Echo SP SA (Pty) Ltd

Privacy Policy

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echo south africa

interconnecting business, anywhere

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1. Introduction and Purpose

1.1. By engaging with Echo and its Personnel, either orally or in writing, for the provision of Products and Services, and/or otherwise by using Echo's Products, Services and/or Sites, we may be required to Process certain Personal Information belonging to you as the Data Subject.

1.2. The purpose of this Policy is to inform you, as the Data Subject, about how Echo Processes Personal Information and your rights in this regard.

1.3. We understand the importance of protecting your Personal Information and are committed to protecting your right to privacy. In this regard, we shall observe and comply with our obligations under POPIA.

1.4. This Policy will apply to Personal Information collected directly from you as a Data Subject, as well as Personal Information collected by us indirectly through our affiliates, subcontractors, agents, and/or service providers who collect your information on our behalf.

1.5. This Policy does not apply to links to third-party websites, plug-ins and applications; the information practices of Third Parties who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals whom Echo does not manage or employ. Echo does not control these third-party websites and is not responsible for their privacy statements/policies.

1.6. Where Echo Processes Personal Information on behalf of its customers in providing its Services the customer is the Responsible Party for that information, and the customer's own privacy policy applies. In such cases, Echo acts as an Operator and Processes the information only in accordance with the customer's instructions and its agreement with the customer.

1.7. Kindly read this Policy carefully, as it will assist you in making informed decisions about sharing your Personal Information with us.

1.8. **BY USING OUR SERVICES OR PRODUCTS, ACCESSING OUR SITES, OR OTHERWISE ENGAGING WITH ECHO, YOU ACKNOWLEDGE THAT YOUR PERSONAL INFORMATION MAY BE PROCESSED IN ACCORDANCE WITH THIS POLICY AND APPLICABLE LAW.**

2. Definitions

2.1. For the purposes of this Policy, the terms and definitions provided in the applicable stated below shall, unless the context indicates otherwise, bear the following meanings:

2.1.1. "**Child**" means any natural person under the age of 18 (eighteen) years;

2.1.2. "**Consent**" means any voluntary, specific and informed expression agreeing to the processing of personal information;

2.1.3. "**Data Breach**" means an incident which leads to the intentional, unintentional or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of Echo;

2.1.4. "**Data Subject**" has the meaning ascribed thereto under POPIA;

2.1.5. "**Direct Marketing**" means to approach a person, either in person or by mail or electronic communication, for the direct or indirect purpose of (a) promoting or offering to supply, in the

ordinary course of business, any goods or services to the person; or (b) requesting the person to make a donation of any kind for any reason;

2.1.6. "**Echo**" means Echo SP SA (Pty) Ltd, with registration number 2018/103951/07 trading as Echo Service Provider™.

2.1.7. "**Operator**" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;

2.1.8. "**Personal Information**" has the meaning ascribed thereto under POPIA;

2.1.9. "**Personnel**" means any employee (part-time or full-time) and/or director of Echo.

2.1.10. "**Policy**" means this Privacy Policy as may be updated by Echo from time-to-time;

2.1.11. "**POPIA**" means the Protection of Personal Information Act No. 4 of 2013 including any regulation thereto as amended;

2.1.12. "**Processing**" and/or "**Process**" has the meaning ascribed thereto under POPIA;

2.1.13. "**Products**" means any goods or products sold/rented, or to be sold/rented, by Echo directly or through its agents, affiliates and/or subcontractors;

2.1.14. "**Record**" has the meaning ascribed thereto under POPIA;

2.1.15. "**Regulator**" means the Information Regulator established in terms of the POPIA;

2.1.16. "**Responsible Party**" means a public or private body or any other person which alone or in conjunction with others determines the purpose of and means for Processing Personal Information;

2.1.17. "**Services**" means any services provisioned and/or to be provisioned either by Echo directly or through its agents, affiliates and/or subcontractors including, without limitation, connectivity, cloud, network security, IOT, voice, IAAS, hosting, VPN, hosting, VDC and/or management services;

2.1.18. "**Sites**" websites, social media sites, applications, customer portals, emails, surveys, sales, marketing or events and any related services

2.1.19. "**Special Personal Information**" means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and

2.1.20. "**Third Party/ies**" means any independent contractor, supplier, sub-contractor, agent, consultant, or otherwise any representative of Echo.

3. The Data and Information we Collect

3.1. Through your engagements/use of our Site, Services or Products, we may (where applicable) be required to collect the following Personal Information from you: -

Identity information	For example, your name and surname, identity documents/number, company details, job title, company registration, title, incorporation/registration documents etc.
Contact information	For example, physical address, mailing address, e-mail address, registered addresses, telephone numbers etc.
Transactional information	For example, log-in and account access information, details about service orders and payments to and from you and other details of products and services you purchase from us.
Financial information	For example, bank account information, VAT registration number, tax reference numbers etc.
Technical information	For example, IP address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access the website or customer portal.
Profile information	For example, your username and password, purchases or orders made by you, preferences, feedback and survey responses.
Usage data	For example, the number and frequency of users to each web page, how visitors and subscribers use and navigate websites as well as how long you use our website.
Marketing and Communications Data	For example, your preferences in receiving marketing from Echo and Echo's suppliers or third parties as well as your communication preferences (which will only be collected if consented to).

3.2. We do not collect any Special Personal Information without the Data Subject's consent.

3.3. You may choose not to provide Personal Information to us when requested. However, if the Personal Information is required by law, or otherwise is necessary for us to provide you with our Products and Services, or for you to access our Sites, you may be unable to access our Sites and/or we may be unable to provide our Products and Services to you.

4. How we Collect your Personal Data/Information

4.1. We may collect your Personal Information in the following ways:

Interactions with us.	When you communicate with us, verbally or in writing, or when we communicate with you, you may be required to provide us with your Personal Information for instance, without limitation, when you fill in forms; apply for our products or services or request a quotation for services; register for workshops or seminars; consent to feasibility studies being conducted; request information using contact forms; subscribe to our publications; request marketing information to be sent to you; log support requests; contact our support desk; subscribe to our mailing lists; give us feedback or contact us; and/or apply for a job with us.

Automated technologies	When you use, or interact with our Sites and customer portal, we may collect Personal Information and technical data about you through use of cookies and similar technologies. In this regard, we may automatically collect technical data about your equipment, browsing actions and patterns, using cookies, server logs and/or other similar technologies.
From third party sources.	We may obtain Personal Information about you from third parties or other lawful sources where reasonably necessary for legitimate business purposes, including from customers, resellers, recruitment agents, publicly available records, credit vetting agencies, subcontractors, or service providers involved in the provisioning of Products and Services. Echo will only Process such Personal Information for a lawful and legitimate purpose and in accordance with POPIA.

4.2. We will only collect Personal Information directly from you as the Data Subject, unless: -

- the information is contained in or derived from a public record or has deliberately been made public by the you;
- you or a competent person (where the Data Subject is a child) has consented to the collection of the Personal Information from another source;
- collection of the Personal Information from another source would not prejudice your legitimate interests;
- collection of the Personal Information from another source is necessary to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences; to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue, as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997); for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; in the interests of national security; or to maintain the legitimate interests of Echo as Responsible Party or of a third party to whom the Personal Information is supplied;
- same would prejudice a lawful purpose of the collection; or
- same is not reasonably practicable in the circumstances of the particular case.

5. Purpose for Processing your Personal Information

5.1. Echo will only collect and use Personal Information to carry out its day-to-day business operations and discharge its obligations pursuant to the provisioning of any Services and/or Products. Most commonly, we may Process Personal Information of a Data Subject to, including but not limited to:

- onboard customers, partners, referral agents, and/or resellers;
- process and verify requests for Products and Services and to compile quotations and proposals, or otherwise for purposes for which you specifically provide the information;
- prepare and conclude service agreements and orders for Products and Services;

- improve your experience on our website;
- monitor the use of Echo's electronic systems and online platforms by customers;
- respond to your queries, concerns and/or complaints;
- carry out desktop/on-site feasibility studies, installations and/or maintenance of Services;
- perform Services and deliver Products to you;
- perform administrative and business functions and internal reporting/auditing;
- carry out functions in connection with external audits;
- update our records and keep contact details up to date;
- recruit staff (including, carrying out background checks and processes for vetting of job applicants);
- carry out credit checks which may be carried out by an external credit vetting agency;
- carry out debt collections or legal processes;
- contact you for Direct Marketing purposes subject to the provisions of paragraph 11 below;
- discover and investigate non-compliance with this Policy and other Echo policies, and investigating fraud, or other related matters;
- carry out any other functions that the Data Subject may consent to; and/or
- enforce our legal rights and fulfil legal and contractual obligations.

5.2. Echo will only Process Personal Information of a Data Subject for specific, lawful and clear purposes and will ensure that the Data Subject is made aware of such purposes as far as is reasonably possible.

5.3. We may store your Personal Information in hardcopy format and/or in electronic format using Echo's secure internal systems and servers, as well as reputable third-party hosted or cloud-based technology platforms engaged to support Echo's business operations, customer management, document retention, and service delivery, including, from time to time, Microsoft 365 environments, Soliditech-hosted customer management systems, or such equivalent systems as may be implemented or replaced in the ordinary course of Echo's business.

6. Lawful Processing and Safe Keeping of Personal Information

6.1. Where Echo is the Responsible Party, it will only Process the Personal Information of a Data Subject if:

- The requisite consent of the Data Subject is obtained;
- Processing is necessary to carry out the actions for the conclusion of a contract to which a Data Subject is a party;
- Processing complies with an obligation imposed on Echo by law;

- Processing protects a legitimate interest of the Data Subject; or
- Processing is necessary for pursuing the legitimate interests of Echo or of a third party to whom the said information is supplied

6.2. Echo is committed to protecting the Data Subject's Personal Information and will strive to take steps to prevent the accidental or unlawful destruction, loss, alteration, unauthorised access, or disclosure of the said Personal Information.

6.3. Although we cannot guarantee the absolute security of Personal Information, we shall take all reasonable steps or measures to ensure the security, integrity and confidentiality of Personal Information in our possession or under our control through the implementation of appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information. To achieve this, we shall implement measures to: -

- identify all reasonably foreseeable internal and external risks to Personal Information it its possession or under our control;
- establish and maintain appropriate safeguards against the risks identified;
- regularly verify that the safeguards are effectively implemented; and
- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

6.4. We shall have due regard to generally accepted information security practices and procedures which may apply to us generally or be required in terms of specific industry or professional rules and regulations.

6.5. Kindly be advised that internet communications are inherently unsecure unless they have been encrypted and/or appropriate security safeguards have been implemented. As a result, Echo is not liable for any interception or loss of Personal Information beyond Echo's reasonable control.

7. Children's Privacy

Kindly note that the Sites, Services and Products are not intended for children and we do not knowingly collect any data or information relating to children under the age of 18.

8. Disclosure of Personal Information to Third-Party Vendors/Suppliers

8.1. Echo's Third-Party service providers, including data storage and processing providers, may have access to a Data Subject's Personal Information from time to time in connection with purposes for which the Personal Information was initially collected to be Processed. The said Third Parties do not use or have access to your Personal Information other than for purposes specified by Echo.

8.2. Echo may disclose Personal Information to certain Third Parties for the purposes of provisioning Products or Services to its customers/the Data Subject or otherwise those listed under clause 5 above, for example, service providers may be used, inter alia, for sub-contracting of services, data storage, debt collections, insurance purposes, external compliance organisations, auditing processes, to notify Data Subjects of any important information pertaining to Echo etc. In this regard, Echo will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of POPIA.

8.3. Echo will only disclose Personal Information with the consent of the Data Subject or if Echo is permitted to do so without such consent, in accordance with the provisions of POPIA.

9. Transborder Flows of Personal Information

9.1. Your Personal Information may be Processed in South Africa or another country where Echo, its affiliates and Third-Party service providers maintain servers and facilities. Echo may be required to send your Personal Information to Third Parties situated in foreign jurisdictions (such as foreign suppliers) or otherwise store your Personal Information using Third Party services which are hosted in foreign jurisdictions, pursuant to the purposes stated in clause 5 above. In this regard, Echo shall only do so if: -

- it has obtained your consent as the Data Subject;
- the recipient Third Party is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection which effectively upholds the 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, includes provisions that are substantially similar to those contained in section 72 of POPIA, relating to the further transfer of Personal Information from the recipient to third parties who are in a foreign country;
- the transfer is necessary for the performance of a contract between you and Echo, or for the implementation of pre-contractual measures taken in response to your request;
- the transfer is necessary for the conclusion or performance of a contract concluded between Echo and a third party in your interest; or
- the transfer is for your benefit, and it is not reasonably practicable to obtain your consent, and if it were reasonably practicable to obtain such consent, you would be likely to give such consent.

10. Your Rights

10.1. Echo recognises and gives effect to the rights afforded to Data Subjects under POPIA, including, without limitation, the right:

- to be notified that Personal Information about you is being collected and processed in accordance with section 18 of POPIA;
- to be notified, where required by law, that your Personal Information has been accessed or acquired by an unauthorised person in accordance with section 22 of POPIA;
- to request confirmation as to whether Echo holds Personal Information relating to you and to request access to such Personal Information, including information regarding third parties or categories of third parties who have had access thereto, in accordance with section 23 of POPIA;
- to request the correction, destruction or deletion of Personal Information relating to you that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained, in accordance with section 24 of POPIA;
- to object, on reasonable grounds relating to your particular situation, to the processing of your Personal Information where such processing is not required by law, in accordance with section 11(3) of POPIA;

- to object at any time to the processing of your Personal Information for purposes of direct marketing;
- not to have your Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications except as permitted by POPIA;
- not to be subject, under certain circumstances, to a decision based solely on the automated processing of your Personal Information intended to provide a profile of you;
- to submit a complaint to the Information Regulator regarding an alleged interference with the protection of your Personal Information; and
- to institute civil proceedings in relation to any alleged interference with the protection of your Personal Information.

11. Direct Marketing

11.1. To the extent that Echo carries out Direct Marketing, it shall comply with its obligations under POPIA in relation to Direct Marketing. In this regard, Echo shall only Process your Personal Information for Direct Marketing purposes if you have provided us with your consent or are an existing customer and: -

11.1.1. we obtained your contact details in the context of the sale of a product or service;

11.1.2. the Processing is carried out for the purpose of direct marketing of our own similar products or services; and

11.1.3. you have been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of your details 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 you had not initially refused such use.

11.2. If you do not wish for us to send any further Direct Marketing material to you, you may opt out from receiving any further Direct Marketing by responding to the communications, or emailing us at privacy@echosp.co.za

12. Retention of Personal Information

12.1. We will only retain your Personal Information for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.

12.2. We may retain your Personal Information for a longer period where:

- retention of the Record is required or authorized by law;
- we require the Record to fulfil our lawful functions or activities;
- retention of the Record is required by a contract;
- you have consented to us retaining the Record; or

- the Record is required for historical, research or statistical purposes, provided that we have implemented safeguards to prevent use for any other purpose.

12.3. Echo's retention periods for each category of Record are set out in its Archive and Record Management Policy. Details of the retention period that applies to your Personal Information are available from the Information Officer on request.

13. Further Processing of Personal Information

13.1. Further Processing of Personal Information by Echo will be in accordance or compatible with the purpose for which it was originally collected in accordance with POPIA.

13.2. Further processing of Personal Information is compatible with the purpose of collection if: –

13.2.1. you, as the Data Subject or a competent person (where the Data Subject is a child) have consented to the further processing of the Personal Information;

13.2.2. the information is available in or derived from a public record or has deliberately been made public by the Data Subject;

13.2.3. further processing is necessary to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences; to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service At, 1997 (Act No. 34 of 1997); for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or in the interests of national security; or

13.2.4. the further processing of the information is necessary to prevent or mitigate a serious and imminent threat to public health or public safety; or the life or health of the Data Subject or another individual;

13.2.5. the information is used for historical, statistical or research purposes and Echo is able to ensure that the further processing is carried out solely for such purposes and will not be published in an identifiable form; or

13.2.6. the further processing of the Personal Information is in accordance with an exemption granted by the Information Regulator.

14. Deletion of, Access to, and Updates to Personal Information

14.1. You may, in the prescribed manner, request Echo to: –

14.1.1. correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

14.1.2. destroy or delete a Record of Personal Information about the Data Subject which Echo is no longer authorised to retain in accordance with POPIA.

14.2. Kindly send requests for correction or deletion using Form 2, and objections to Processing using Form 1, prescribed under the Regulations relating to the Protection of Personal Information, 2018 (available at https://inforegulator.org.za/popia-forms/), by email to privacy@echosp.co.za.

14.3. Echo will destroy or delete a Record of Personal Information or de-identify it as soon as reasonably practicable after Echo is no longer authorised to retain the Record. The destruction or deletion of a Record of Personal Information will be done in a manner that prevents its reconstruction in an intelligible form.

14.4. Echo will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed. However, you are required to notify us immediately where the information you have provided us with is outdated or incorrect.

15. Cookies

15.1. Echo may use cookies which are packets of data that a website receives and saves on a computer/mobile device when a person visits the website. Cookies enable the website to record the website user's actions and preferences so that the said user does not need to re-enter the details whenever he/she/they reuses the website or a specific page thereof. Users can manage their cookie preferences through their browser settings.

15.2. It is not necessary for cookies to be enabled, however, enabling them will provide the user with a better browsing experience.

15.3. You are able to delete or block cookies through you web browser settings, however this may prevent certain features from working on the website. The Help function within your browser should tell you how to restrict or block cookies.

15.4. We may use cookies to enable certain functions of our services and to provide analytics and we may be required to collect, store and use this information in order to compile non-personal statistical information about browsing habits, click-patterns and access to Echo's online services.

16. Consent

Where Echo is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw their consent or may object to Echo's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA. Such withdrawal of consent will impact Echo's ability to render further Services.

17. Data Breach and Notification

17.1. Where Echo is the Responsible Party, it will address any Data Breach in accordance with the terms of POPIA. In this regard Echo will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

17.2. Echo will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

17.3. The notification shall contain: -

17.3.1. a description of the possible consequences of the security compromise;

17.3.2. a description of the measures that Echo intends to take or has taken to address the security compromise;

17.3.3. a recommendation with regard to the measures to be taken by the Data Subject to mitigate the possible adverse effects of the security compromise; and

17.3.4. if known to Echo, the identity of the unauthorised person who may have accessed or acquired the Personal Information.

17.4. Where Echo acts as an Operator, it will notify the relevant Responsible Party immediately of a Data Breach where there are reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

18. Access to Information

18.1. A Data Subject, having provided adequate proof of identity, has the right to (a) request Echo to confirm, free of charge, whether or not Echo holds Personal Information about the Data Subject and (b) request from Echo the Record, or a description of the Personal Information about the Data Subject held by Echo, including information about the identity of all 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.

18.2. Should you require any access to your information in our possession, you may do so in accordance with the PAIA manual located on our website at www.echosp.co.za

19. Precedence

This Policy, including any revisions of this Policy, shall supersede all previous understandings, agreements, processes, provisions, rules or policies pertaining to the subject matter hereof.

20. Policy Review and updates

20.1. Echo reserves the right to review and amend this Policy from time to time in its sole discretion in order to align with evolving business needs, industry standards, operational requirements, or applicable legal and regulatory obligations.

20.2. Any revised version of this Policy will be published on Echo's website at www.echosp.co.za and will become effective upon such publication. We encourage you to review this Policy periodically to remain informed of our privacy practices.

21. Contact Us

21.1. If you have any questions about how your personal data is handled by Echo, you have a privacy concern, or you wish to make a request or a complaint relating to your Personal Information, please send an email to privacy@echosp.co.za.

21.2. You have the right to lodge a complaint with the Information Regulator of South Africa in relation to any alleged infringement of your rights under POPIA. The Information Regulator's contact details are: Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191; P.O. Box 31533, Braamfontein, Johannesburg, 2017; telephone 010 023 5200; email enquiries@inforegulator.org.za; website www.inforegulator.org.za, where complaint forms are available. We would, however, appreciate the opportunity to address your concerns directly before you approach the Information Regulator and encourage you to contact us in the first instance.

Our details are as follows: -

Registered Name:	Echo SP SA (Pty) Ltd
Registration Number:	2018/103951/07
Trading Name:	Echo Service Provider

Registered Address:	1st Floor, Building B, Monte Circle, 178 Montecasino Boulevard, Sandton, 2191		
Information Officer:	Grant Thom	**Privacy Administration:**	Don Linklater
Contact No.:	(087) 310 1700		
Email:	privacy@echosp.co.za		