

SCHINDLERS

attorneys and notaries

SAIW WEBSITE PRIVACY POLICY

THE PURPOSE OF THIS PRIVACY POLICY ("POLICY") IS TO VERBALISE OUR COMMITMENT TO PROTECTING YOUR PRIVACY AND BEING IN COMPLIANCE WITH THE RELEVANT REGULATION AND LEGISLATION, INCLUDING THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

INTRODUCTION

1. This SAIW website: www.saiw.co.za (the "**Website**"), provides profile, signature and industry related updates and information to enable users ("**you**" and/or "**user**" which shall mean any person that accesses the Website) to inform themselves of the training programmes, consultancy and the industry support services in which SAIW ("**We; "Us"**") and its affiliates offer. The Website allows users to register for accredited welding courses, create, register and download profiles, signatures and to upload, distribute and share their profile, signature on other websites and other media platforms, including on websites dedicated to discussion forums and/or blogs.

**We now have a virtual reception open between 08h30 to 17h00. Please feel free to enter via Zoom and have your queries addressed by one of our professionals – enter on: <https://zoom.us/j/8114489600>
Please also take note our Pro Bono initiative to assist businesses in distress <http://www.cobra.org.za>**

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Head of Finance:	Carien van Zyl (CA) (SA) · Office Manager: Melanie Hanreck		

2. This Policy describes how we collect, use, store, process, share and protect your information in relation to the Website. This Policy covers treatment of information that is collected by the Website, inclusive of personally identifiable information. This Policy does not apply to information collected by third-party websites or services.
3. Your privacy is very important to us and our affiliates and we are committed to protecting and respecting your personal data privacy. We encourage you to read these terms and conditions carefully in order to be aware of our practices and your rights. Accordingly, we have developed this Policy for you to understand how we collect, communicate and use any personal information that you submit to us or through which we obtain upon you accessing the Website. This Policy governs, in conjunction and in cooperation, with other website Terms and Conditions or any other documentation and/ or rulings published or still to be published.
4. The Terms and Conditions of use regulate access to and use of the Website , the National Register, member information and Inspector database, Welder database and all other Occupational databases contained within the Website, any profile, information and signature used, downloaded, uploaded distributed and shared by you and the uploading of any content and material (including text, files, images and photographs) on the Website.
5. When engaging with us, through the Website, you are subject to our Terms & Conditions. Prior to registering and enrolling for any of our courses/modules, we encourage you to read this Policy for the reasons regarding practices and rights referred to in clause 3 above, and more fully illustrated below.

CONSENT TO THE COLLECTION AND PROCESSING OF PERSONAL INFORMATION

6. By participating on the Website, either by way of mere access to the Website, participation of our services and where you actively engage with the Website functionality, (other than in respect of personal information) you explicitly agree that such information is not confidential and that we have unlimited rights to collect such information for the duration of your participation and that we may use such information at our discretion.

7. While using the Website, information about you may be:
 - 7.1 automatically collected by us, such as, without limitation, non-personal browsing habits and click patterns, your email address, domain and IP address, solely for the purpose of maintaining the functionality of the Website. This collected data does not relate to information provided by you, identifying you as an individual, but is automatically collected for coverage, site usage, and click stream analysis, so as to improve and manage the Website;
 - 7.2 when you opt into receiving marketing communications such as weekly or monthly e-mailers, you provide same in terms of clause 6 above, it may also contain a website cookie that may collect Technical Data from your device. You, however, reserve the right to withdraw from the e-mailer subscription entered into through the Website by opting out with an "unsubscribe link" as contained within the bottom of the e-mailer as sent to your e-mail address, as provided.

8. Personal information may only be processed, if given the purpose for which it is processed, is adequate, relevant and not excessive. Therefore, consent to the collection, collation, processing and/or disclosure of personal information in terms of the Protection of Personal Information Act 4 of 2013 ("**the Act**") expressly requires the User to confirm that:
 - 8.1 the personal information is supplied voluntarily, without undue influence from any party and not under any duress;
 - 8.2 the purpose of processing the personal information will be for the application or registration process of the user to one of the training programmes in which we offer and any governance-related thereto;
 - 8.3 the information, which is supplied herewith, is necessary for the purposes of the application and or enrolment of a training course and that without such information; we will not be able to consider the applicant's application or registration;
 - 8.4 failure to provide the information might result in us not being able to process the applicant's application;

- 8.5 we may, as required in terms of legislation or other formal structures, be required to collect the information in order to report to the Minister of Higher Education and Training, and for responsible record keeping and statistical purposes; and
- 8.6 we may only where applicable, and in terms of the Act transfer the information, it has collected to a third party/organisation.

METHODS EMPLOYED TO COLLECT DATA

9. Your data is collected where you visit the Website, www.saiw.co.za, and where you engage with the Website functionality requesting personal information (see consent clause 8 above).
10. We use different methods to collect data, including as follows (but not limited to):
 - 10.1 subscribing to our services or publications;
 - 10.2 registering and/or participating in an enrolment for a module; welding programme; NBT programme or welding-related courses;
 - 10.3 requesting and downloading marketing collateral;
 - 10.4 providing feedback or contacting us on the "Contact Us" page *alternatively* through direct messaging, in either public view or not, via our social media platforms including Facebook, Twitter, LinkedIn or Instagram subject to the aforesaid social media platforms specific privacy policy requirements;
 - 10.5 *Alumni* registered students.

HOW WE USE YOUR INFORMATION/DATA

11. We utilise your information/data for the purpose for which it was obtained. These purposes include the following:
 - 11.1 personal and contact details;
 - 11.2 sensitive personal information; and

11.3 technical data.

12. In order to efficiently and effectively service you with our products and/or services, we collect and use your details in this context. We may also use your details for sending you updates in relation to the product and/or services you engaged us with per registrations for certain modules as an example. This may include contacting you for marketing and advertising in relation to campaigns/modules/programmes in which you have shown an interest in. Such data could also be used to compile user profiles used in the context of campaigns/modules/programmes.
13. We further explicitly make known that we conform to laws, rules and regulations when using your personal information. We further note that the contents of the use of your personal information is only subject to certain situations in accordance with clause 8 of the above.

LEGAL BASIS FOR PROCESSING YOUR INFORMATION

14. We process personal information under the following legal bases:
 - 14.1 To fulfil a contract or take steps linked to a contract, including:
 - 14.1.1 providing our services (as a training institute);
 - 14.1.2 verifying your identity for purposes of any online assessment or skills assessment requirement;
 - 14.1.3 taking payments before commencements of modules for all accreditations;
 - 14.1.4 to provide fraud security we access and disclose information to detect, prevent, or otherwise address fraud, security or other technical issues; and
 - 14.1.5 communicating with you.

PERSONAL (SENSITIVE) INFORMATION/DATA

15. In order to create a target audience and provide feedback for our marketing campaigns, user profiles are constructed using sensitive personal information, subject to clause 8 where applicable, in relation to the type of personal information and consent expressly provided.

TECHNICAL INFORMATION/DATA

16. In accordance with marketing to our target audience, programmes, marketing campaigns, communications and advertisements, technical data are collected by third parties such as Facebook and Google. We use the collected metrics in order to derive insights into our users' interests.

PROFILING

17. User interest insights help us cater our programmes, services, and marketing more precisely. Through the collection of Technical Data, we construct profiles in correlation with user personas to enable decisions (that include automated decision making) so that interests or categories of interests are better allocated to particular individuals or groups of individuals.

COLLECTED INFORMATION

18. Personal details may be collected directly from you through registration forms, query message platforms or other opt-in forms for marketing purposes when you interact with the Website. It could also be obtained directly as research performed by us, or inferred from your browsing history, as collected by Technical Data. The Personal detail in which we refer to above may be (but is not limited to) information such as: your name; country/location; gender; purchase history; contact preferences for marketing purposes; and personal information/date (falling into the sensitive information above).

19. Technical Data, other than that collected from the Website, may also be collected. This may include log files, such as browser cookies, as you interact with the Website in order to support your website experience and interactions with us. This information could include data on your IP Address, Location, device identifiers and information on links that you click on or content that you view as further elaborated in clause 8 above.

LEGITIMATE INTEREST

20. In order to improve our service, we may engage you in direct marketing where we contact you in the online accreditation programmes we run which are of our mutual business activities or engage you in researching our target audience for marketing campaigns. However, your interests and fundamental rights are not subordinate to our interests and the opt out or in-subscription clauses as per 7.3 may be utilised by you.

CONTRACTUAL OBLIGATIONS

21. In the event you decide to enter into a contractually binding agreement with us, we may process your data (where applicable at clause 14 above). When enrolling or registering for the various training modules with us, we bilaterally enter into a contractually binding agreement.

LEGAL OBLIGATIONS

22. We are bound by superior legal structures, such as the South African Revenue Services, to retain records in respect of any of our obligations which are relevant for retention for tax purposes.

LEGAL RIGHTS

23. Under the Act, everyone has the right to privacy that includes protection against the unlawful collection, retention, dissemination, and use of personal information. According to the Rights of data subjects (POPI Act 4 of 2013 in the Government Gazette, 26 November 2013) chapter 2 paragraph 5, a person has the right to:
- 23.1 be notified that their data is being collected;
 - 23.2 when users' data has been accessed or acquired by an unauthorised person;
 - 23.3 knowledge of the body/institution or database (otherwise as defined by the Act) who holds their data;
 - 23.4 request correction, destruction/deletion of data;
 - 23.5 object (on reasonable grounds) relating to the processing of their data

DURATION OF RETENTION

24. The data/information context, sensitivity, quantity, risk level for harm if lost or accessed by unauthorised sources, the context and purpose of the data/information all play a role in the duration of retention of that data/information.
25. The accuracy, safety and security of your information also depends on you. Where we have given you or where you have chosen a password for access to certain parts of the Website, you are responsible for keeping your password confidential.
26. We make every attempt to ensure that we protect your information, but the transmission of information *via* the internet is not completely secure, and we cannot guarantee our security measures. As such, we cannot be held responsible for any unauthorised access to or acquisition of your information in accordance with the references made to confidentiality and risk made in clauses 24 and 25 above, in the event where our systems are hacked or unlawful access is gained to the Website's database. Insofar, as your personal information is concerned, we adhere to the exercise of the utmost reasonable care in the protection of same in relation to our software updates and security databases.

27. In accordance with section 14 (1) (b) of the Act, we will only retain and/or store your personal information that we reasonably require record for lawful purposes related to our functions or activities as a training institution which may be for an indefinite period of time. In respect of retention of personal information same is necessary to our functions as we keep an online National Database Registry for all accredited Welders which is available to persons wanting to verify certifications and accreditations therefore retention of same is adequately required in terms of our functions and activities.
28. Upon termination of the training or Student Systems Management Services, and insofar as requiring personal information on record for an individual who has obtained an international accreditation by us , the individual's name may be recorded and saved in our National Database Registry in order to verify your accreditation status to people who may, in the future, enquire as more fully illustrated above.
29. The above is subject to section 14 (4) of the Act, in that personal information will be deleted as soon as we are no longer authorised to obtain such information in terms of the Act.

DISCLOSURE OF INFORMATION

30. We may, in certain applicable instances, share your personal data/information with the parties set out below for the purposes outlined above. This may also include storage, for the administration of relevant contracts, the targeting of appropriate advertisements, and for our legal obligations.

These parties may include:

- 30.1 our affiliate training institutions and partner advertising firms who make use of personas for marketing campaign purposes but does not include the distribution and/or use of personal/sensitive data;
- 30.2 website operators for registered user data located within the content management system (CMS) database; and

- 30.3 our legal practitioners, auditors, or insurers who provide consultancy, banking, legal, insurance, and accounting services.

DATABASE PROVIDERS

31. We outsource service providers to render functionality to our electronic platforms on the Website, our Social Media Pages and the Student Management System. These service providers can be local, i.e. in the Republic of South Africa, the United States of America, or the European Union as we are an international accreditation training facility.
32. Legally, we may also be required to share information with other service providing parties such as:
- 32.1 Public authorities who make lawful requests for the disclosure of information for meeting tax, security, and law enforcement requirements.
- 32.2 If we are under a duty to disclose or share your personal data/information in order to comply with any legal obligation, or in order to enforce or apply our Website Terms of Use or Student Terms and Conditions and other agreements; or to protect the rights, property, or safety of the Website and its registration programmes, our customers, or others.
33. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.
34. If we decide to partner or include new directors into SAIW or its affiliates through way of an amendment to the MOI, we will share the information about you which it has been collected from your use of the Website, with your consent to such information sharing in the event that:
- 34.1 We have taken reasonable steps to safeguard the privacy of information provided by you but we do not make any representations or warranties

that the information provided by you, whether personal information, or otherwise, is absolutely safe and secure.

35. If a change happens to directorship, then the new directors may use your personal information in the same way as set out in this Policy.

PERSONAL DATA TRANSFER SAFEGUARDS

36. We will attempt to ensure that transfer of data/information between parties conform to agreements in place and that same contain adequate safeguards in order to consider a transfer of data to a third party defective until such time as the agreement or arrangement to safeguard the data is verified.

COOKIES

37. Cookies are used to personalise your visits to the Website, keep track of your preferences and learn about the way you use the Website. Typically, these contain two pieces of information: a site name and unique user ID. All information these cookies collect is aggregated and anonymous. Cookies are essential to the effective operation of the Website. Cookies make the interaction between you and the Website faster and easier.
38. Cookies may also be set by the Website you are visiting (first-party cookies) or they may be set by other websites who run content on the page you are viewing (third-party cookies).
39. We will generally collect information through the following types of cookies:
 - 39.1 Essential cookies – used for intra Site tracking and continuity;
 - 39.2 Preferences – storing preferences to enhance your experience like form and registration details;
 - 39.3 Statistics – web analytics to determine the popularity of our Site, e.g. Google Analytics;
 - 39.4 Marketing – collects viewing interests and displays advertisements that are relevant to the visitor.

40. Cookies enable IP address, device identifiers, login data, browser type, version, time-zone, location browser plugin types, versions, operating system, and platform statistics. You can opt out of cookies as the Website should provide you with an upfront choice.
41. On our Website you are given the option to view our Privacy Policy first before accepting cookies in relation to the above.

LINKS AND REFERENCES TO US FROM OTHER SITES

42. The Website contains links to other websites. You may also see links to the Website or information about us on third-party websites. If you follow a link to any of these websites or see information relating to us on those third-party websites, please note that these websites have their own privacy policies. We do not accept any responsibility or liability for these policies. This Privacy Policy only applies to the Website as stated within clause 1 above therefore, when you access links to other websites, you must read their own privacy policies before continuing to browse them.
43. The following platforms contain direct links to our pages in which third-party websites maintain their own strict privacy policy requirements and to which must be considered before continuing any one of the sites specified below:

43.1 **Twitter:**

<https://twitter.com/SAIWAfrica>

@SAIWAfrica;

43.2 **Facebook:**

https://web.facebook.com/SAInstituteOfWelding/?_rdc=1&_rdr

@SAInstituteofWelding; and

43.3 **Linkedin:**

<https://www.linkedin.com/company/southern-african-institute-of-welding>

AMENDMENTS AND CHANGES TO THE PRIVACY POLICY

44. We keep our Privacy Policy under regular review. If we change our Privacy Policy, we will post the changes on this page and place notices on other pages of the Website.
45. Your continued use of the Website, however, constitutes your agreement to this Policy and the potential for future revisions.

CONTACT AND QUESTIONS

46. Queries, comments and requests regarding this Policy are welcomed and can be send through to info@saiw.co.za.