

Note: The Data Subject must be made aware of his/her/its right to lodge a complaint with the information regulator, and the details of the information regulator must be set out.

Note: POPI contains various provisions such as, what to do if an unauthorized person obtains the Personal Data or when consent is needed from the information regulator, which do not necessarily need to be included in the Privacy Policy, but which must be borne in mind by GBSCA when handling Personal Data.

## Privacy Policy

### 1 DEFINITIONS

- 1.1 "**Data Subject**" means the person to whom personal information relates, as defined in section 1 of POPI and "you" or "your" refers to the Data Subject;
- 1.2 "**Direct Marketing**" means to approach a Data Subject, either in person or by mail or electronic communication, for the direct or indirect purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject or requesting the Data Subject to make a donation of any kind for any reason;
- 1.3 "**GBCSA**" means the Green Building Council South Africa and "we" or "us" refers to GBCSA;
- 1.4 "**Online Service**" means the online service provided by us on the Website;
- 1.5 "**PCI Guidelines**" means the standard created by the payment card industry security standards council, in order to increase security around cardholder data in order to reduce credit card fraud via its exposure;
- 1.6 "**Personal Data**" means any data which relates to, or from which it is practical to directly determine, the identity of an individual, whether natural or juristic, as defined in section 1 of POPI, and specifically includes products purchased, position, profession, industry, city and province. We do not intentionally gather Personal Data about Data Subjects who are under the age of 13. We may also record your IP address when information is submitted;
- 1.7 "**POPI**" means the Protection of Personal Information Act 4 of 2013;
- 1.8 "**Privacy Policy**" means this privacy policy;
- 1.9 "**Process**" or "**process**" means *inter alia* to collect, store, record, collate, retrieve,

transmit or use in any manner whatsoever as described in section 1 of POPI;

1.10 **"Safe Harbor Privacy Principles"** means the international safe harbor principles of notice, choice, onward transfer, security, data integrity, access, and enforcement, designed to prevent accidental information disclosure or loss;

1.11 **"User Agreement"** means the GBCSA end user agreement below; and

1.12 **"Website"** means [www.gbcsa.org.za](http://www.gbcsa.org.za).

## 2 INTRODUCTION

2.1 This Privacy Policy explains our practices and policies regarding the Processing of Personal Data supplied by you.

## 3 CONSENT

3.1 Once you sign in to the Online Service, this Privacy Policy assumes the nature of a contract between you and GBCSA, which confers rights and obligations on both parties, and you –

3.1.1 agree to comply with the terms and conditions of this Privacy Policy;

3.1.2 agree that your Personal Data may be Processed by GBCSA in the country which it was collected, as well as other countries (including the United States);

3.1.3 consent to GBCSA Processing your Personal Data and other information specified below; and

3.1.4 consent to GBCSA retaining your Personal Data and other information in our archive or backup records if and when you cancel your account,

provided that we will, at all times, take reasonable measures to safeguard and secure the integrity and confidentiality of your Personal Data, to the extent that such measures are within our control.

## 4 USE OF DATA SUBJECT'S PERSONAL DATA

4.1 We will not -

4.1.1 sell or market your Personal Data to third parties; and

4.1.2 distribute, sell, or barter any data uploaded by you into the Online Service.

4.2 We may –

4.2.1 view your GBCSA instance data and uploaded information, in order to provide system maintenance and technical support only, which information is necessary for us to properly provide the Online Service; and

4.2.2 occasionally send you communications regarding your account or the Online Service via email, provided that in the event that such emails constitute Direct Marketing, you have the right to request that Direct Marketing not be sent to you.

4.3 All information collected by us is used for internal purposes, such as –

4.3.1 providing the Online Service;

4.3.2 providing support to you and other Data Subjects; and

4.3.3 improving the Online Services.

## 5 **AMENDMENT OF THE PRIVACY POLICY**

5.1 We reserve the right in our sole discretion to revise, amend, or modify the Privacy Policy and all of our other policies and agreements at any time and in any manner.

5.2 Notice of any revision, amendment, or modification of this Privacy Policy will be posted on our Website and your continued use of the Online Service will signify an acceptance of such changes.

## 6 **DATA SUBJECT INFORMATION COLLECTED BY GBCSA**

6.1 Once you register with us and sign in to the Online Service, you are no longer anonymous to us.

6.2 When registering with us, your Personal Data is automatically provided to us, such Personal Data may include products purchased by you and your position, profession, industry, city and province. You will not be able to register with us without providing such Personal Data.

6.3 We may also record your IP address when you submit information.

- 6.4 We do not intentionally gather the Personal Data of Data Subjects who are under the age of 18.
- 6.5 You may also voluntarily choose to provide to GBCSA, certain preference and demographic information relating to yourself.
- 6.6 Aggregating non-identifying information supplied by Data Subjects allows us to understand our user base and to improve the Online Service.
- 6.7 In the event that you cancel your account, we will not retain your Personal Data any longer than is necessary for achieving the various purposes described in this Privacy Policy.
- 6.8 You must ensure that your password is kept secure in order to protect your account information.

## **7 COOKIES AND PASSIVE DATA COLLECTION**

- 7.1 We automatically receive and record information on our server logs from each Data Subject's browser, including your IP address, cookie information, and the page you request.
- 7.2 By signing up to and continuing to utilise the Online Service, you consent to GBCSA utilizing Google Analytics to analyse trends using the abovementioned non-personally-identifiable data.
- 7.3 You should be aware that other websites visited before entering the GBCSA website might place Personal Data within your URL during your visit to such other websites. Due to the fact that we have no control over such websites, some of this information may be involuntarily logged by us.
- 7.4 We use –
  - 7.4.1 Cookies;
  - 7.4.2 IP addresses;
  - 7.4.3 GPS locations;
  - 7.4.4 URL information; and

7.4.5 other technical connection details,

to improve and further develop the Online Service, and to provide enhanced or geographically differentiated features and online service levels to Data Subjects, where available.

7.5 We use cookies to save Data Subject screen names and session validators on Data Subjects' browsers and hard drives, and may use them to provide tailored Online Service features to Data Subjects, as they become available.

7.6 IP Addresses also assist us to -

7.7 diagnose network congestion;

7.8 diagnose problems with our servers; and

7.9 otherwise assist in the administration and delivery of the Online Service to you and other Data Subjects.

## 8 **LINKS TO THIRD PARTY SITES**

8.1 Our websites may contain links to other sites that are not under our control.

8.2 Such websites have their own policies relating to privacy and Personal Data. You should therefore review those policies before visiting the websites.

8.3 We accept no responsibility for linked websites, and we provide such links solely for the convenience and information of our Data Subjects.

## 9 **DISCLOSURES**

### 9.1 ***GBCSA Service Providers***

9.1.1 We do not disclose Personal Data to third parties, except to process credit card information for orders in accordance with PCI Guidelines.

9.1.2 However, we may, in future, need to provide your Personal Data to other third parties in order to deliver specific Online Services to you (such as hosting services or support Online Services). These third parties will be required to adhere to Safe Harbor Privacy Principles or, at a minimum, we will require the third party to certify that they follow privacy protection equal to ours and ensure that the confidentiality and integrity of the Personal Data is maintained.

## 9.2 **Legal Requirements**

We do not disclose Personal Data, including the data which you enter or upload into the Online Service, unless such disclosure is necessary to comply with an enforceable government request such as a warrant.

## 9.3 **Change of Ownership**

In the event of a change in ownership, or a direct merger or acquisition with another entity, we reserve the right to transfer all of your information, including Personal Data, to such separate entity. We will use commercially reasonable efforts to notify you (by posting on the Website or via an email sent to the email address you provide) of any change in ownership, merger or acquisition of our assets by a third party.

## 9.4 **Security**

9.4.1 All of your Personal Data stored by us or otherwise, is considered confidential and private. We will maintain appropriate industry standard administrative, physical, and technical safeguards in order to protect against the loss, misuse, alteration and unauthorized acquisition by a third party of the information under our control.

9.4.2 We shall not -

9.4.2.1 intentionally modify your Personal Data;

9.4.2.2 disclose your Personal Data to third parties, except in accordance with clauses 9.1 and 9.2, as compelled by law or as expressly permitted in writing by you; and

9.4.2.3 access your Personal Data, except to provide maintenance, verification or prevention of technical problems, associated with the Online Service or to provide technical support at your request.

9.4.3 We shall take reasonable steps to ensure the integrity and security of our network and systems but do not expressly make any guarantee that such security measures will prevent third parties from obtaining the Personal Data by way of illegal actions or attacks. Should such attack occur, we will supply the relevant authorities with available information on the third party when the

third party comes under prosecution.

## 9.5 **Passwords**

9.5.1 It is your responsibility to choose secure passwords and to keep them safe. We cannot be responsible for Personal Data that is compromised due to a non-secure or stolen user password.

9.5.2 If you are authenticating with GBCSA via a third-party (e.g. Google Apps), those passwords must also be secured.

## 9.6 **Updating or Removing Data Subject Information**

9.6.1 You may, at any time, choose to correct or update the information which you have submitted to us. This is done by updating your account on the Website or in the Online Service.

## 9.7 **Emails**

If you receive an email for which you are not the intended recipient, any distribution, use or copying of the email and its contents is prohibited and you must notify the sender of the email immediately.

## 9.8 **Privacy Complaints and Inquiries**

9.8.1 If you have a dispute or complaint about privacy on a GBCSA website or the Online Service, we kindly ask that you first attempt to resolve the issue directly with us by emailing [info@gbcsa.org.za](mailto:info@gbcsa.org.za).

9.8.2 All inquiries to GBCSA about the Privacy Policy or the User Agreement shall be made by emailing [info@gbcsa.org.za](mailto:info@gbcsa.org.za)