



PROTECTION OF PERSONAL INFORMATION ACT PRIVACY NOTICE

1. INTRODUCTION

- 1.1 NAD Property Income Fund (Pty) Ltd and New Africa Developments (Pty) Ltd (including its related and interrelated companies) (“**NAD, we, us, our**”) is a leading developer of retail shopping centres, commercial buildings and industrial buildings.
- 1.2 NAD pioneers ground-breaking retail property developments in South Africa. NAD is instrumental in new market exploration, and this conduit allows tenant offerings to enter unexplored territory, which give isolated communities instant access to convenience goods.
- 1.3 Our strategy is to locate the ideal property within an aligned consumer habitat, before building a shopping mall, catering to the needs of the community. This instils local pride and cements respect into its very foundation. It is the company’s mission to ensure that what shoppers experience is nothing short of world-class. And this starts by creating a sense of belonging.
- 1.4 As part of managing the business and creating value for its various stakeholders, NAD is required, in certain instances, to process personal information. Accordingly, NAD is required to protect the personal information as set out in the Protection of Personal Information Act 4 of 2013, including its Regulations (POPI Act).
- 1.5 This notice constitutes NAD’s policy statement to declare its commitment to comply with the POPI Act. Accordingly, it provides insights on how NAD processes personal information of data subjects as set out in the POPI Act.
- 1.6 NAD shall ensure that personal information is processed within the parameters of the law. This notice must be read in conjunction with the POPI Act and its Regulations, where applicable.
- 1.7 **NAD’s contact details are:**
 - 1.7.1 **Physical Address:** Main Rotor Building, 2180 Theron Street, Lyttelton Manor Ext 8, Centurion, 0157.
 - 1.7.2 **Contact number:** +27 12 662-3411
 - 1.7.3 **Contact email:** info@nad.bz

2. DEFINITIONS

In this Privacy Notice, unless the context indicates to the contrary-

- 2.1 **“Associates”** means its co-owners, subsidiaries, affiliates, partnerships, directors, employees, agents, consultants, subcontractors, sponsors, Service Providers, and/or any other third party;
- 2.2 **“Data Subject”** means the person to whom the Personal Information relates;
- 2.3 **“Information Regulator”** means the information regulator appointed under POPIA;
- 2.4 **“Operator”** means any natural or juristic person that Processes Personal Information on behalf of the Responsible Party;

- 2.5 **“Personal Information”** means any information that identifies a natural or juristic person and includes (without limitation) information relating to the race, gender, pregnancy, marital status, national, ethnic or social origin, colour, physical or mental health, sexual life, trade union membership, religious or philosophical beliefs, any actual or alleged criminal offences, identification number, vehicle registration number, email address, location information, online identifier, telephone number, biometric information, language, birth or name;
- 2.6 **“POPIA”** means the Protection of Personal Information Act, 4 of 2013;
- 2.7 **“Process, Processing or Processed”** means how we collect, use, store, make available, destroy, update, organise, record, structure, disclose or otherwise deal with your Personal Information;
- 2.8 **“Responsible Party”** means the entity that decides how or why the Personal Information is Processed and includes NAD and, where applicable, it’s Associates;
- 2.9 **“Service Provider”** means any third party provider of various services with whom we engage including, but not limited to, accounting or auditing services, legal services, providers of information technology, property management data services, data and hard-copy storage, document management, shredding services, architects, quantity surveyors and/or other professional advisors;
- 2.10 **“Special Personal Information”** means Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, medical history, sexual life or biometric information, any actual or alleged criminal offences; and
- 2.11 **“Website”** means any website operated or maintained by us or on our behalf.

3. INTRODUCTION

- 3.1 We recognise the importance of protecting your privacy in respect of your Personal Information. Accordingly, we are committed to protecting and safeguarding your Personal Information.
- 3.2 Please read this Privacy Notice to carefully to understand how your Personal Information will be treated by us and our Associates.
- 3.3 **By providing us with your Personal Information, you-**
- 3.3.1 agree to this Privacy Notice and authorise NAD and our Associates to Process your Personal Information as set out in this Privacy Notice; and
- 3.3.2 authorise NAD and our Associates to Process your Personal Information for the purposes stated in this Privacy Notice.

4. PERSONAL INFORMATION WE MAY COLLECT ABOUT YOU

We may collect and Process the following Personal Information we receive about you-

- 4.1 directly from you;
- 4.2 in the course of our business relationship with you or your organisation;
- 4.3 from credit bureaux;
- 4.4 in the course of entering into an agreement with you or your organisation;
- 4.5 where your Personal Information is made publicly available;
- 4.6 when you visit and/or interact with our Websites, applications, Wi-fi captive portal and/or our various social media platforms (collectively referred to as our "Sites");
- 4.7 when you enter or participate in any of our promotions, competitions and/or surveys;
- 4.8 from our sponsors;
- 4.9 when you apply for a job with us;
- 4.10 when you attend any of our events or functions;
- 4.11 when you register to receive newsletters, events and/or updates about us or our shopping centres;
- 4.12 when you interact with any third party content or advertising on our Sites;
- 4.13 when you visit our shopping centres and/or offices;
- 4.14 through video surveillance or CCTV footage;
- 4.15 through sensor technology;
- 4.16 to detect and prevent fraud.

5. CATEGORIES OF PERSONAL INFORMATION WE MAY PROCESS

We may Process the following categories of Personal Information about you-

- 5.1 personal and basic data: name and surname, gender, title, organisation, photograph and interests;
- 5.2 demographic information: gender, date of birth, age, nationality, language preferences, shopping trends and preferences;
- 5.3 identifier information: passport or identity number, utility provider details, bank statements and vehicle registration number;
- 5.4 contact details: correspondence address, postal address, physical address telephone number, email address and details of your public social media profile/s;
- 5.5 business dealings and transaction data: details of natural or juristic persons that enter into lease agreements, service level agreements or other commercial agreements with us including all Personal Information included in leasing applications, credit checks, correspondences, documents, agreements or other records that we process in the course of our business relationship with you;

- 5.6 attendance records: details of meetings, events, functions organised by or on behalf of us that you have attended;
- 5.7 consent records: records of any consents you may have given us, together with the date and time, means of consent and related information;
- 5.8 data relating to your visits to our Sites: including device type, Cookies, unique device identifier (UDID), operating system, browser type, browser settings, Computer Internet Protocol (IP) address, language settings, dates and times of connecting to our Sites, location information, posting a review, rating or comment on our Sites;
- 5.9 personal preference data: including how often you enter upon our shopping centres, an assessment of your personal shopping preferences, and understanding your interests, choice of brand products and consumer behaviour, create your customer profile and to enhance our services to you;
- 5.10 content and advertising data: records of your interactions with our online advertising and content;
- 5.11 sensor data: records from sensors capturing signals automatically emitted from mobile devices when entering our shopping centres;
- 5.12 marketing data: data about individual participation in (without limitation) events, functions, competitions and/or surveys;
- 5.13 security data: video surveillance and CCTV footage;
- 5.14 legal requirements: Processing of Personal Information where it is permitted in accordance with applicable law;
- 5.15 job application data: Personal Information provided by job applicants or others in connection with employment opportunities, which may be subject to an additional relevant recruitment privacy policy;
- 5.16 financial records: annual turnover of natural or juristic person in occupation of premises in our shopping centres; credit checks and assessment of credit worthiness and where applicable, debit orders;
- 5.17 payment details: billing address, payment method, credit card details, bank account number, invoice records, payment records, payment amount, payment date and records of electronic funds transfer payments.

6. PROCESSING OF SPECIAL PERSONAL INFORMATION

We may Process your Special Personal Information if the Processing is permitted in accordance with applicable law, for a legitimate purpose, in the ordinary course of our business or where the natural or juristic person has consented to the Processing of the Personal Information.

7. PROCESSING OF PERSONAL INFORMATION OF MINORS

Where we need to Process the Personal Information of children, we will do so for a legitimate purpose, in accordance with all applicable law and with the consent of the parent or guardian of the child.

8. USE AND PURPOSE OF PROCESSING YOUR PERSONAL INFORMATION

We will use and process your Personal Information in the ordinary course of our business and for purposes of leasing premises, in the managing and operating of our shopping centres, commercial properties or industrial properties, and will collect, use disclose or Process your Personal Information in accordance with this Privacy Notice and for the purpose for which it was originally and primarily intended. We may also use your information for other purposes, and will only do this in accordance with applicable law or if the other purpose is compatible with the original purpose. We may Process your Personal Information for, without limitation, the following purposes-

- 8.1. operating our business and managing and leasing premises in our shopping centres, commercial properties and/or industrial properties;
- 8.2 to manage and administer our client and customer relationships;
- 8.3 compliance with applicable law and fraud prevention;
- 8.4 transfer of information to our Service Providers and other third parties;
- 8.5 analysis, evaluation, review and collation of information in order to assess your individual requirements; to understand your interests and behaviour so that we can provide you with more effective communication and services; enhance our performance, carry out statistical and other analyses to identify potential markets and trends and evaluate and improve our business;
- 8.6 inform you about and to hold promotions, events, functions and/or competitions in our shopping centres;
- 8.7 inform you about new tenants taking occupation in our shopping centres;
- 8.8 verify your identity;
- 8.9 carry out credit checks and affordability assessments;
- 8.10 meet and comply with our obligations with you under any agreement;
- 8.11 for purposes of account management and financial management;
- 8.12 to maintain our relationship with you and our Service Providers;
- 8.13 to process payments for purchases;
- 8.14 to help us better understand and improve your customer experience we may capture signals through sensors automatically emitted from a Data Subject's mobile device;
- 8.15 to display targeted advertisements, products, brands, content and features and/or offers that match your customer profile and/or notify you of Products that we consider will be of interest to you;

- 8.16 keep track of your activity patterns and preferences in order to improve the level of service you receive, and to determine the effectiveness of our advertisements, promotions or events and personalising and improving our Sites;
- 8.17 inform you of Products, services experiences, events brands and/or promotions which we consider will be of interest to you where you have indicated that you wish to be contacted for such purposes by email, SMS, cellular phone, telephone, through our Sites or via social media platforms and/or any other means of electronic communication;
- 8.18 send you push notifications;
- 8.19 interact with you on social media platforms; social media tracking pixels that allow platforms such as Facebook and Twitter to interact with the NAD website and give feedback on the Data subject's actions;
- 8.20 request feedback from you;
- 8.21 respond to your emails, queries, questions, comments, requests and/or complaints;
- 8.22 send you surveys, updates, security alerts, support and/or administrative messages and/or facilitate your use of, and our administration and operations of our Sites;
- 8.23 for safety and security purposes;
- 8.24 address any compliance, legal and regulatory purposes.

9. DISCLOSURE OF YOUR PERSONAL INFORMATION

- 9.1 We may disclose your Personal Information to our Associates and Service Providers for legitimate business purposes, in accordance with applicable South African law.
- 9.2 We require our Associates and Service Providers to take appropriate, reasonable technical and organisational measures to safeguard your Personal Information and to keep it secure, and Service Providers may not use or disclose your Personal Information for any purpose other than for which it was originally or primarily intended or for purposes of providing services to us on our behalf.
- 9.3 We may disclose your Personal Information-
 - 9.3.1 To legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;
 - 9.3.2 to our professional advisors;
 - 9.3.3 to third parties in an aggregated or anonymous form that does not identify you in any way;
 - 9.3.4 to our sponsors, if you enter into or participate in any competition, promotion, function or event which is sponsored by a sponsor;
 - 9.3.5 to a credit bureaux and to attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of commercial agreements or where it

is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or the establishment, exercise or defence of legal rights;

- 9.3.6 to third parties where you have consented to such disclosure;
- 9.3.7 to meet tax reporting requirements;
- 9.3.8 for payment processing to service providers, merchants, banks and other persons that assist with the processing of your payment instructions;
- 9.3.9 to our insurers and brokers;
- 9.3.10 to Operators (including, but not limited to, data hosting services, document management technology and property management technology);
- 9.3.11 to business rescue practitioners or liquidators in the event that your business is placed under business rescue or is liquidated;
- 9.3.12 where it is mandatory in terms of applicable law, to comply with a court order, subpoena or other legal process, to comply with a request from our regulators, governmental request or other legally enforceable demand.

10. HOW WE WILL KEEP YOUR PERSONAL INFORMATION SAFE

- 10.1 We will endeavour to protect your Personal Information and we will only use your Personal Information in accordance with this Privacy Notice and applicable law. Accordingly, we will take appropriate and reasonable technical and organisational steps to protect your Personal Information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure and/or loss, unauthorised access, use, in accordance with applicable law.
- 10.2 Due to the inherent nature of the internet as an open global system, we cannot guarantee that any information, during transmission or while stored on our information technology platforms will be absolutely safe from the intrusion of others. We cannot accept responsibility or liability for any unauthorised access or loss of Personal Information.
- 10.3 You have an important role to play in the protection of your Personal Information. You should not share your username, password or other authentication data provided to you with anyone, and we recommend that you do not re-use passwords across more than one Website or application.

11. WHAT ARE THE CONSEQUENCES OF YOU NOT PROVIDING YOUR PERSONAL INFORMATION TO US

You are required to provide your Personal Information as contemplated in this Privacy Notice. If you do not provide us with your Personal Information, you may not be able to use our Sites, we may not be able to respond to your emails, requests or enquiries, nor may we be able to

enter into a business relationship with you, nor may you be able to participate in any competition, nor may we provide you with marketing that we believe you would find valuable.

12. DATA ACCURACY

The Personal Information that you provide to us should be accurate, complete and up-to-date. Should your Personal Information change, the onus is on you to notify us of the change and to provide us with the accurate information.

13. DATA RETENTION

13.1 NAD will always keep the Personal information of a Data Subject for the period required by law and where it needs to do so in connection with legal action or an investigation in which it is involved.

13.2 Otherwise, NAD will keep Personal information of a Data subject:

13.2.1 for as long as needed to provide the Data subject with access to services he has requested;

13.2.2 where the Data subject has contacted NAD with a question or request, for as long as necessary to allow NAD to respond to the question or request and as required by law.

14. MARKETING DATA

You have control regarding our use of your Personal Information for marketing purposes. For all direct marketing, you will need to give your express consent to us before you will receive marketing from us. If you give your consent to receive such marketing, you may unsubscribe or opt-out from such marketing at any time by following the opt-out process set out in any marketing communication received from us.

15. COOKIES

15.1 The NAD website uses various technologies, such as cookies, web beacons and other tracking devices (collectively referred to as "cookies") which allow the website to recognise and respond to the Data subject as an individual. The Data subject can elect to accept or decline cookies.

15.2 If a Data subject elects to decline cookies, not all elements of the website may function as intended, so his website experience may be affected.

16. ACCESS TO YOUR PERSONAL INFORMATION

- 16.1 You may request access to any of your Personal Information that is held by us at any time and for any purpose, including to request us to rectify, erase and restrict our use of your Personal Information. Furthermore, you may have the right to object to us Processing your Personal Information and to withdraw your consent to our use of your Personal Information.
- 16.2 Details of your legal rights can be found on the Information Regulator's website at www.justice.gov.za/infoereg.

The details of the Information Regulator are:

Physical: 33 Hoofd Street, Forum III, 3rd Avenue, Braampark;

Postal: P O Box 31533, Braamfontein, Johannesburg, 2017;

Email Enquiries: inforreg@justice.gov.za

- 16.3 You also have the right to lodge a complaint to the Information Regulator at the following email address: complaints.IR@justice.gov.za

17. NAD'S RIGHT TO CHANGE AND UPDATE ITS PRIVACY POLICY

Please note that we may update this Privacy Notice from time to time by posting the latest version on our Sites, so please ensure that you refer to it periodically.

18. GOVERNING LAW

To the maximum extent possible, South African law applies to this Privacy Notice.

If any provision of this Privacy Notice is found to be illegal, void or unenforceable due to applicable law or by order of a court of a competent jurisdiction it shall be deemed deleted and the continuation in full force and effect of the remainder of the provisions will not be prejudiced.