

## CONSENT AND ACKNOWLEDGMENTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 (POPI)

### Introduction

The Protection of Personal Information (POPI) [Act](#) aims to give effect to the constitutional right to privacy by balancing the right to privacy against that of access to information. The POPI Act requires that personal information pertaining to individuals be processed lawfully and in a reasonable manner that does not infringe on the right to privacy.

This consent form sets out how personal information will be processed by Brain Industries (Pty) Ltd. The use of the words “the party” for the purposes of this document shall be a reference to any party dealing or communicating with Brain Industries and/or concluding any agreement, whether of employment, of service provider or client, or in any other legal capacity, with the inclusion of each party referred to or included in terms of such exchange or agreement.

Should you be a Brain Industries employee, Brain Industries may process personal information about you in your capacity as data subject related to names and surnames, identity numbers, gender, health, disability, well-being or medical history, identity numbers, and account numbers. The purpose of processing such personal information about you is to communicate directly with you, to give effect to the contract of employment with you, to protect your legitimate interests, to communicate with government institutions about your employment, and to comply with relevant statutory provisions.

Should you be a client purchasing products and/or services from Brain Industries, Brain Industries may process personal information about you in your capacity as the data subject related names and surnames, identity numbers, gender, health, disability, well-being or medical history, identity numbers, and account numbers. The purpose of processing such personal information about you is to communicate directly with you, also for marketing purposes, to perform upon the commercial transactions and associated agreements concluded between yourself and Brain Industries, to protect your legitimate interests through such performance and to comply with relevant statutory provisions.

Brain Industries will only collect personal information for the purposes as stated above. As part of the processing of personal information about you, Brain Industries will collect such information from you, through your status as client, business relation, or otherwise. It may also collect such information from statutory institutions such as the Companies and Intellectual Property Commission (CIPC), from a relevant public or equivalent entity, or from its own records related to previous services provided to you. As part of the processing of personal information about you, Brain Industries may also disclose such personal information to statutory institutions such as the CIPC, SARS, relevant public or equivalent entities on whose behalf Brain Industries may act as intermediary, or other third parties agreed to in writing with you the data subject.

### Consent and permission to process personal information

Through reading this statement you are explicitly requested to resolve whether you consent to Brain Industries processing your personal information by responding to the consent request. Should you not consent to Brain Industries processing your personal information, the consent request allows for the data subject to opt out. Should you not respond, your consent for Brain Industries to process your personal information is implied. Should you choose to opt out from Brain Industries processing your personal information, you understand that

withholding consent or failure to disclose personal information will result in Brain Industries being unable to perform its functions and/or any services or benefits you may require from Brain Industries. You also indemnify and hold Brain Industries harmless in respect of any claims against Brain Industries by any other person on whose behalf you have consented should they claim that you were not so authorized. You furthermore understand that in terms of the POPI Act and other laws of the country, there are instances where your express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or when personal information is publicly available. You will not hold Brain Industries responsible for any improper or unauthorized use of personal information that is beyond its reasonable control.

### **Your rights regarding the processing of personal information**

You may withdraw consent to the processing of personal information at any time, and should you wish to do so, you must provide Brain Industries with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place between yourself and Brain Industries. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if Brain Industries agrees to same in writing. Brain Industries specifically draws to the attention the fact that the withdrawal of consent may result in it being unable to provide the requested information and/or products and/or services and/or other benefits. Further, please note that the revocation of consent is not retroactive and will not affect disclosures of personal information that have already been made. In order to withdraw consent, please contact the Brain Industries Information Officer at [sharonm@imagine.co.za](mailto:sharonm@imagine.co.za)

Where personal information has changed in any respect, you are encouraged to notify Brain Industries so that its records may be updated. Brain Industries will largely rely on you to ensure that personal information is correct and accurate.

Insofar it concerns direct marketing communications, you can ask us not to send you these at any time through following the unsubscribe instructions contained in the marketing communication, or by sending a clear message in this regard to the Brain Industries Information Officer at [sharonm@imagine.co.za](mailto:sharonm@imagine.co.za)

You have the right to access your personal information that Brain Industries may have in its possession, and you are entitled to request the identity of which third parties have received and/or processed personal information for the purpose agreed to. Please note however, that any request in this regard may be declined if:

- the information comes under legal privilege in the course of litigation,
- the disclosure of personal information in the form that it is processed may result in the disclosure of confidential information,
- giving access may cause a third party to refuse to provide similar information to Brain Industries,
- the information as it is disclosed may result in the disclosure of another person's information,
- the information contains an opinion about another person and that person has not consented, or
- the disclosure is prohibited by law.

### **Requesting access and lodging of complaints**

Please submit any requests for access to your personal information in writing to the Brain Industries Information Officer at [sharonm@imagine.co.za](mailto:sharonm@imagine.co.za) With any request for access to personal information, Brain Industries will require you to provide personal information in order to verify identification and therefore the right to access the information. There may be a reasonable charge for providing copies of the information requested.