

## PRIVACY POLICY

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### INTRODUCTION

This Privacy Policy ("Policy") governs the collection, management and disclosure of personal information that Capital Art Services (Pty) Ltd ("We", "Us" "Our") collects through the Capital Art Website located at <https://capitalart.co/> ("Website"). We respect your rights to responsible management of your personal information under the Protection of Personal Information Act 4 of 2013 ("POPIA") where you are a resident of South Africa and where applicable the General Data Protection Regulation ("GDPR") where you are a resident of the European Union. For the purposes of this Policy and interpreting the applicable provisions to you:

- **Part A** addresses POPIA and is applicable to users living in the Republic of South Africa or who are South African citizens living outside the Republic of South Africa;
- **Part B** addresses GDPR and is applicable to users living in the European Union or European Union citizens living outside of the European Union.
- **Part C** addresses general clauses applicable to all Users

Use of the Website is subject to this Policy. By using the Website, Users ("You", or "Your" may be used interchangeably with "User") signify consent to processing of Personal Information in accordance with this Policy. In the event that the User is providing Personal Information of a minor child, you affirm that You are such child's parent or guardian, and you consent to processing of such information. We may amend this Policy at any time. All amended terms shall be effective immediately upon the posting of the revised Policy and any subsequent activity in relation to the Website shall be governed by such amended terms and conditions of usage. If You do not agree with any term in this Policy, please do not use the Website or submit any personally identifiable information through the Website.

**This Policy was last revised on 24 October 2022**

**Information Officer: Karabo Morule**

**You are advised to regularly visit the Website for any amendments or updates.**

**Enquiries: [hello@capitalart.co](mailto:hello@capitalart.co)**

## 1. GENERAL DEFINITIONS

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In this Policy the following definitions shall apply:

- 1.1. **"Analytics"** shall mean the collection, discovery and interpretation of meaningful observations, occurrences or patterns in User behaviour on the Website or Platform. Analytics do not contain any Personal Information;
- 1.2. **"Capital Art"** means Capital Art Services (Pty) Ltd (Reg No: 2020/820436/07);
- 1.3. **"Guest Users"** means the category of Users who visit the Website for general information but do not have access to the Services;
- 1.4. **"Platform"** means the Platform accessible at <https://capitalart.co/>, owned and operated by Capital Art ("Us, Our, Ourselves, We") and through which the Services are provided;
- 1.5. **"Policy"** means this Privacy Policy;
- 1.6. **"Registered Users"** means the category of Users who have created an account on the Website to access the Services;
- 1.7. **"Services"** means the subscription services which in general facilitates art collection management and value tracking;
- 1.8. **"User/s"** shall collectively refer to both Guest Users and Registered Users who visit and/or transact on the Website;
- 1.9. **"User Data"** shall collectively refer to all data (including Personal Information) provided and/or generated by Users who visit, register and/or transact on the Website or Platform. User Data includes but is not limited to: account details; addresses and collection reports).

## PART A: THE PROTECTION OF PERSONAL INFORMATION ACT

Part A is only applicable to Users who are South African citizens or resident in South Africa

## 1. POPIA DEFINITIONS

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- 1.1. **"Data Subject"** means any natural or juristic person in respect of whom Personal Information relates;
- 1.2. **"Personal Information"** means shall information relating to an identifiable, living, natural person and where it is applicable, to an identifiable, existing juristic person, including but not limited to:
  - a) information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - b) information relating to the education or the medical, financial, criminal or employment history of the person;
  - c) an identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
  - d) the biometric information of the person;
  - e) the personal opinions, views or preferences of the person;
  - f) 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;
  - g) the views or opinions of another individual about the person; and
  - h) 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.
- 1.3. **"POPIA"** means the Protection of Personal Information Act 4 of 2013 together with any regulations, guidance notes and or codes issued by the Regulator.

- 1.4. **“Regulator”** means the South African Information Regulator who is responsible for enforcing data protection principles and POPIA in South Africa. The Regulator may be contacted via [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).
- 1.5. **“Responsible Party”** means the person which alone or in conjunction with others, determines the purpose of and means for processing Personal Information. Capital Art is a Responsible Party for Your Personal Information submitted on the Website.
- 1.6. **“Unique Identifier”** means any identifier that is assigned to a User and is used by Us for purpose of providing You with the Services and which identifies You in relation to Us and other Users.

## 2. PERSONAL INFORMATION

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### 2.1. Consent For Collection And Processing

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By accessing, visiting, transacting on, or otherwise using the Website and or Platform, You agree to the terms and conditions of this Privacy Policy. You expressly consent to the processing of Your Personal Information and Analytics according to this Privacy Policy.

Where You submit the Personal Information of another, You warrant that You have obtained consent from that person to submit their Personal Information to Us.

### 2.2. Purpose For Collection And Processing

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We primarily collect and process Your Personal Information to provide the Website and Platform and deliver the Services You requested from Us by either submitting a query through the Website’s contact-us form or by creating a Registered User account. Our Purpose for collecting Your Personal Information includes:

- To identify You, the User, and Your User account and differentiate You from other Users or Registered Users;
- To assign a Unique Identifier to You to differentiate You from other Users;
- Developing and improving the Website;
- Facilitating direct communication between Us and You, the User;
- To process, bill and collect payment for Your subscription to the Services;
- To provide You with access to the Services;
- To engage in market research, gauge Your satisfaction with the Website and/or Services, and to seek feedback regarding Our relationship with You and/or the quality of Service We have provided;
- To update You on changes to the Website, Platform and / or Services;
- Research and analysis of trends in relation to Our business;
- To anticipate and resolve problems with the Website, Platform and / or Services;
- To comply with Our legal obligations;
- Other purposes as authorised or required by law (e.g. to prevent a threat to life, health or safety, or to enforce Our legal rights); and
- Where required by law, specifically in response to a demand from government authorities where such demand meets the legal requirements.

We expressly acknowledge and undertake to not use any Personal Information for any other purposes without Your consent or as required by law.

## 2.3. Collection: What and How

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The Personal Information We collect will vary depending on whether You are a Registered User or a Guest User:

### Guest Users

#### WHAT:

Guest Users have not created an account on the Website or the Platform and are simply browsing the Website. As a Guest User You may submit a contact-us query through the Website and as such You are required to submit the following Personal Information:

- Your full name;
- Your email address; and
- Your phone number;

Guest Users may also invite-a-friend on the Platform. In order to invite-a-friend we require the following Personal Information:

- Your full name;
- Your friend's full name;
- Your friend's email address

We may also collect other information from Guest Users, such as Your IP address, search terms, and site pages You visit whilst on the Website.

Our Platform uses cookies and similar tracking technologies to better understand Your usage of the Platform, provide Us with insights which are used to develop a better user experience and to remember Your account details. These cookies cannot be used to identify You as an individual user. Cookies are small text files stored by Your browser on Your system. Cookies may be disabled through Your browser.

#### HOW:

We collect Guest Users' Personal Information either directly or indirectly, including, without limitation, by You:

- visiting the Website;
- sending a query through the contact-us form;
- Referring a friend to Us;
- You being referred to Us by a friend; and
- Submitting a comment on a blog post.

### Registered Users

#### WHAT:

In addition to the Personal Information collected from Guest Users, Registered Users submit additional Personal Information in order to subscribe to the Services. When registering an account, You are required to provide the following Personal Information:

- Your full name;
- Your email address;
- Your mobile contact number; and
- Your home country.

# Capital Art

For Registered Users who qualify for a billing discount through our business partners , they may be required to provide a unique identifier that enables them to access the discount.

## HOW:

We collect Registered Users' Personal Information either directly or indirectly, including, without limitation, by You :

- registering a User account;

## 2.4. Accuracy

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You agree that any and all Personal Information that You provide to Us is accurate. In the event that Your Personal Information contains any errors or inaccuracies, You agree to indemnify and hold Us, Our officers, directors, employees, agents, licensors, and members harmless from and against any claims, damages, actions and liabilities including without limitation, loss of profits, direct, indirect, incidental, special, consequential or punitive damages arising out of Our reliance on such Personal Information.

You must also let Us know immediately if You become aware that Your Personal Information has been provided to Us by another person without Your consent or if You did not obtain consent before providing another person's Personal Information to Us.

## 2.5. Processing Of Personal Information

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The processing of Your Personal Information by Us shall include the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, use, dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as blocking, degradation, erasure or destruction of information.

We will only process Your Personal Information, where:

- You have consented to such processing (which You may withdraw at any time by sending an email to [hello@capitalart.co](mailto:hello@capitalart.co)) with the following subject line "withdrawal of consent for processing".
- The processing is necessary to provide the Website, Platform and Services to You in terms of Our contractual relationship with Yourself;
- The processing is necessary for compliance with Our legal obligations; and/or
- The processing is necessary for Our legitimate interests or those of any Third-Party recipients that may receive Your Personal Information - as detailed in the section below.

## 2.6. Further Processing: Who Do We Share Your Personal Information With And Why?

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We do not and will not sell, rent out or trade Your Personal Information. We will only share Your Personal Information to Third-Parties in the manner set out in this Policy and in accordance with POPIA. Note that the term 'share' includes the act of 'disclosing'; 'transferring'; 'sending' or otherwise making Your Personal Information available or accessible to another person or entity.

We make use of third party service providers through whom Your Personal Information is transferred but is not viewable or usable by these third parties. These third parties are as follows:

- ↪ Wordpress for the website and blog to which people leaving comments have their information stored.
- ↪ WP Forms for the contact us and other forms (such as the registration for a discount programme).
- ↪ GitHub for the source code.
- ↪ MongoDB database.
- ↪ Amazon web services.
- ↪ Vercel for the web application.
- ↪ Business partners whose users are being provided with a discount (linked to the verification purposes for billing).
- ↪ Google for the use of various applications.

### 3. YOUR RIGHTS

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You may choose when You wish to provide Your Personal Information to Us. You also have the right to withdraw Your consent. However, if You choose not to provide certain details, or if You withdraw Your consent, Your experience with some, or all of the Website and / or Platform features and / or Services, may be affected. To the extent provided for in law, You have certain rights in respect of Your Personal Information. In particular:

- ↪ **Withdrawal of Consent:** You may withdraw Your consent at any time by sending a written request to [hello@capitalart.co](mailto:hello@capitalart.co). Upon receiving notice that You have revoked Your consent, We will stop using Your Personal Information within a reasonable time, which will vary depending on what information We have collected and for what purpose, and We will send You a confirmation email stating same.
- ↪ **Access or obtain a Copy of Your Personal Information:** You have the right to examine any of Your Personal Information that We collect. Should You wish to examine the Personal Information We hold about You, or obtain a copy thereof, please send Us a written request to: [hello@capitalart.co](mailto:hello@capitalart.co).
- ↪ **Update, Modify, Rectify, Erase:** the Personal Information that We hold on You; and
- ↪ **Object:** to the processing of Your Personal Information or Restrict or stop Us from using any of the Personal Information which We hold on You, including by withdrawing any consent You have previously given to the processing of such information.

You also have the right to request Us to stop contacting You for marketing purposes: when You receive promotional communications from Us, You may indicate a preference to stop receiving further promotional communications from Us and You will have the opportunity to "opt-out" by following the unsubscribe instructions provided in the promotional e-mail You receive or by contacting Us at [hello@capitalart.co](mailto:hello@capitalart.co).

These rights are not absolute, and We therefore reserve the right to refuse any requests in terms of the above-mentioned rights, for any reason permitted under POPIA

In the event that You wish to enforce any of the above rights, You can request this by emailing Us at [hello@capitalart.co](mailto:hello@capitalart.co). Furthermore, You also have the right to lodge a complaint with the South African Information Regulator.

## 4. SECURITY OF INFORMATION

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We are committed to safeguarding and protecting Your Personal Information and will implement and maintain appropriate technical and organisational measures to safeguard any Personal Information provided to Us from accidental or unlawful destruction, loss or alteration, as well as the unauthorised disclosure of, or access to, Personal Information transmitted, stored or otherwise processed. We have various security measures in place to protect the Personal Information We hold from loss and misuse, and from unauthorised access, modification, disclosure and interference - we will review these processes regularly and improve them when required. We will destroy or de-identify Personal Information once We no longer require it for Our business purposes, or as required by law.

**Notwithstanding the above, it is emphasised that even though We have taken significant steps to protect Your Personal Information, You acknowledge and understand that no company, including Ourselves, can fully protect against security risks associated with the processing of Personal Information online.**

## 5. HOW LONG DO WE RETAIN YOUR PERSONAL INFORMATION?

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We retain Personal Information for the period necessary to fulfil the purposes outlined in this Privacy Policy. When determining how long to retain Personal Information, We take into account the necessity of the Personal Information for the provision of the Services, as well as the requirements of other Third-Parties, applicable laws, regulations and legal obligations. We may also retain records to investigate or defend against potential legal claims.

When retention of the Personal Information is no longer necessary, the information will either be deleted or aggregated for Analytics purposes, in which We case We will de-identify Your Personal Information.

In any event, the Personal Information of Guest Users shall not be retained longer than 180 (one hundred and eighty) days.

## 6. CROSS-BORDER TRANSFERS

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We make use of a third party cloud service provider to host the Website and Platform which is based in the Republic of Ireland outside the borders of South Africa. We are therefore required to transfer Your Personal Information beyond the borders of the Republic of South Africa.

You explicitly consent to the transfer of Your Personal Information for processing/storage in a server outside of the Republic of South Africa.

We have appropriately vetted Our third party cloud service provider that it applies a strict level of security safeguards in accordance with industry standards to Personal Information that is transferred from and to its servers.

## PART B: THE GENERAL DATA PROTECTION REGULATION

Part B is only applicable to Users who are European citizens or resident in the European Union.

### 7. GDPR DEFINITIONS

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- 7.1. **"Data Subject"** means the natural person to whom Personal Data relates.
- 7.2. **"Controller"** means the person which alone or jointly with other, determines the purposes and means of processing of Personal Data. We are the Controller for Personal Data submitted by You on or through the Website and / or Platform.
- 7.3. **"GDPR"** means the General Data Protection Regulation 2016/679.
- 7.4. **"Personal Data"** means any information relating to an identified or identifiable natural person, that is, a person who can be identified, directly or indirectly with reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person.
- 7.5. **"Third Party"** means a person other than the Data Subject, Controller, processor and persons who, under the direct authority of the Controller or processor, are authorised to process personal data.

### 8. PERSONAL DATA

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The Personal Data We collect from You or on behalf of You depends on whether You are a Guest User or a Registered User.

#### Guest Users

##### WHAT:

Guest Users have not created an account on the Website or the Platform and are simply browsing the Website. As a Guest User You may submit a contact-us query through the Website and such You are required to submit the following Personal Data:

- Your full name;
- Your email address; and
- Your phone number;

Guest Users may also invite-a-friend on the Platform.. In order to invite-a-friend we require the following Personal Data:

- Your full name;
- Your friend's full name;
- Your friend's email address

We may also collect other data from Guest Users, such as Your IP address, search terms, and site pages You visit whilst on the Website.

Our Platform uses cookies and similar tracking technologies to better understand Your usage of the Platform, provide Us with insights which are used to develop a better user experience and to remember Your account details. These cookies cannot be used to identify You as an individual user. Cookies are small text files stored by Your browser on Your system. Cookies may be disabled through Your browser.



## 9. PROCESSING PERSONAL DATA

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With regard to Article 13 of the GDPR, We process Personal Data on the following basis:

- **Consent:** You have provided Us with clear consent to process Your Personal Data by clicking "I Accept" when presented with this Policy and the Terms of Use.
- **Contract:** The processing of Your Personal Data submitted to become a Registered User is required to provide You with the Services.
- **Legitimate Interest:** Processing of Your Personal Data is necessary for Your legitimate interests which includes responding to Your queries or providing You with the Services.

We process anonymous or aggregated non-Personal Data for a variety of reasons:

- Administer and provide the Website;
- Improve Your browsing experience on the Website;
- Facilitate access to the Services on the Website;
- Provide You with updates or changes to the Website.

## 10. DISCLOSURES

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We may disclose Your Personal Data under the following circumstances:

- When required to do so by the laws of a member of the European Union or under the GDPR itself;
- When required to facilitate legal proceedings or prospective legal proceedings;
- When required to establish, exercise or defend Our legal rights; and
- When required to sell any asset or aspect of Our business whether in part or in whole.

## 11. INTERNATIONAL DATA TRANSFERS

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Our Website, Platform and Services are provided through the use of a trusted third party cloud service provider based in the Republic of Ireland in Europe. Your Personal Data may be transferred outside of the European Union to facilitate access to the Website, Platform and Services.

Additionally, We make use of various cloud based service offerings by Google. In this instance, Your Personal Data submitted through those applications will be transferred to Google's cloud servers before being processed by Us.

## 12. SECURITY OF YOUR PERSONAL DATA

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We make use of trusted third-party cloud service providers for the storage and management of Your Personal Data. Our cloud service provider encrypts all information including Personal Data which is stored in its servers.

In addition to the security safeguards applied by our trusted third-party service provider, We have applied the following additional security safeguards:

- Two factor authentication;
- Mandatory use of strong passwords;
- Restricted sharing with inbuilt permissions which ensure limited access.

## 13. YOUR RIGHTS UNDER GDPR

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The GDPR affords You the following rights in regard to Your Personal Data:

- **Object:** You may object to Us processing Your Personal Data;
- **Delete:** You may request Us to delete Your Personal Data that is under Our control;

- ↪ **Rectify:** You may request Us to rectify any errors in Your Personal Data under Our control;
- ↪ **Restrict:** You may request Us to restrict the use of Your Personal Data under Our control;
- ↪ **Portability:** You may request Us to transfer Your Personal Data; and
- ↪ **Confirm:** You may request Us to confirm what Personal Data We process and why.

Should You wish to exercise any of the abovementioned rights, You may send a written request to [hello@capitalart.co](mailto:hello@capitalart.co). We will provide confirm receipt of Your request as well as advise You on any steps taken by Us to fulfil Your request. While we endeavour to respond as soon as possible, a response may take up to 30 (thirty) days.

Your request to exercise the following rights is subject to further requirements:

- ↪ **Portability & Confirmation:**  
When You instruct Us to either transfer Your Personal Data or to confirm what Personal Data about You We possess, please provide Us with the following:
  - Whether You wish to transfer or confirm Your Personal Data or both;
  - What Personal Data You wish to be transferred or confirmed;
  - What format You require Your Personal Data to be confirmed;
  - Which contact point do You require Us to send Your Personal Data to;
  - What timeframe You require Us to perform the transfer and / or confirmation;
  - Any associated urgency with the request.

We will endeavour to respond to any request as soon as possible, or within the timeframe You have provided, however We will in any event provide You with the requested information within 30 (thirty) days, subject to circumstances beyond Our direct control.

Where You have requested a transfer of Your Personal Data in a format or through a medium that We believe is unsecure or places Your Personal Data at risk, We will first discuss alternatives before performing Your request.

- ↪ **Deleting Your Personal Data:**  
We will delete and destroy all of Your Personal Data upon receiving a request by You to do so. This is subject to the following exceptions:
  - Where We are required to maintain record of Your Personal Data under any national, regional or international law.
  - Where We are required to maintain a record of Your Personal Data to fulfil an agreement We have with You or one of Our third-parties.

In any event, We only retain Your Personal Data for as long as necessary to fulfil the purpose or to comply with Our legal obligations.

Should We be prevented from deleting Your Personal Data, We shall communicate the reason preventing Us from fulfilling Your request.

## 14. FURTHER INFORMATION

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For further information on Your rights under the GDPR or how to exercise them please consult the following source: [\*Individual Rights\*](#) on the Information Commissioners website (UK).

## PART C: GENERAL INFORMATION

## 15. THIRD PARTY WEBSITES

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We may provide links to websites outside of the Capital Art Website, as well as to Third-Party websites. These linked sites are not under Our control, and We cannot accept responsibility for the conduct of companies that may be hyperlinked on the Capital Art Website, from time to time. Before disclosing Your Personal Information on any other website, We encourage You to examine the terms and conditions of the Third-Party and the policy detailing the privacy practices of the Third-Party.

## 16. CONTACT

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If You have any questions about this Privacy Policy or the way in which We handle Your Personal Information / Personal Data, or if You wish to invoke any of Your rights described in this Policy, please contact Us at [hello@capitalart.co](mailto:hello@capitalart.co).

## 17. CHANGES TO THIS POLICY

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We may change this Policy at any time, in which case any amended terms shall be effective immediately upon the posting of the revised Policy and any subsequent activity in relation to the Website, Platform or Services shall be governed by such amended terms. We therefore recommend that You visit this Policy on the Website regularly. If You do not agree with any of Our privacy practices detailed in this Policy, please do not use the Website, Platform or Services.

This Privacy Policy was last updated on 24 October 2022.