



Privacy Policy

Effective/Review Date: 09 June 2021

1. Recordal

- 1.1 The purpose of this Privacy Policy is to regulate how Sewe Gewels Afslaers CC (registration number 2000/045982/23) trading as Ambassador Auctioneers (hereinafter referred to as “**Ambassador Auctioneers**”) may process, retain, use and safeguard the personal information of private individuals in compliance with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) as amended (hereinafter referred to as the “**POPI Act**”).
- 1.2 This Policy must be adhered to by, and apply to all Ambassador Auctioneers’ members, employees, subcontractors and authorised agents and any reference to “**Ambassador Auctioneers**”, shall include all such persons.
- 1.3 However, it is hereby explicitly recorded that, in the event of insurance salvage auctions, Ambassador Auctioneers are appointed as the auctioneers for several major insurance companies, who are themselves, responsible for their own compliance with the terms of the POPI Act. Ambassador Auctioneers shall therefore, under no circumstances, take any responsibility for the violation of the POPI Act, committed by any such insurance companies, their contractors, subcontractors, insurance assessors and/or authorised agents.
- 1.4 Ambassador Auctioneers must ensure that personal information is processed lawfully and in a reasonable manner that does not infringe the privacy of the person in question;
- 1.5 The term “**data subject**” means any person (natural or juristic person) to whom the personal information relates;
- 1.6 In terms of the POPI Act, the definition of personal information includes, *inter alia*, the following:
 - 1.6.1 Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person (i.e. a company);

- 1.6.2 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 1.6.3 The personal opinions, views or preferences of the person;
 - 1.6.4 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 1.6.5 The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 1.7 The POPI Act applies to the processing of personal information entered in a record by Ambassador Auctioneers by making use of automated (i.e. via its website¹) or non-automated means (i.e. via application forms, correspondence, discussions, etc) which shall form part of its filing system or database.
- 1.8 Ambassador Auctioneers must adhere to the following 8 (Eight) conditions imposed by the POPI Act for the lawful processing of personal information:
- 1.8.1 Accountability (Clause 1.1)
 - 1.8.2 Processing Limitation (Clause 1.4, 2.4, 3, 4)
 - 1.8.3 Purpose Specification (Clause 2)
 - 1.8.4 Further Processing Limitation (Clause 2.6)
 - 1.8.5 Information Quality (Clause 2.2)
 - 1.8.6 Openness (Clause 2.4)
 - 1.8.7 Security Safeguards (Clause 6)
 - 1.8.8 Data subject participation (Clause 7)

¹ www.ambassadorauctions.co.za;

2. Purpose Specification

2.1 Ambassador Auctioneers must collect personal information for a specific, explicitly defined and lawful purpose related to the functions or activities being performed by Ambassador Auctioneers, such as:

2.1.1 For the performance of its services as auctioneers, which includes, but are not limited to the following services –

- (i) To act as an authorised representative on behalf of the seller;
- (ii) To inspect any item under sale to determine its value and also to apply its best endeavours to ensure that no personal information remains on any item being sold by the seller. If the item under sale is a digital device capable of storing personal data, Ambassador Auctioneers shall apply its best efforts to ensure that such personal data is erased from the device before being sold;
- (iii) To arrange, facilitate and present auctions;
- (iv) To accept the registration of various bidders before the auction;
- (v) To request supporting documents from prospective sellers/bidders in order to meet the requirements of the Financial Intelligence Centre Act, 2001;
- (vi) To request a refundable cash deposit during registrations;
- (vii) To allow for the seller to inspect the prospective bidder's record;
- (viii) To allow and regulate bidding on the seller's items;
- (ix) To consider a bidder's offer to purchase;
- (x) To sell items to the highest accepted bidder, subject to the auction rules and the conditions of sale;
- (xi) To ensure that no items are removed without payment;
- (xii) To accept payment from the buyer on behalf of the seller;
- (xiii) To allow/arrange removal of the item once payment had been received; and

- (xiv) To pay the proceeds of the sale to the seller in the seller's nominated bank account, in terms of the agreement concluded between Ambassador Auctioneers and the Seller;
- 2.1.2 To provide expertise in asset management and disposal and to provide a professional all-inclusive service to the seller that ensures the best possible returns on sales, quick turn-around and settlement of proceeds. Ambassador Auctioneers' goal is to simplify asset disposal, making the buying and selling of loose assets easy and accessible to anyone;
- 2.1.3 For any contractual rights and obligations between the parties;
- 2.1.4 To issue and transmit quotations, invoices, statements or receipts;
- 2.1.5 For communication purposes to negotiate services, conclude agreements, provide feedback and/or to confirm the level of satisfaction;
- 2.1.6 For statistical or research purposes for future strategic planning and the enhancement of its services, which shall not be published in an identifiable form;
- 2.1.7 For direct marketing purposes provided that the client explicitly agreed thereto;
- 2.1.8 For the tracking of cookies on Ambassador Auctioneers' website in order to track, personalize and save information about the data subject during his/her session on Ambassador Auctioneers' website, by remembering and recognizing the user's device, website logins, browsing preferences, etc. to ensure that the user enjoys a more personal and convenient visit on Ambassador Auctioneers' website, to enhance user experience and also for analytical and statistical purposes without publishing or sharing any website reports in an identifiable form.

- 2.2 Ambassador Auctioneers must take reasonable practical steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary having regard to the purpose for which such information was collected or further processed;
- 2.3 The personal information shall not be retained by Ambassador Auctioneers any longer than is necessary for achieving the purposes as set out above, for which the information was collected or subsequently processed.
- 2.4 Ambassador Auctioneers must maintain the documentation of all processing operations under its responsibility as required by the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereinafter referred to as “**PAIA**”).
- 2.5 Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.
- 2.6 Ambassador Auctioneers must establish appropriate safeguards against the personal information being used for any other purposes.
- 2.7 Further processing of personal information must be in accordance or compatible with the purpose for which it was collected, unless further processing is necessary for –
- 2.7.1 Compliance with an obligation imposed by law or to conduct proceedings in any court or tribunal;
 - 2.7.2 The prevention or mitigation of a serious and imminent threat to public health or public safety or the life or health of any individual;
 - 2.7.3 The avoidance of prejudice to the maintenance of law including the prevention, detection, investigation, prosecution and punishment of offences;
 - 2.7.4 Acting in the interests of national security; and/or

2.7.5 The further processing of information as exempted by the Information Regulator in terms of section 37 of the POPI Act.

3. Consent, justification and withdrawal

- 3.1 By accepting the services provided by Ambassador Auctioneers, or by concluding an agreement with Ambassador Auctioneers, the data subject consents to the processing of his/her personal information in accordance with the terms of this Privacy Policy (as confirmed in the agreement).
- 3.2 The consent referred to above, shall constitute adequate proof that such consent had been granted to Ambassador Auctioneers by the data subject.
- 3.3 The data subject may withdraw his/her consent at any time, provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information for the following purposes, shall not be affected:
- 3.3.1 If processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
 - 3.3.2 If processing complies with an obligation imposed on Ambassador Auctioneers by law;
 - 3.3.3 If processing protects a legitimate interest of the data subject;
 - 3.3.4 If processing is necessary for the proper performance of a public law duty by a public body; or
 - 3.3.5 If processing is necessary for pursuing the legitimate interests of Ambassador Auctioneers or of a third party to whom the information is supplied.

- 3.4 Ambassador Auctioneers may only approach a data subject once to request the consent of such data subject to process the data subject's personal information for purposes of direct marketing by means of any form of electronic communication, including automatic calling machines, SMSs or e-mails.

4. Objections

- 4.1 The data subject may at any time, on reasonable grounds relating to his/her particular situation, object to the processing of his/her personal information, unless legislation provides for such processing.
- 4.2 If the data subject wishes to object to the processing of his/her personal information, he/she must submit the objection to Ambassador Auctioneers on **Form 1**, attached hereto.
- 4.3 The data subject shall be given reasonable opportunity to object to the use of his/her electronic information for direct marketing purposes, at the time when the information was collected and on the occasion of each communication with the data subject for the purpose of marketing if the data subject has not initially refused such use. Any communication for the purposes of marketing must contain contact details to which the recipient may send a request that such communication cease.

5. Restriction, destruction or deletion of records

- 5.1 Ambassador Auctioneers must restrict further processing of personal information or destroy or delete a record of personal information if Ambassador Auctioneers no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed.
- 5.2 Personal information referred to in clause 5.1 may, with the exception of storage, only be processed by Ambassador Auctioneers in the following circumstances:

- 5.2.1 For purposes of proof;
- 5.2.2 With the data subject's consent;
- 5.2.3 For the protection of the rights of another person; or
- 5.2.4 If such processing is in public interest.

5.3 Where the processing of personal information is restricted pursuant to clause 5.1, Ambassador Auctioneers must inform the data subject before lifting the restriction of processing.

6. Security Safeguards

6.1 Ambassador Auctioneers must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent –

- 6.1.1 loss of, damage to or unauthorised destruction of personal information; and
- 6.1.2 unlawful access to or processing of personal information.

6.2 Ambassador Auctioneers must take reasonable measures to –

- 6.2.1 identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
- 6.2.2 establish and maintain appropriate safeguards against the risks identified;
- 6.2.3 regularly verify that the safeguards are effectively implemented; and
- 6.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

6.3 Ambassador Auctioneers must treat personal information as confidential and must not disclose it, unless required by law or in the course of the proper performance of their duties.

6.4 Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, Ambassador Auctioneers must notify the Information Regulator and the data subject, unless the identity of such data subject cannot be established. This notification must be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of Ambassador Auctioneers' information system.

7. Access to personal information

7.1 The data subject, having provided adequate proof of identity, has the right to –

7.1.1 request Ambassador Auctioneers to confirm, free of charge, whether or not Ambassador Auctioneers holds personal information about the data subject;

7.1.2 request from Ambassador Auctioneers the record or a description of the personal information about the data subject held by Ambassador Auctioneers, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information, within a reasonable time, at a prescribed fee, if any, in a reasonable manner and format and in a form that is generally understandable.

7.2 Ambassador Auctioneers must, in response to the data subject's request, advise the data subject of his/her right to request the correction of information.

7.3 The data subject may request Ambassador Auctioneers to correct or delete personal information about the data subject in Ambassador Auctioneers' possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully. The data subject must submit such request to Ambassador Auctioneers on **Form 2**, attached hereto.

8. Transfers of personal information outside the Republic of South Africa

8.1 Ambassador Auctioneers may not transfer the data subject's personal information to a third party who is in a foreign country unless –

8.1.1 the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that –

(i) effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject; and

(ii) includes provisions, that are substantially similar to this clause 8, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;

8.1.2 the data subject consents to the transfer;

8.1.3 the transfer is necessary for the performance of a contract between the data subject and Ambassador Auctioneers, or for the implementation of pre-contractual measures taken in response to the data subject's request;

8.1.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between Ambassador Auctioneers and a third party; or

8.1.5 the transfer if for the benefit of the data subject, and –

(i) it is not reasonably practicable to obtain the consent of the data subject to that transfer; and

(ii) if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

9. Changes to this Privacy Policy

- 9.1 Ambassador Auctioneers shall be entitled to unilaterally, at its own discretion, update or amend this Privacy Policy from time to time. Ambassador Auctioneers shall however, notify the data subject of such changes by posting the updated Privacy Policy on Ambassador Auctioneers' website.
- 9.2 The data subject is hereby advised to review this Privacy Policy periodically for any changes, which shall be in force and effect on the date on which it is published on Ambassador Auctioneers' website.

10. Communication with Ambassador Auctioneers

- 10.1 All objections, complaints and/or any other communication pertaining to Ambassador Auctioneers' processing of the data subject's personal information, must be send to Ambassador Auctioneers' Information Officer by way of e-mail to info@ambassadorauctions.co.za.

This Privacy Policy is hereby adopted by Ambassador Auctioneers by way of signature at Pretoria on this 9th day of June 2021



G R Bouwmeester
Director & Information Officer



A Bouwmeester
General Manager & Deputy
Information Officer

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of 20.....

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Signature of data subject

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	

Fax number/ E-mail address:	
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C	INFORMATION TO BE CORRECTED / DELETED / DESTROYED
D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p>(Please provide detailed reasons for the request)</p>

Signed at this day of 20.....

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Signature of data subject