

# EMBARC

## **EMBARC PRIVACY POLICY**

**EFFECTIVE DATE: 1 NOVEMBER 2020**

### **1. INTRODUCTION**

- 1.1 You are requested to read this Privacy Policy carefully before browsing [www.embarcrestaurant.za](http://www.embarcrestaurant.za) ("the Website").
- 1.2 This Privacy Policy is operated by DL Restuarants (Pty) Ltd, a company duly incorporated in accordance with the Company laws of South Africa, bearing company registration number: 2020/747844/07 (hereinafter referred to as "the Company", "EMBARC "we", "our" or "us").
- 1.3 The Terms herein are entered into by and between EMBARC and you. Any reference to "EMBARC", "we", "our" or "us", shall include our employees, consultants, officers, directors, representatives, agents, shareholders, affiliates, subsidiaries, holding companies, related entities, advisers, sub-contractors, service providers and suppliers.
- 1.4 Accessing and/or use of the Website after the Effective Date will signify that you have read, understand, accept, and agree to be bound, and are bound, by the terms of this Privacy Policy. Your continued use of the Website indicates that you have both read and agree to the terms of this Privacy Policy.
- 1.5 You cannot use the Website if you do not accept to be bound by the terms of this Privacy Policy. All sections of this Privacy Policy are applicable to all Users unless there is a section that expressly stipulates otherwise.

### **2. PURPOSE OF THIS PRIVACY POLICY**

- 2.1 EMBARC respects your privacy and is committed to protecting your Personal Information. This Privacy Policy aims to give you information on how EMBARC collects and processes your Personal Information through your use of the Website.
- 2.2 It is important that you read this Privacy Policy together with any other privacy policy or fair processing policy that 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 information.

2.3 This Privacy Policy supplements other notices and privacy policies and is not intended to override them.

### **3. PRIVACY POLICY**

3.1 For the purposes of this Privacy Policy, Personal Information will be understood in accordance with the definition provided in the Protection of Personal Information Act 4 of 2013 ("the Act").

3.2 We also subscribe to the principles for electronically collecting Personal Information as outlined in the Act, and the further legislation referred to therein. We endeavour to ensure the quality, accuracy, and confidentiality of Personal Information in our possession.

3.3 In adopting this Privacy Policy, we wish to balance our legitimate business interests and your reasonable expectation of privacy. Accordingly, we will take all reasonable steps to prevent unauthorised access to, or disclosure of your Personal Information. However, it is impossible to guarantee that your Personal Information shall be unconditionally and absolutely secure.

3.4 In utilising the Website, you may be asked to provide the following Personal Information, from time to time:

3.4.1 **Identity Data:** First Name, Middle Name, Surname;

3.4.2 **Contact Data:** Residential Address, Email Address, Telephone Number.

3.5 We will attempt to limit the types of Personal Information we process to only that to which you consent to (for example, in the context of online registration, newsletters, message boards, surveys, polls, professional announcements, SMS, lead generation, MMS and other mobile services), but, to the extent necessary, your agreement to this Privacy Policy constitutes your consent as contemplated in Section 69 of the Act.

3.6 Where necessary, we will seek to obtain your specific consent in future instances should we deem same required by law and where your consent herein might not be lawfully sufficient.

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- 3.7 We will not collect, use or disclose sensitive information (such as information about racial or ethnic origins or political or religious beliefs, where relevant) except with your specific consent or in the circumstances permitted by law.
- 3.8 By agreeing to the terms contained in this Privacy Policy, you consent to the use of your Personal Information in relation to:
  - 3.8.1 the provision of bookings at our Restaurant;
  - 3.8.2 informing you of changes made to our Website;
  - 3.8.3 the provision of marketing related services to you by us;
  - 3.8.4 responding to any queries or requests you may have;
  - 3.8.5 developing a more direct and substantial relationship with consumers;
  - 3.8.6 understanding general consumer trends and patterns;
  - 3.8.7 for security, administrative and legal purposes; and
  - 3.8.8 the creation and development of market data profiles.
- 3.9 Although absolute security cannot be guaranteed on the internet, we have in place up-to-date, reasonable technical and organisational security measures to protect your Personal Information against accidental or intentional manipulation, loss, misuse, destruction or against unauthorised disclosure or access to the information we process online.
- 3.10 While we cannot ensure or warrant the security of any Personal Information you provide us with, we will continue to maintain and improve these security measures over time in line with legal and technological developments. We have put in place procedures to deal with any suspected Personal Information breaches and will notify you of a breach where we are legally required to do so.
- 3.11 We store your Personal Information directly, or alternatively, store your Personal Information on, and transfer your Personal Information to, a central database.
- 3.12 If the location of the central database is located in a country that does not have substantially similar laws which provide for the protection of Personal Information,

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we will take the necessary steps to ensure that your Personal Information is adequately protected in that jurisdiction by means of ensuring that standard data protection clauses are enforced as envisaged by the Act.

- 3.13 We will only retain your Personal Information for as long as reasonably necessary to fulfil the purposes that we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.
- 3.14 The Personal Information we collect from Users shall only be accessed by our employees, representatives and consultants on a need-to-know basis, and subject to reasonable confidentiality obligations binding such persons.
- 3.15 We constantly review our systems and data to ensure the best possible service to our Users.
- 3.16 We will not sell, share, or rent your Personal Information to any Third Party or use your e-mail address for unsolicited mail. Any emails sent by us will only be in connection with the provision of our services and/or the marketing thereof.

## **4. THE USER'S RIGHTS**

4.1 A User has the right:

- 4.1.1 of access to their Personal Information stored and processed by us. This may be done by emailing us at the address referred to in Clause 11.1 below;
- 4.1.2 to rectification of Personal Information that we hold on a User's behalf, in instances where such Personal Information is incorrect or incomplete;
- 4.1.3 of erasure of Personal Information ("right to be forgotten") if such information is no longer needed for the original processing purpose, alternatively if a User withdraws their consent and there is no other reason or justification to retain such Personal Information, further alternatively, if a User has objected to such Personal Information being processed and there is no justified reason for the processing of such Personal Information;
- 4.1.4 to restrict/suspend processing of Personal Information to only that which is strictly necessary for us to perform our services to you;

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- 4.1.5 if we breach any of the terms of this Privacy Policy, to complain to the requisite data protection authority in their territory;
- 4.1.6 to withdraw their consent at any time, if the processing of such Personal Information is based on consent;
- 4.1.7 to object to the processing of Personal Information, if such processing is based on legitimate interests;
- 4.1.8 to object to the processing of Personal Information for direct marketing purposes.

## **5. DISCLOSURE OF PERSONAL INFORMATION**

- 5.1 We may disclose your Personal Information to external parties and Third Party service providers, from time to time, for the purposes of accommodating the services offered on the Website to you, and for those reasons recorded in Clause 3.8 above.
- 5.2 If our services are provided in conjunction with, or by involvement of Third-Parties, such Third-Parties may need to have your Personal Information in order to fulfil your request.

## **6. LOG FILES**

- 6.1 When you visit the Website, we may collect information, such as your IP address, the name of your ISP (Internet Service Provider), your browser, the website from which you visit us, the pages on our Website that you visit and in what sequence, the date and length of your visit, and other information concerning your computer's operating system, language settings, and broad demographic information.
- 6.2 This information is aggregated and anonymous data and does not identify you specifically. However, you acknowledge that this data may be able to be used to identify you if it is aggregated with other Personal Information that you supply to us.
- 6.3 This information is not shared with Third-Parties and is used only within the company on a need-to-know basis. Any individually identifiable information related

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to this data will never be used in any way different to that stated above, without your explicit permission.

## **7. COOKIES**

7.1 We use cookies.

7.2 You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable this function and elect to refuse cookies, some parts of the Website may become inaccessible or not function properly.

7.3 A cookie is a small piece of information stored on your computer or smart phone by the web browser. The two types of cookies used on the Website are described below:

7.3.1 "Session cookies": These are used to maintain a so-called 'session state' and only lasts for the duration of your use of the Website. A session cookie expires when you close your browser, or if you have not visited the server for a certain period of time. Session cookies are required for the Website to function optimally, but are not used in any way to identify you personally; and

7.3.2 "Permanent cookies": These cookies permanently store a unique code on your computer or smart device hard drive in order to identify you as an individual User. No Personal Information is stored in permanent cookies. You can view permanent cookies by looking in the cookies directory of your browser installation. These permanent cookies are not required for the Website to work, but may enhance your browsing experience.

## **8. LINKS FROM THE WEBSITE**

8.1 The Services available through the Website, may contain links to other Third Party Websites, including (without limitation) social media platforms, payment gateways, booking platforms, appointment scheduling and/or live chat platforms ("Third Party Websites").

- 8.2 If you select a link to any Third Party Website, you may be subject to such Third Party Website's terms and conditions and/or other policies, which are not under our control, nor are we responsible, therefore.
- 8.3 Hyperlinks to Third Party Websites are provided "as is", and we do not necessarily agree with, edit, or sponsor the content on Third Party Websites.
- 8.4 We do not monitor or review the content of any Third Party Website. Opinions expressed or material appearing on such Websites are not necessarily shared or endorsed by us and we should not be regarded as the publisher of such opinions or material. Please be aware that we are not responsible for the privacy practices, or content, of other Websites, either.
- 8.5 Users should evaluate the security and trustworthiness of any Third Party Website before disclosing any personal information to them. We do not accept any responsibility for any loss or damage in whatever manner, howsoever caused, resulting from your disclosure to third parties of personal information.

## **9. ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT**

- 9.1 Data Messages (as defined in the Electronic Communications and Transactions Act 25 of 2022 ("the ECT Act")) will be deemed to have been received by us if and when we respond to the Data Messages.
- 9.2 Data Messages sent by us to a user will be deemed to have been received by such user in terms of the provisions specified in section 23(b) of the ECT Act.
- 9.3 Users acknowledge that electronic signatures, encryption and/or authentication are not required for valid electronic communications between us and users.
- 9.4 Information to be provided in terms of section 43(1) of the ECT Act:
- 9.4.1 Users warrant that Data Messages sent to us from any electronic device, used by such user, from time to time or owned by such user, were sent and or authorised by such user, personal; and
- 9.4.2 This Website is owned and operated by DL Restuarants (Pty) Ltd.

## **10 ADDITIONS TO THIS POLICY**

- 10.1 We reserve the right to modify this Privacy Policy at any time. Changes and clarifications will take effect immediately upon their posting and updating on the Website. If we make material changes to this Privacy Policy, we will post the changes on our Website, so that you are aware of what information we collect, how we use it, and under what circumstances, if any, we use and/or disclose it. It shall be your responsibility to refer to this Privacy Policy to review any amendments.

## **11 CONTACTING US**

- 11.1 All correspondence with regards to Personal Information and this Privacy Policy can be addressed to:

11.1.1 DL Restuarants (Pty) Ltd T/A Embarc;

11.1.2 20 Petroy Drive, Unit 7 Shingara Sands, Gauteng;

11.1.3 Info@embarcrestaurant.com

## **12 LODGING OF COMPLAINTS**

- 12.1 We only process your Personal Information in compliance with this Privacy Policy and in accordance with the relevant data protection laws.
- 12.2 If, however you wish to raise a complaint regarding the processing of your Personal Information or are unsatisfied with how we have handled your Personal Information, you have the right to lodge a complaint with the supervisory authority in your country.