



# Data Privacy Notice

Rothschild and Co South Africa Proprietary Limited

01 October 2020

# Contents

---

<b>Contents</b>	<b>2</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. Who we are</b>	<b>4</b>
<b>3. What personal information we collect</b>	<b>5</b>
<b>4. How we use your personal information</b>	<b>6</b>
<b>5. To whom we may disclose your personal information</b>	<b>8</b>
<b>6. How we safeguard your personal information</b>	<b>9</b>
6.1 Transfers of personal information outside of South Africa	9
6.2 Retention of personal information	9
<b>7. Your rights in relation to personal information</b>	<b>11</b>
<b>8. How to contact us</b>	<b>12</b>

---

# 1. Introduction

---

Please read and retain this Privacy Notice to understand how your information will be treated and what your rights are under the data protection legislation. This Privacy Notice may be updated from time to time.

In adopting this Privacy Notice, we wish to balance our legitimate business interests and your reasonable expectation of privacy. Accordingly, we will take appropriate and reasonable technical and organisational steps to prevent unauthorised access to, or disclosure of your personal information.

The South African Protection of Personal Information Act 4 of 2013 (“**the Act**”) gives effect to the constitutional right to privacy by safeguarding personal information and it regulates the manner in which personal information must be processed. We regard the lawful and correct treatment of personal information as important to the achievement of our objectives and the success of our business. We are legally obliged to protect any personal information we hold in relation to our clients, suppliers and other third parties.

This Privacy Notice explains how we obtain, use and disclose your personal information. We are required under the Act to notify you of the information contained in this Privacy Notice. This Privacy Notice sets out:

- Who we are
- What personal information we collect
- How we use your information
- To whom we disclose your information
- How we safeguard your information
- Your rights to access and correction of information
- How to contact us

## 2. Who we are

---

Rothschild and Co South Africa (Pty) Ltd ("**Rothschild & Co SA**") is a South African company within the Rothschild & Co Group ("**the Group**") with its registered address at 7<sup>th</sup> Floor, 144 Oxford, 144 Oxford Road, Rosebank, Johannesburg 2196.

Rothschild & Co SA is regulated in terms of the Financial Advisory and Intermediary Services Act, 2002 ("**FAIS**") by the Financial Sector Conduct Authority as an authorised Financial Services Provider to provide advice under licence number FSP 8435. In terms of FAIS Board Notice 108 of 2012, published in Government Gazette No 35459 dated 21 June 2012, and as extended annually since then, Rothschild & Co SA is currently exempted from compliance with the FAIS Act until 30 June 2021, insofar as FAIS related services are rendered to certain types of clients which can broadly be described as (1) South African banks, (2) South African registered long- and short term insurers, (3) foreign financial services providers who are licensed as such, (4) central banks, (5) asset managers managing assets of over ZAR1billion, and (6) any other person with a net asset value of over ZAR20million, but excluding natural persons, pension funds, medical schemes and friendly societies.

Rothschild & Co of Paris, France, being the controlling entity of the Group, is a French partnership limited by shares (société en commandite par actions) and is listed in Compartment A of the Euronext exchange in Paris, under Paris Trade and Companies Registry number 302 519 228, with its registered office address at 23 bis avenue de Messine, 75008 Paris, France.

When we refer to our "**Associates**" in this Privacy Notice, we are referring to other entities within the Group.

For the purposes of South African data protection legislation (which is, in the main, the Act), Rothschild & Co SA is a "**responsible party**" (the equivalent of a "**data controller**" under European Union law) in respect of your personal information. This means that Rothschild & Co SA is responsible for deciding how we hold and use personal information about you. This includes ensuring that we use your personal information in compliance with data protection law in South Africa and also in accordance with Rothschild & Co Group policies relating to data protection, as amended from time to time. These policies have been drafted in accordance with the overarching law which applies in the European Union ("**the EU**"), i.e. the General Data Protection Regulation, known as the "**GDPR**".

For the purposes of South African data protection legislation, Rothschild & Co SA may, in certain circumstances, be an "**operator**" (the equivalent of a "**data processor**" under the GDPR) in respect of your personal information. This means that Rothschild & Co SA will be processing information for a responsible party in terms of a contract or mandate, and under that responsible party's instruction and authority. For example, when providing financial advisory services of a corporate finance nature, Rothschild & Co SA will be an operator, acting on behalf of a purchaser or seller, in the context of execution of the transaction.

### 3. What personal information we collect

---

“**Personal information**” (or “**personal data**” under the GDPR) includes information relating to an identifiable, living, natural person (and, where applicable, an identifiable, existing juristic person). In essence, this is any information or data that can be used to identify you or that Rothschild & Co SA can link to you and which Rothschild & Co SA has in its possession and/or under its control. It does not include data where the identity has been removed (anonymous data). There are also certain types of more sensitive personal information, referred to as “special personal information” in the Act, which require a higher level of protection, such as information about a person’s health, sexual orientation or criminal convictions.

We will collect and process the following personal information:

- Information that you or someone acting on your behalf provides to us or our Associates. This includes information about you that is given to us by filling in forms or by communicating with us, whether face-to-face, by phone, e-mail or otherwise. If you are a client or are connected with one of our client's matters, this may include personal information about you that is provided to us in connection with the provision of services to that client.
- Information that we collect or generate about you. We will also collect information about you when you use our services or when we otherwise interact or correspond with you. The Group uses various technologies to collect and store information when you visit the Rothschild & Co website. So, we may, for example, collect information about the type of device you use to access the website, your IP address and your geographic location, the operating system and version, your browser type, the content you view and features you access on the website, the web pages and the search terms you enter on our website. For information about how the Group uses Cookies and the choices you may have, you can request a copy of the Group’s Cookies Policy by emailing [dataprotection.southafrica@rothschildandco.com](mailto:dataprotection.southafrica@rothschildandco.com); and
- Information captured on security systems, including Closed Circuit Television (“**CCTV**”).
- If you are a client, or are connected with one of our client's matters, this information may include:
  - Information about you, your transactions, financial information and relationship to others;
  - Data that we collect about your use of the Group’s IT systems;
  - Information for tax reporting (e.g. VAT);
  - Information which is required in order for us to comply with our legal or regulatory obligations or e.g. client due diligence / FICA, insider lists, regulator information requests;
  - Recordings of telephone calls between you and us – if we have a specific legal basis or are required by legal or regulatory obligations to record telephone conversations; and
  - Information which we obtain from other sources: if we collect or receive your personal information in the context of the provision of services, we might receive information from third parties such as your employer, other parties relevant to the services we are providing (e.g. counterparties in transactions) and others such as regulators and other authorities. That information could include your name, contact details, employment details and other information relevant to the services that we are providing to our client.

## 4. How we use your personal information

---

Personal information may be stored and processed by us in the following ways and for the following purposes:

- To provide services, including the processing of instructions and providing advice to clients in accordance with the terms of mandates from our clients, and subsequent invoices and statements which are issued to our clients;
- To verify your identity (including for anti-money laundering and fraud prevention purposes), assess your ability to meet your financial commitments to us, and to manage our relationship with you and/or the client to whom you are connected;
- To contact you in connection with your work with us and the products and services that we provide to you or a client to whom you are connected;
- To perform the contract with you or a client to whom you are connected (including performing our obligations and exercising our rights);
- To engage in marketing and business development activity and to advise you or a client to whom you are connected of other products and services similar to those which you or a client to whom you are connected receive from us and/or our Associates;
- To notify you about any changes to our services;
- To carry out financial risk assessments, risk mitigation activities and for risk reporting and risk management;
- To protect the safety and security of our workforce, guests, property, and assets (including controlling and facilitating access to and monitoring activity on and in our premises);
- To comply with our legal and regulatory obligations. This includes auditing and record-keeping requirements, reporting to the relevant authorities, complying with anti-money laundering obligations and tax reporting obligations;
- To prevent and respond to actual and potential fraud or illegal activities; and/or
- To investigate any complaints or queries you or a client to whom you are connected may have.

Rothschild & Co SA is entitled to use personal information in these ways because:

- Consent - we may (but usually do not) need your consent to use your personal information. You can withdraw your consent by contacting us (see section 8 below);
- Conclusion or performance of a contract - we may need to collect and use your personal information to enter into a contract with you or a client to whom you are connected, or to perform our obligations under a contract with you or a client to whom you are connected;
- Legitimate interest - we may use your personal information for your or our legitimate interests, some examples of which are given above; and/or
- Compliance with law - we may use your personal information as necessary to comply with applicable legislation.

If you fail to provide certain information when requested, e.g. information we need to comply with FICA, we may not be able to perform in terms of the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible

with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so, or, if required, seek your consent.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 5. To whom we may disclose your personal information

---

Rothschild & Co SA may disclose personal information to its Associates in the circumstances described below:

- To provide the services or perform its obligations in connection with your contract or the contract of a client to whom you are connected;
- For the management and administration of the Rothschild & Co SA's business; and/or
- For the management and administration of internal policies and procedures within Rothschild & Co SA or within the Group.

We may also disclose personal information outside of Rothschild & Co SA and its Associates, as follows:

- To third party agents, service providers or contractors who are bound by obligations of confidentiality, and who will only use personal information on Rothschild & Co SA's behalf for the purposes described in this Privacy Notice;
- To third parties relevant to the services outlined in the contract with you or the contract of a client with whom you are connected. This may include, for example, counterparties to transactions, professional advisers, stock exchanges and regulators;
- To a prospective counterparty, for due diligence purposes, if Rothschild & Co SA and/or its Associates are advising you in connection with restructuring or selling any of your businesses or assets or those of a client to whom you are connected (for the avoidance of doubt, personal information would only be transferred in such circumstances to the extent that such a transfer is required for the purposes of due diligence and is subject to appropriate security protections e.g. anonymisation and/or confidentiality restrictions);
- To the extent required by law, regulation or court order, for example if Rothschild & Co SA is under a duty to disclose personal information in order to comply with any legal or regulatory obligation; and
- In order to establish, exercise or defend Rothschild & Co SA's legal rights, for example if Rothschild & Co SA needs to obtain external legal advice or provide personal information in connection with judicial proceedings.

Where personal information is disclosed to our Associates or other third parties, we will take steps to ensure that the personal information is accessed only by those persons who need to do so for the purposes described in this Privacy Notice, and that appropriate security measures are in place to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes; we only permit them to process your personal information for specified purposes and in accordance with our instructions.

Where there are reasonable grounds to believe that your personal information has been accessed or acquired by any unauthorised person, we will notify the Information Regulator and you, unless a public body responsible for detection, prevention or investigation of offences, or the Information Regulator, informs us that notification will impede a criminal investigation by them.



## 6. How we safeguard your personal information

---

We are legally obliged to provide appropriate, reasonable protection for personal information that we hold and to stop unauthorised access and use of personal information. We will, on an ongoing basis, continue to review our security controls and related processes to ensure that your personal information is secure.

Our security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access to and usage of personal information; and
- Investigating and reacting to security incidents.

In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know the information. When we contract with third parties, we impose appropriate and reasonable security, privacy and confidentiality obligations on them to ensure that personal information for which we remain responsible is kept secure.

### 6.1 Transfers of personal information outside of South Africa

Your personal information may be transferred to, and stored at, a destination outside of South Africa. It may also be stored and processed by staff operating outside of South Africa, who work for our Associates or for the Group's third party agents, service providers and/or contractors.

Where we transfer personal information outside of South Africa, we will ensure that it is protected in a manner that is consistent with how personal information is protected by us in South Africa. This may be achieved in one of the following ways:

- The persons to whom we send the information are subject to law, binding corporate rules, or a binding agreement which provide an adequate level of protection; or
- The recipient will have signed a contract based on the GDPR's "model contractual clauses", obliging the recipient to ensure an adequate level of protection for the personal information that they receive.

In other circumstances the law may permit us to transfer personal information outside of South Africa. In all cases, however, we will ensure that any transfer of personal information is compliant with applicable data protection law.

You can obtain further details of the protection given to your personal information when it is transferred outside of South Africa by contacting us in accordance with section 8 below.

### 6.2 Retention of personal information

We will only retain your personal information for as long as necessary to fulfil the purposes for which it was collected, including for the purpose of satisfying any legal, accounting or reporting

requirements. How long we hold personal information for will vary. The retention period is determined by various criteria including:

- The purpose for which we are using it - we will need to keep the information for as long as is necessary for that purpose; and
- Legal obligations - laws or regulation may set a minimum period for which we have to retain personal information.

## 7. Your rights in relation to personal information

---

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

You have a number of legal rights in relation to the personal information that we hold about you. These rights include:

- The right to be informed that we are collecting your personal information;
- The right to obtain information regarding the processing of your personal information and access to the personal information which we hold about you;
- The right to request that we correct, destroy or delete any of your personal information that we have processed in accordance with this Privacy Notice. The personal information that you may request us to correct, destroy or delete is personal information that is inaccurate, irrelevant, excessive, out of date, incomplete or misleading, or which was obtained unlawfully, or that we are no longer authorised to retain. Please note that there may be circumstances where you ask us to erase your personal information but Rothschild & Co SA is legally entitled or obliged to retain it and is therefore entitled to refuse your request;
- The right to object on reasonable grounds, and the right to request that we restrict our processing of your personal information relating to your particular situation, unless the processing is required by law. Again, there may be circumstances where you object to, or ask us restrict, our processing of your personal information but Rothschild & Co SA is legally entitled or obliged to continue processing your personal information and is therefore entitled to refuse your request; However, you may raise an objection if you are of the view that the processing of your personal information is not necessary to pursue your legitimate interests, our legitimate interests or the legitimate interests of a third party to whom the information was supplied;
- Under certain circumstances, the right to object to the processing of your personal information for marketing by Rothschild & Co SA;
- The right to withdraw your consent, although in certain circumstance it may be lawful for Rothschild & Co SA to continue processing your data where it has another legitimate reason (other than consent) for doing so. Rothschild & Co SA is not relying on your consent in order to process your personal data for the purposes and in the manner set out in this Privacy Notice;
- The right to lodge a complaint with the Information Regulator in South Africa if you think that any of your rights have been infringed by us; and
- The right to institute civil proceedings regarding an alleged interference with the protection of your personal information as processed in accordance with this Privacy Notice.

You can exercise your rights by contacting us, in writing, using the details set out in section 8 below. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information, or to exercise any of your other rights.

You can find out more information about your rights by contacting the South African Information Regulator – website: <https://justice.gov.za/inforeg/>

## 8. How to contact us

---

If you would like further information about our processing of your personal information or the exercise of any of the rights referred to above, please address questions, comments and requests to [dataprotection.southafrica@rothschildandco.com](mailto:dataprotection.southafrica@rothschildandco.com) for the attention of the South African Information Officer, who is responsible for overseeing compliance with this Privacy Notice.