



# Privacy Policy

This privacy policy will govern how Union Power Energy(Pty) Ltd ("Union Power Energy", "us", "we", "our") will manage your personal information as a 'data subject' and governs the processing (which includes the collection, use and sharing) of personal information by Union Power Energy which we may collect from you, or that you may provide to us either through our website or via email or other correspondence to us.

## **Important Notice**

Please read the terms of this policy carefully to understand our views and practices regarding your personal information and how we will treat it.

By visiting our website at <https://www.unionpower.co.za/>and/or submitting personal information to us, you agree to the practices described in this policy and you agree to Union Power Energy, its directors, officers, employees, servants, agents and/or contractors and/or other third parties to process (which will include collecting, using and disclosing) your personal information for the purposes stated in this policy.

If you do not agree to this privacy policy, please do not use our website. Any use by you of our website will be deemed to constitute your acceptance of the terms in this privacy policy.

## **Process of Collecting Personal Information**

Union Power Energy will always collect personal information in a fair, lawful and reasonable manner to ensure that it protects an individual's right to privacy and will process the personal information based on legitimate grounds in a manner that does not adversely affect the data subject (you) in question.

Union Power Energy generally collects personal information directly from data subjects or it may obtain personal information from third parties (where necessary or practically required).

## **Lawful Processing of Personal Information**

Union Power Energy will only process a data subject's personal information (other than for special personal information) where –

- consent of the data subject (or a competent person, where the data subject is a child under the age of 18) is obtained;
- processing is necessary to carry out the actions for the conclusion of a contract to which a data subject is a party;
- processing complies with an obligation imposed by law on Union Power Energy;
- processing protects a legitimate interest of the data subject; and/or
- processing is necessary for pursuing the legitimate interests of Union Power Energy or of a third party to whom the information is supplied.

Union Power Energy will only process personal information where one of the legal bases referred to above are present.

Where required (i.e., where we are not relying on a legal ground listed above), Union Power Energy will obtain the data subject's consent prior to collecting, and in any case, prior to using or disclosing the personal information for any purpose.

Where Union Power Energy is relying on a data subject's consent as the legal basis for processing personal information, the data subject may withdraw his/her/its consent or may object to Union Power Energy's processing of the personal information at any time. However, this will not affect the lawfulness of any processing carried out prior to the withdrawal of consent or any processing justified by any other legal ground provided under the Protection of Personal Information Act 4 of 2013 ("POPIA").

If the consent is withdrawn or if there is otherwise a justified objection against the use or the processing of such personal information, Union Power Energy will no longer process the personal information.

### **Special Personal Information**

Special personal information is sensitive personal information of a data subject and Union Power Energy acknowledges that it will process Special personal information where –

- processing is carried out in accordance with the data subject's consent;
- processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- processing is for historical, statistical or research purposes, subject to stipulated safeguards;
- the personal information has deliberately been made public by the data subject; or
- specific authorisation applies in terms of POPIA.

### **Purpose for Processing Personal Information**

Union Power Energy understands its obligation to make data subjects aware of the fact that it is processing their personal information and inform them of the purpose for which Union Power Energy processes such personal information.

Union Power Energy will only process a data subject's personal information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes).

It will ensure that there is a legal basis for the processing of any personal information. Further, Union Power Energy will ensure that processing will relate only to the purpose for and of which the data subject has been made aware (and where relevant, consented to) and will not process any personal information for any other purpose(s).

Union Power Energy will generally use personal information for purposes required to operate and manage its business operations as a provider of solar power solutions to the general public. These purposes include one or more of the following non-exhaustive purposes –

- for the purposes of providing its services as a solar power solutions provider. This includes the administration, installation and maintenance of solar solutions;
- for purposes of engaging with third-party service providers and where relevant, for purposes of doing appropriate onboarding and vetting;
- for purposes of onboarding designated suppliers. For this purpose, Union Power Energy will also process a supplier's personal information for purposes of facilitating payments, performing credit checks, and this may include engaging third party credit vetting agencies;
- in connection with the execution of payment processing functions;
- for purposes of monitoring the use of Union Power Energy's electronic systems by consumers. Union Power Energy will, from time to time, engage third-party service providers (who will process the data subject's personal information on behalf of Union Power Energy) to facilitate this;
- for purposes of preventing, discovering and investigating non-compliance with this policy, and other Union Power Energy policies, and investigating fraud, or other related matters;
- for employment-related purposes such as recruitment, administering payroll, and carrying out background checks.;
- in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- in connection with external audit purposes. For this purpose, Union Power Energy engages external service providers and, in so doing, shares personal information of the data subjects with third parties;
- to respond to any correspondence that a customer, supplier or third party may send to Union Power Energy, including via its website, email or by telephone;
- to contact the data subject for marketing purposes subject to the provisions below;
- in order to receive and address inquiries or complaints in respect of Union Power Energy's services or functions as a solar power solutions provider;
- for such other purposes to which the data subject may consent from time to time; and
- for such other purposes as authorised in terms of applicable law.

### **Types of Personal Information and Special Personal Information Processed**

Union Power Energy collects and processes personal information required to effectively carry out its business. The personal information that is processed includes the following –

<b>Data Subjects</b>	<b>Personal Information</b>
<b>Employees/Staff</b>	Name and Surname, ID number, Contact details, Physical and postal address, date of birth, Age, Disability, Biometric Information, Employment history, Criminal/background checks, Education history, Banking details, Income tax reference number, Remuneration and benefits information (including medical aid,

	pension/provident fund information), Disciplinary procedures, Employee disability information, Employee performance records, Physical access records, CCTV records, Health and safety records and Time and attendance records.
<b>New Job Applicants</b>	Name and Surname, Address, Contact details, Email address, Telephone number, Details of qualifications and Skills, Employment history and Information about a data subject's entitlement to work in South Africa.
<b>Designated Suppliers and / or Third Parties</b>	Entity name, Registration number, Income tax number, Contact details for representative persons, FICA documentation, BBB-EE certificates, Invoices and Bank Account and Payment details.
<b>Website Visitors</b>	IP address, Email address / contact details (if provided by data subject), Marketing preferences and Website history.
<b>Customers</b>	Names and Surnames, Contact details, Domicile, Birthdate, ID Number, Gender and Bank account details.

### **Keeping Personal Information Accurate**

Union Power Energy will take reasonable steps to ensure that all personal information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which personal information is collected or further processed.

Union Power Energy may not always expressly request the data subject to verify and update his/her/its personal information unless this process is specifically necessary.

Union Power Energy, however, expects that the data subject will notify Union Power Energy from time to time in writing of any updates required in respect of his/her/its personal information.

### **Storage and Processing of Personal Information by Union Power Energy and Third Party Service Providers**

Union Power Energy may store your personal information in hardcopy format and/or in electronic format using Union Power Energy's own secure on-site servers or other internally hosted technology. Your personal information may also be stored by third parties, via cloud services or other technology, with whom Union Power Energy has contracted with, to support Union Power Energy's operations.

Union Power Energy's third-party service providers, including data storage and processing providers, may from time to time also have access to a data subject's personal information in connection with purposes for which the personal information was initially collected to be processed.

Union Power Energy will ensure that such third-party service providers will process the personal information in accordance with the provisions of this policy, all other relevant internal policies and procedures and POPIA.

These third parties do not use or have access to your personal information other than for purposes specified by us, and Union Power Energy requires such parties to employ at least the same level of security that Union Power Energy uses to protect your personal information.

## **Retention of Personal Information**

Union Power Energy may keep records of the personal information it has collected, correspondence, or comments it has collected in an electronic or hardcopy file format.

In terms of POPIA, Union Power Energy may not retain personal information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –

- where the retention of the record is required or authorised by law;
- Union Power Energy requires the record to fulfil its lawful functions or activities;
- retention of the record is required by a contract between the parties thereto;
- the data subject has consented to such longer retention; or
- the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.

Accordingly, Union Power Energy will, subject to the exceptions noted in this policy, retain personal information for as long as necessary to fulfil the purposes for which that personal information was collected and/or as permitted or required by applicable law.

Once the purpose for which the personal information was initially collected and processed no longer applies or becomes obsolete, Union Power Energy will ensure that the personal information is deleted, destroyed or de-identified sufficiently.

## **Use of Cookies**

When accessing our website we will learn certain information about you during your visit.

Similar to other commercial websites, our website utilizes a standard technology called 'cookies' (see explanation below) and server logs to collect information about how our site is used. Information gathered through cookies and server logs may include the date and time of visits, the pages viewed, time spent at our site, and the websites visited just before and just after our own, as well as your IP address.

A cookie is a very small text document, which often includes an anonymous unique identifier. When you visit a website, that site's computer asks your computer for permission to store this file in a part of your hard drive specifically designated for cookies. Each website can send its own cookie to your browser if your browser's preferences allow it, but (to protect your privacy) your browser only permits a website to access the cookies it has already sent to you, not the cookies sent to you by other sites.

You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies our system will issue cookies when you log onto the website. If you accept a "cookie" or fail to deny the use of "cookies", you agree that we may use your personal information collected using "cookies" (subject to the provisions of this policy).

Where you either reject or decline cookies, you are informed that you may not be able to fully experience the interactive features of our website.

### **Email Information Policy**

If you choose to correspond with us through email, we may retain the content of your email messages together with your email address and our responses. We provide the same protections for these electronic communications that we employ in the maintenance of information received online, by email and by telephone. This also applies when you register on our website, sign up through any of our forms using your email address or make a purchase on our website.

### **Marketing**

You may share personal information with Union Power Energy via our website, including providing email addresses to sign up to our newsletter. The provisions of this policy apply to the personal information which is shared with Union Power Energy on our website.

Where Union Power Energy carries out any marketing activities, it will comply with its obligations under POPIA.

Union Power Energy will ensure that a reasonable opportunity is given to the data subject to object to the use of their personal information for Union Power Energy's marketing purposes when collecting the personal information and to "unsubscribe" or "opt-out" of receiving marketing materials on each occasion of Union Power Energy providing a marketing communication.

Union Power Energy will not use your personal information to send you marketing materials if you have requested not to receive them and if you have requested that Union Power Energy stop processing your personal information for marketing purposes, Union Power Energy shall do so.

### **Use of External Links**

Our website may contain links to many other websites and cannot guarantee the accuracy of information found at any linked site. Links to or from external sites not owned or controlled by, do not constitute an endorsement by or any of its employees of the sponsors of these sites or the products or information presented therein.

By accessing this website, you are agreeing to be bound by this policy and the terms of use contained herein, including all applicable laws and regulations. You further agree that you are responsible for compliance with any applicable local laws. If you do not agree with any of these terms, please kindly refrain from using or accessing our website. The materials contained on our website are protected by the applicable laws and regulations of South Africa.

### **Intellectual Property Rights**

All copyrights, trademarks, patents and other intellectual property rights in and on our website and all content and software located on the site shall remain the sole property of or its

licensors. The use of our trademarks, content and intellectual property is forbidden without an express written consent from Union Power Energy.

### **Acceptable Use**

Access to our website is permitted only in accordance with this policy. Without limiting any rights of Union Power Energy as set out elsewhere in this policy, we reserve the right to suspend or terminate your access to and use of the website, or any part thereof, without notice, under the following circumstances –

- any breach of this policy that is brought to our attention;
- if you have provided us with any false information;
- if you have failed to safeguard your log-in information; and
- if you have allowed a third party to use your log-in information.

You agree that you will not use the website to do any of the following –

- upload files that contain viruses, corrupted files, or any other similar software that may damage the operation of the website or another's computer;
- upload files that contain software or other material that violates the intellectual property rights or rights of privacy or publicity of any third party;
- abuse, harass, stalk, threaten or otherwise violate the legal rights (such as but not limited to, rights of privacy and publicity) of others, including but not limited to our staff and other users;
- post a review or rating unless such review or rating contains your independent, honest, genuine opinion;
- use the website for any purpose or in any manner that is in violation of national, or international law;
- publish, post, upload, distribute or disseminate any profane, defamatory, false, misleading, fraudulent, threatening or unlawful materials or information;
- impersonate another person or allow any other person or entity to use your identification to post or view comments;
- post the same note repeatedly (referred to as 'spamming'). Spamming is strictly prohibited;
- restrict or inhibit any other user from using and enjoying the website;
- imply or state that any statements you make are endorsed by us, without our prior written consent;
- reverse engineer, disassemble, decompile, translate, modify, adapt, license, sublicense, alter, copy, distribute, hack or interfere with the website, its servers or any connected networks, use a robot, spider, manual and/or automatic processes or devices to data-mine, data-crawl, scrape or index the website in any manner, or attempt to do any of the foregoing;
- remove or alter, visually or otherwise, any copyrights, trademarks or proprietary marks and rights owned by us;
- upload content that is offensive and/or harmful, including, but not limited to, content that advocates, endorses, condones or promotes racism, bigotry, hatred or physical harm of any kind against any individual or group of individuals;
- upload content that provides materials or access to materials that are obscene, adult or sexual or that exploit anyone, and in particular people under the age of 18 (eighteen), in an abusive, violent or sexual manner;

- register to use the website under different usernames or identities after your account has been suspended or terminated; and/or
- mirror or archive any part of the website or any content or material contained on the website without our written permission.

### **Use of Testimonials**

Testimonials that appear on this site are actually received via text, audio or video submission. They are individual experiences, reflecting real-life experiences of those who have used our products and/or services in some way. They are individual results and these results may vary. We do not claim that they are typical results. The testimonials are not necessarily representative of all of those who will use our products and/or services.

### **How Do We Protect Your Information?**

Union Power Energy shall preserve the security of personal information and, strive to take steps to prevent its alteration, loss and damage, or access by non-authorized third parties.

Union Power Energy will ensure the security and integrity of personal information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent the loss, unlawful access and unauthorised destruction of personal information.

Union Power Energy has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry-specific requirements or professional rules) to keep all personal information secure, including measures protecting any personal information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, Union Power Energy maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

### **Data Breaches**

A data breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which personal information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of personal information without permission and loss of availability of personal information.

Union Power Energy will address any data breach in accordance with the terms of POPIA.

Union Power Energy will notify the Information Regulator and the affected data subject (unless the applicable law requires that we delay notification to the data subject) in writing in the event of a data breach (or a reasonable belief of a data breach) in respect of that data subject's personal information.

Union Power Energy will provide such notification as soon as reasonably possible after it has become aware of any data breach in respect of such data subject's personal information.



## **Disclaimer and Limitation of Liability**

We make no representations, warranties, or assurances as to the accuracy, currency or completeness of the content contain on this website or any sites linked to this site.

All the materials on this site are provided 'as is' without any express or implied warranty of any kind, including warranties of merchantability, non-infringement of intellectual property or fitness for any particular purpose. In no event shall Union Power Energy or its agents or associates be liable for any damages whatsoever (including, without limitation, damages for loss of profits, business interruption, loss of information, injury or death) arising out of the use of or inability to use the materials, even if has been advised of the possibility of such loss or damages.

## **Access to Personal Information**

POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") confers certain access rights on data subjects. Union Power Energy's PAIA Manual may be accessed at <https://www.Unionpower.co.za/>. These rights include –

- a right of access: a data subject having provided adequate proof of identity has the right to: (i) request a responsible party (such as Union Power Energy) to confirm whether any personal information is held about the data subject; and/or (ii) request from a responsible party a description of the personal information held by the responsible party including information about third parties who have or have had access to the personal information. A data subject may request:
  - Union Power Energy to confirm, free of charge, whether it holds any personal information about him/her/it; and
  - to obtain from Union Power Energy the record or description of personal information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the personal information. Such record or description is to be provided: (a) within a reasonable time; and (b) in a reasonable manner and format and in a form that is generally understandable.
- a right to request correction or deletion: a data subject may also request Union Power Energy to –
  - correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
  - destroy or delete a record of personal information about the data subject that Union Power Energy is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, Union Power Energy is required to, as soon as is reasonably practicable –

- correct the information;
- delete or destroy the information;
- provide the data subject with evidence in support of the information; or

- where the data subject and responsible party cannot reach an agreement on the request and if the data subject requests this, Union Power Energy will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;
- 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 Union Power Energy with notice to such effect at the address set out in the contact details section below. Further, a data subject may object, on reasonable grounds, to the processing of personal information relating to him/her/it.

Accordingly, Union Power Energy may request the data subject to provide sufficient identification to permit access to or provide information regarding the existence, use or disclosure of the data subject's personal information. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the personal information.

The data subject can request in writing to review any personal information about the data subject that Union Power Energy holds including personal information that Union Power Energy has collected, utilised or disclosed.

Union Power Energy shall respond to these requests in accordance with POPIA and PAIA and provide the data subject with any such personal information to the extent required by law and any of Union Power Energy's policies and procedures which apply in terms of the PAIA.

The data subject can challenge the accuracy or completeness of his/her/its personal information in Union Power Energy's records at any time in accordance with the process set out in the PAIA Manual for accessing information.

If a data subject successfully demonstrates that their personal information in Union Power Energy's records is inaccurate or incomplete, Union Power Energy will ensure that such personal information is amended or deleted as required (including by any third parties).

Union Power Energy will respond to each written request of a data subject no later than 30 days after receipt of such requests. Under certain circumstances, Union Power Energy may, however, extend the original period of 30 days once for a further period of up to 30 days.

A data subject has the right to make a complaint to Union Power Energy in respect of this time limit by contacting Union Power Energy using the contact details provided below.

The prescribed fees to be paid for copies of the data subject's personal information are referenced in the PAIA Manual.

## **Policy Changes**

We reserve the right to amend this privacy policy at any time with or without notice. However, please be assured that if the privacy policy changes in the future, we will not use the personal information you have submitted to us under this privacy policy in a manner that is materially inconsistent with this privacy policy, without your prior consent.

We are committed to conducting our business in accordance with these principles in order to ensure that the confidentiality of personal information is protected and maintained.

## Contact

All comments, questions, concerns or complaints regarding your personal information or this policy, should be forwarded to:

- **Information Officer:** Caitlin Hartland
- **Tel:** 083 293 5049
- **Email:** [info@unionpower.co.za](mailto:info@unionpower.co.za)
- **Physical Address:** Unit 1, Cambridge Commercial Park, Trinity Close, Paulshof

If required, the data subject can contact the office of the Information Regulator, the details of which are:

- **Website:** <https://www.inforegulator.org.za>;
- **Physical Address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.
- **Postal Address:** P.O Box 31533, Braamfontein, Johannesburg, 2017
- **General enquiries:** [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za).
- **Complaints:** ([complete POPIA/PAIA form 5](#)) and send it to [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za) should your PAIA request be denied or there is no response for access to records you may use this email address to lodge a complaint. Should you feel that your personal information has been violated, you may use this e-mail address to lodge a complaint at [POPIAComplaints@inforegulator.org.za](mailto:POPIAComplaints@inforegulator.org.za),