - 3.2.4 Processing is necessary for pursuing the legitimate interests of LSM.

#### **4. DISCLOSURE OF PERSONAL INFORMATION**

- 4.1 LSM shall not disclose a customer's personal information to any third where no agreements are in place to ensure compliance with confidentiality and privacy conditions.
- 4.2 LSM may share the personal information of its data subjects for any of the purposes outlined further hereinabove with the following entities:
  - authorised LSM Group dealerships;
  - LSM's carefully selected business partners who provide products and services under one of LSM's brands; and
  - LSM's service providers and agents who perform services on LSM's behalf.



- 4.3 LSM does not share the personal information of its data subjects with any third parties, *save for* the following instances:
- o When LSM is obliged to provide such information for legal or regulatory purposes;
  - o When LSM is required to do so for purposes of existing or future legal proceedings,
  - o When LSM is selling one or more of our businesses to someone to whom we may transfer its rights under any customer agreement we have with customers;
  - o When LSM is involved in the prevention of fraud, loss, bribery or corruption; and
  - o When LSM is required to provide or manage any information, products and/or services to data subjects.
- 4.4 LSM's employees and authorised LSM Group dealerships are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

## **5. INFORMATION SECURITY MEASURES TO PROTECT PERSONAL INFORMATION**

- 5.1 It is a requirement of the POPIA to adequately protect personal information. LSM will continuously review its security controls and processes to ensure that personal information is kept secure.
- 5.2 The following procedures are in place in order to protect personal information:
- 5.2.1 LSM has appointed two Information Officers in terms of the POPIA are **Ryan de Araujo** (Group IT Manager) and **Shaun Harmse** (Senior Group Legal Advisor) whose details are available below and who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of the POPIA;
  - 5.2.2 This Policy has been put in place throughout LSM (including providing training on this policy and the POPIA). Continuous training will be conducted on an on-going basis by LSM's Compliance Department;
  - 5.2.3 Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of the POPIA;

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- 5.2.4 Every employee currently employed within LSM will be required to sign an addendum to their employment contracts containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of the POPIA;
  - 5.2.5 Employee information is further safeguarded by way of secured internal systems;
  - 5.2.6 LSM's archived customer information is stored both on and off site and access to these areas is limited to authorized personal;
  - 5.2.7 LSM's product suppliers, insurers and other third party service providers will be required to sign a service level agreement guaranteeing their commitment to the protection of personal information, which is, however, an on-going process that will be evaluated as needed;
  - 5.2.8 All electronic files or data are backed up by LSM's Information Technology (IT) Department and their IT providers who are also responsible for system security to protect against third party access and physical threats;
  - 5.2.9 Reasonable technical and organisational measures have been implemented for the protection of personal information processed by LSM and its operators;
  - 5.2.10 LSM continuously implements and monitors technical and organisational security measures to protect the personal information it holds, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction; and
  - 5.2.11 Consent to process customer information is obtained from the customer (or a person who has been given authorization from the customer to provide the customer's personal information) during the transactional stage of the relationship.

## **6. TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

- 6.1 LSM will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.
- 6.2 LSM will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the POPIA.

- 6.3 LSM will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards.

## **7. PERSONAL INFORMATION RECEIVED FROM THIRD PARTIES**

- 7.1 When LSM receives personal information from a third party on behalf of a data subject, it requires confirmation that they have written consent from the data subject that they are aware of the contents of LSM's PAIA Manual and the Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

## **8. ACCESS AND CORRECTION OF PERSONAL INFORMATION**

- 8.1 Customers have the right to access the personal information LSM holds about them.
- 8.2 Customers also have the right to ask LSM to update, correct or delete their personal information on reasonable grounds.
- 8.3 Once a customer objects to the processing of their personal information, LSM may no longer process said personal information.
- 8.4 The details of LSM's Information Officers in terms of the POPIA are as follows:

Name:	<b>Ryan de Araujo</b>
Designation:	<b>Group IT Manager</b>
Telephone number:	<b>+27 11 540 5000</b>
E-mail address:	<a href="mailto:Info.officer@porsche.co.za">Info.officer@porsche.co.za</a>

Name:	<b>Shaun Harmse</b>
Designation:	<b>Senior Group Legal Advisor</b>
Telephone number:	<b>+27 11 540 5000</b>
E-mail address:	<a href="mailto:Info.officer@porsche.co.za">Info.officer@porsche.co.za</a>

## **9. AMENDMENTS TO THIS POLICY**

- 9.1 Amendments to, or a review of this Policy, will take place on an *ad hoc* basis, or at least once a year. Customers are advised to access LSM's website periodically to keep abreast of any changes. Where material changes take place, customers will be notified directly or changes will be stipulated on any of the LSM websites.

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## **10. RECORDS THAT CANNOT BE FOUND**

- 10.1 If LSM searches for a record and it is believed that the record either does not exist or cannot be found, the requestor will be notified by way of an affidavit or affirmation. This will include the steps that were taken in the attempt to locate the record.

## **11. THE PRESCRIBED FORMS AND FEES**

- 11.1 The prescribed forms and fees are prescribed in terms of Part III of Annexure A of Government Gazette Notice number 187, Regulation 11, which is available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za).

## **12. ACCESS TO DOCUMENTS**

- 12.1 All company and customer information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- where disclosure is under compulsion of law;
- where there is a duty to the public to disclose;
- where the interests of LSM requires disclosure; and
- where disclosure is made with the express or implied consent of the customer.

➤ ***Disclosure to third parties***

- 12.2 All employees have a duty of confidentiality in relation to LSM and customers. In addition to the provisions above, the following are also applicable:

- **Information on customers:** Our customers' right to confidentiality is protected in the Constitution and in terms of the Electronic Communications and Transaction Act, 25 of 2002. Information may be given to a third party if the customer has consented in writing to that person receiving the information.



➤ **Requests for company information**

12.3 These are dealt with in terms of the Promotion of Access to Information Act, 2 of 2000 (**PAIA**), which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like LSM, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party.

12.4 In terms hereof, requests must be made in writing on the prescribed form to the designated Information Officer(s) in terms of the PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee.

12.5 LSM's manual in terms of PAIA, which contains the prescribed forms and details of prescribed fees, is available on LSM websites:

<https://dealer.porsche.com/za/johannesburg/en-GB>

<https://dealer.porsche.com/za/pretoria/en-GB>

<https://dealer.porsche.com/za/capetown/en-GB>

<https://dealer.porsche.com/za/umhlanga/en-GB>

<https://johannesburg.bentleymotors.com/meia/en/home>

<https://capetown.bentleymotors.com/meia/en/home>

<https://www.lamborghini.com/en-en/ownership/dealer-locator/lamborghini-johannesburg>

<https://www.lamborghini.com/en-en/ownership/dealer-locator/lamborghini-cape-town>

12.6 Confidential company and/or business information may not be disclosed to third parties. The affairs of LSM must be kept strictly confidential at all times.

12.7 LSM views any contravention of this policy very seriously and employees who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of the relevant party.

**13. REMEDIES**

- 13.1 LSM does not have an internal appeal procedure regarding PAIA and POPIA requests.
- 13.2 As such, the decision made by the duly authorised persons in this regard, is final.
- 13.3 If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for the desired relief.

