

PRIVACY POLICY

FOR

**AVROY SHLAIN COSMETICS PROPRIETARY LIMITED
(REGISTRATION NUMBER: 1992/002125/07)**

Avroy Shlain Cosmetics (Pty) Ltd
Stand 8, Growthpoint Business Park
162 Tonetti Street, Halfway House Ext 7
Midrand, Gauteng.
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Customer Services 0860 114 182 (share call)
www.avroyshlain.co.za

Directors: AVROY SHLAIN COSMETICS (PTY) LTD - Reg. No. 2020/573695/07
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1 INTRODUCTION

1.1 We are committed to protecting your privacy and to ensuring that personal information provided to us is collected and used properly, lawfully and transparently in line with the Protection of Personal Information Act 4 of 2013 ("**POPIA**").

1.2 The purpose of this Privacy Policy ("**Policy**") is to explain –

1.2.1 how Avroy Shlain Cosmetics Proprietary Limited (registration number: 1992/002125/07) ("**Avroy Shlain**", "**we**", "**us**") collects, protects, shares, uses and otherwise processes your personal information collected by us from you directly, through the use of our website, the use of our products and services and/or your electronic communications with us; and

1.2.2 the rights you have in relation to your personal information in terms of the Protection of Personal Information Act 4 of 2013 ("**POPIA**") and we will, to the extent possible, inform you what information is voluntary or mandatory for you to provide and the consequences for failing to provide the requested information.

1.3 By providing us with your personal information either directly, using our website, our products and services and/or communicating electronically to us, you –

1.3.1 agree to this Policy and to the processing and transfer of your personal information as set out in this Policy; and

1.3.2 authorise us, our affiliates and other third parties to process your personal information for the purposes stated in this Policy.

1.4 This Policy must be read together with any other legal notices or terms and condition provided or made available to you on our website and/or when

you complete or use any documents provided by us to you in respect of any of our products and/or services.

- 1.5 This Policy is not intended to reproduce laws or regulations, but rather set out guidelines for our conduct in any operations which involve the processing of personal information.

2 WHO ARE WE?

- 2.1 Avroy Shlain is a cosmetics based company focused on uplifting our customers' positive self-image. Avroy Shlain has its roots as a skincare brand founded in 1973 by Avroy and Beryl Shlain with the guiding principle of positivity and empowerment to all our customers.
- 2.2 Today, this guiding principle is still recognised in everything we do and, over time, we added more ranges to our product offering including makeup, body care, hair care and fragrances – each aimed at enhancing natural beauty and building a positive self-image.

3 WHAT PERSONAL INFORMATION DO WE COLLECT?

- 3.1 The term "personal information" as used in this Policy is defined as "information which relates to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The person or juristic person i.e. entity to whom personal information relates is referred to as the "data subject" ("**data subject**", "**you**" and "**your**").
- 3.2 Avroy Shlain collects and processes personal information to provide data subjects with access to our service and products, to help us improve our offerings and for other purposes explained below.
- 3.3 Avroy Shlain collects the following types of personal information including, but not limited to –

- 3.3.1 full names;
 - 3.3.2 addresses;
 - 3.3.3 contact information such as telephone numbers and email addresses;
 - 3.3.4 financial information;
 - 3.3.5 transaction history; and
 - 3.3.6 your visits to our website.
- 3.4 When personal information is collected, Avroy Shlain will indicate the purpose for the collection and whether the information required is compulsory or voluntary.

4 HOW DO WE COLLECT PERSONAL INFORMATION?

- 4.1 We collect your personal information mainly directly from you in order to render our products and services to you and to improve our service and product offerings to you.
- 4.2 The personal information we collect about you can vary depending on –
 - 4.2.1 the products and services that you use;
 - 4.2.2 when you visit our offices;
 - 4.2.3 how you interact with us even if you are not a customer (including records of communications you have with us, your attendance at our events , interviews in the course of applying for a job with us, subscription to our mailing interaction and when you visit our website);

4.2.4 what we have obtained from a third party with permission to share your personal information with us (including law enforcement agencies); and

4.2.5 when you make your information public.

5 HOW DO WE USE YOUR PERSONAL INFORMATION?

5.1 We will use and process your personal information in the ordinary course of the business of providing products and services to you.

5.2 We will primarily use your personal information only for the purpose for which it was originally collected. In circumstances where we have to use your personal information for a secondary purpose, we will only do so if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the personal information was collected.

5.3 We may use your personal information for the following purposes –

5.3.1 to provide products or services to you, to carry out the transaction you requested and maintain our relationship with you;

5.3.2 to conduct credit checks;

5.3.3 to monitor our website by usage of Google Analytics and Google AdWords;

5.3.4 to confirm and verify your identity or to verify that you are an authorised user for security purposes;

5.3.5 for the detection and prevention of fraud, crime, money laundering or any other malpractice;

- 5.3.6 to conduct customer satisfaction research, direct marketing and for statistical analysis;
- 5.3.7 process requests for the collection, updating, access or deletion of your personal information;
- 5.3.8 for audit and record keeping purposes;
- 5.3.9 in connection with legal proceedings; and
- 5.3.10 comply with applicable laws, regulatory requirements or industry codes to which we subscribe or which apply to use.

6 OUR LEGAL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION

As can be gleaned from the above purposes, whenever we process your personal information we have to have something called a “legal basis” for what we do. The different legal bases we rely on are, amongst others, –

- 6.1 **Consent** - You have told us you are happy for us to process your personal information for a specific purpose(s);
- 6.2 **Legitimate interests** - The processing is necessary for us to conduct our business, but not where our interests are overridden by your interests or rights;
- 6.3 **Performance of a contract** - We must process your personal information in order to be able to provide you with one of our products or services; and/or
- 6.4 **Legal obligation** - We are required to process your personal information by law.

7 DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

- 7.1 We may disclose personal information provided to us to third parties who are (i) involved in delivery of products and service that we deliver and (ii) who assist us in giving effect to the above purposes at paragraph 5.
- 7.2 These third parties include, amongst others, suppliers, service providers, consultants, subcontractors and other vendors who need access to such information to carry out work on our behalf. Any such parties only have access to such information as is necessary to perform their functions and may not use it for any purpose other than to provide services to us.
- 7.3 Where we disclose your personal information to the above parties, they will be bound to use that personal information for the reasons and purposes it was provided to them and not for any other purpose. To this end, we will enter into agreements with these third parties.
- 7.4 In addition to the above, we may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights. In this regard, we may share your personal information with third parties in the event of any of the following –

Merger	Civil rehabilitation
Acquisition	Joint-venture
Assignment	Transfer of all or any part of the business of Avroy Shlain
Any insolvency or similar proceedings	

8 INFORMATION SECURITY

- 8.1 Avroy Shlain will take reasonable and appropriate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration disclosure or access.

- 8.2 We will, on a regular basis, continue to review our security controls and related processes to ensure that your personal information is secure.
- 8.3 As stated above, when we contract with third parties, we conclude agreements with them in terms of which we impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information is kept secure.
- 8.4 Whilst we will do all things reasonably necessary to protect your rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of your personal information, whilst in our possession, made by third parties who are not subject to our control, unless such disclosure is as a result of our gross negligence.
- 8.5 **If you disclose your personal information to a third party, such as an entity that operates a website linked to our website or anyone other than Avroy Shlain, WE SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE, HOWSOEVER ARISING, SUFFERED BY YOU AS A RESULT OF THE DISCLOSURE OF SUCH INFORMATION TO THE THIRD PARTY. This is because we do not regulate or control how that third party uses your personal information. You should always ensure that you read the privacy policy of any third party.**

9 HOW TO ACCESS AND CORRECT YOUR PERSONAL INFORMATION

- 9.1 We undertake to provide you with access to your personal information and provide mechanisms that any personal information found to be inaccurate or incomplete could be corrected or amended as feasible subject to any requirement or rule for such personal information to be retained by law. For further information on how to exercise these rights, please refer to our procedure for data subject access to, objection to, correction or deletion of personal information processed by Avroy Shlain as set out in the PAIA/POPIA Manual which is available at <https://avroyshlain.co.za>.

- 9.2 Prior to the amendment, correction or removal of your personal information, we will require you to identify yourself and to identify the portion information requested to be amended, correct or removed. A request for the amendment, correction or removal of personal information may be declined if the process of the request is unlawful, unreasonably repetitive, require disproportionate technical effort, jeopardize the privacy of others or would be impractical.
- 9.3 Please note that any such access request and request to correct may be subject to a payment of a legally allowable fee and we will let you know what it is at the time of your request.
- 9.4 It is important that any information you provide directly to us is accurate and correct. Please let us know as soon as you can if any information we hold about you is no longer correct. Providing false or inaccurate information in order to obtain a product or service may also result in services being restricted or cancelled.

10 RETENTION OF PERSONAL INFORMATION

- 10.1 We will not retain your personal information longer than the period for which it was originally needed, unless we are required by law to do so, or you consent to us retaining such information for a longer period.
- 10.2 We may also retain your personal information to the extent and duration that we have a legitimate interest to process your personal information depending on, amongst others, the nature and lifespan our services or products provided to you.
- 10.3 We will upon your request, promptly return or destroy any and all of your personal information in our possession or control, save for what is set out above and for that which we are legally obliged to retain.

11 CROSS BORDER PERSONAL INFORMATION TRANSFERS

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. In this regard, should Avroy Shlain engage in any cross border transfers of personal information outside South Africa, Avroy Shlain will ensure either of the following conditions are in place, that –

- 11.1 the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA;
- 11.2 the data subject consents to the transfer;
- 11.3 the transfer is necessary for the performance of a contract between the data subject and the responsible party or for the implementation of pre-contractual measures taken in response to the data subject's request;
- 11.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; and
- 11.5 the transfer is for the benefit of the data subject and it is not reasonably practicable to obtain the consent of the data subject, provided that such consent would be likely given if it were reasonably practicable.

12 COOKIES

The website makes use of "cookies" to automatically collect information and data through the standard operation of the Internet servers. "**Cookies**" are small text files a website can use (and which we may use) to recognise repeat users, facilitate the user's on-going access to and use of a website and allow a website to track usage behaviour and compile aggregate data that will allow the website operator to improve the functionality of the website and its content, and to display more focused advertising to a user by way of third party tools. The type of information collected by cookies is not used to personally identify you. If you

do not want information collected through the use of 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 website, and thus if you disable the cookies on your browser you may not be able to use those features, and your access to our Website will therefore be limited.

13 YOUR RIGHTS AS A DATA SUBJECT

13.1 As a data subject, you have a number of data privacy rights. These rights include –

13.1.1 **a right of access:** subject to certain exceptions, a data subject after providing adequate proof of identity has the right to –

13.1.1.1 request Avroy Shlain to confirm whether any personal information is held about the data subject; and/or

13.1.1.2 request from Avroy Shlain a description of the personal information held including information about third parties who have or have had access to personal information.

13.1.2 **a right to request correction or deletion:** a data subject may request Avroy Shlain to –

13.1.3 correct or delete personal information about the data subject in our possession or control that is inaccurate, irrelevant, excessive, outdated, incomplete, misleading or obtained unlawfully; and/or

13.1.4 destroy or delete a record of personal information about the data subject that Avroy Shlain is no longer authorised to retain in terms of the relevant legislative provision.

13.1.5 **a right to withdraw consent and to object to processing:** a data subject that has previously consented to the processing of his/her/its personal

information has the right to withdraw such consent and may do so by providing Avroy Shlain with notice to such effect to our Information Officer (at the contact details set out below). Furthermore, a data subject may object, on reasonable grounds, to the processing of personal information relating to him/her/it;

13.1.6 **a right to not be subjected to direct marketing by means of unsolicited electronic communications:** a data subject has a right not to be subject to direct marketing by means of unsolicited electronic communications unless you have given us your consent or you are an existing customer of ours; and

13.1.7 **a right not to be subjected automated decision making:** a data subject has a right not to be subject to a decision which results in legal consequences for him/her/it which is based solely on the basis of the automated processing of personal information.

13.1.8 As a data subject, you also have a right to lodge a complaint to the Information Regulator of South Africa if you are unsatisfied with the manner in which Avroy Shlain addresses any complaint with regard to Avroy Shlain's processing of your personal information, the contact details of the Information Regulator are as follows –

Website: <https://www.justice.gov.za/inforeg/>

Tel: 012 406 4818

Fax: 086 500 3351

Email: inforeg@justice.gov.za

14 NOTIFICATION OF A DATA BREACH

14.1 In the event of a data breach leading to the accidental or illegal damage, loss, modification, unauthorised disclosure or any unauthorised access to your personal information that has been transmitted, stored or otherwise processed, Avroy Shlain has the relevant instruments and policies in place in

order to cater for and assess the details relating to any such data breach in a prompt and efficient manner.

- 14.2 Avroy Shlain will notify the Information Regulator and any affected data subjects of such data breach in accordance with the provisions of section 22 of POPIA.

15 CONTACT US

If you have any questions about this Policy, our treatment of your personal information or wish to exercise any of your rights please contact our Information Officer whose details are as follows –

Name: Michele Lima
Email: popia@avroyshlain.co.za
Telephone number: 011 655 3617

16 POLICY REVISION

This Policy is subject to review and amendment without prior notice. However, Avroy Shlain undertakes to ensure that any amendments hereto are communicated on our publicly available platforms such as our website, for the benefit of the general public, our customers, and any other persons whom may be affected by this Policy.

17 VERSION CONTROL

Last updated **September 2021**.