

DATA PROTECTION & PRIVACY POLICY

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Introduction

At PROTOUCH AFRICA (“PROTOUCH AFRICA”) we know your privacy is a serious matter. We strive to ensure that our use of your personal data is lawful and reasonable, with the ultimate goal of improving our services and your viewing experience.

This Privacy Policy describes how your personal data is processed at PROTOUCH AFRICA when you use our websites, applications (including the PROTOUCH AFRICA App and PROTOUCH AFRICA Website), products, platforms and services to browse or to access content, including when you are not registered or signed in to our service. Here we also provide some ways for you to exercise control over your personal data, and to contact us if you have questions. The personal data will be processed by PROTOUCH AFRICA in accordance with the requirements of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“GDPR”) and local Privacy Laws including the Protection of Personal Information Act 4 of 2013 (“POPI”) (applicable in South Africa) .

PROTOUCH AFRICA operates subject to laws of the Republic of South Africa. We are located at INSERT and is the controller of personal data the processing of which is described in this Privacy Policy.

We encourage you to read this policy completely so that you understand how we rely on personal data to create the best possible experience for you. We also use this policy to call your attention to the information about Cookies that help power our offerings from a technical perspective.

Should you have any questions regarding the processing of personal data by PROTOUCH AFRICA and or PROTOUCH AFRICA, you can contact us at INFO@PROTOUCH.AFRICA

Unless stated otherwise, defined terms have the meaning given to them in the PROTOUCH AFRICA Terms and Conditions - South Africa.

1. What personal data do we collect?

Overview: We may receive and collect personal data about you in several ways, whether we have asked for the information or not including when you download the PROTOUCH AFRICA App on your device; you sign up to use PROTOUCH AFRICA

2.1 Platforms as a Subscriber , Register User and / or an Authorised User; you stream, download, access or make use of any PROTOUCH AFRICA Service or Content (including when you decide on selection of Content), you contact our support centre, you participate in a marketing or promotion activity or you submit your personal data to us for any other reason. We may also receive personal data from third parties that have obtained it from you and that are permitted to share it with us. . It does not apply to any other company or organization, including those whose digital services that have links to PROTOUCH AFRICA’s content or services. Third party services which have links to PROTOUCH AFRICA’s content or services will govern the use of personal information you submit to them. This information may also be collected by cookies when you visit or use any of the platforms or PROTOUCH AFRICA Portals within PROTOUCH AFRICA’s stable of digital platforms. We do not accept any responsibility or liability for the privacy practices of such third party digital services.

2.2 **Categories of personal data when you are signed in to PROTOUCH AFRICA Service:** The categories of personal data of signed in users that we collect include:

2.2.1 **Basic Account and Contact Information:** You may be required provide an email address and password to create a PROTOUCH AFRICA Account. PROTOUCH AFRICA may also receive basic account information from third party sites, such as when you choose to sign in via a social network account;

2.2.2 Preferences, user profile and other information: We also collect and process certain information on your activity on the PROTOUCH AFRICA Service, PROTOUCH AFRICA Website and PROTOUCH AFRICA App, such as for example title selections, viewing history, sport event preferences and content reviews if such option is available, and information about your PROTOUCH AFRICA Account (including information that you provide using your My Account section), settings data and certain data inferred on their basis, in particular taste preferences based on your selection of Content;

2.2.3 Events: We collect certain information about your activities observed when you are accessing and using the PROTOUCH AFRICA Website, PROTOUCH AFRICA App or when you react to our marketing communications, including details of how, when and for how long you have accessed, viewed or used any of our platforms as well as details regarding site traffic and usage information (for example search queries, navigation behaviour and viewing time and duration), and, if enabled, voice commands processed through the PROTOUCH AFRICA App;

2.2.4 Support services information: We collect certain details of your interactions with the PROTOUCH AFRICA and or PROTOUCH AFRICA support centre (in case we can attribute the conversation to you), such as the date, time and reason for contacting PROTOUCH AFRICA or PROTOUCH AFRICA, transcripts of chat, email or other conversations;

2.2.5 Cookies: We may also store certain information collected via the use of cookies, web beacons, advertising IDs and other technologies, including ad data. For more information on cookies please refer to the Cookies section of this Privacy Policy;

2.2.6 Device and Browser Information: When you access the PROTOUCH AFRICA Website or the PROTOUCH AFRICA App, we may also collect information about the device or browser accessing the PROTOUCH AFRICA Services, such as unique device identifiers, IP address, type, model, settings, operating system, system activity and crash reports for your device and browser, such as unique device identifiers, IP addresses, the type of device used to access PROTOUCH AFRICA Service, PROTOUCH AFRICA Website and PROTOUCH AFRICA Account, hardware model and settings, operating system, browser type, language, system activity, and crash reports;

2.2.7 Location Information: When you access the PROTOUCH AFRICA Website or the PROTOUCH AFRICA App, based on your IP address, we may determine the geographical location of a device used to access PROTOUCH AFRICA Service based on your IP address, however, such information determined does not go beyond the level of region. In addition, PROTOUCH AFRICA does not use GPS geolocation and does not collect geolocation data, and consequently clause 8.2 of License agreement is not applicable;

2.2.8 Categories of data when you are not signed in to PROTOUCH AFRICA Service: The categories of personal data of that we may collect when you are browsing the PROTOUCH AFRICA Website or the PROTOUCH AFRICA App without signing in include data referred to in the following sections: on Events (2.2.3), Cookies (2.2.5), Device and Browser Information (2.2.6) and Location Information (2.2.7).

2.2.9 Children's' data: You must be at least 18 years of age or older to create a PROTOUCH AFRICA Account. While individuals under the age of 18 may use the PROTOUCH AFRICA Service, they may do so only under the supervision of a parent or a guardian.

2.2.10 Voluntary provision of data: The provision of your personal data is voluntary but necessary to use some of the services offered by PROTOUCH AFRICA. Refusal to provide some of your personal data will make it impossible to use the PROTOUCH AFRICA Service or some of their functionalities, for example its websites, applications, products, platforms and services to browse or to access content, and will prevent PROTOUCH AFRICA from offering and performing such services.

3. For what purposes do we process personal data?

3.1 Overview: We use the information we receive and collect generally for the purpose of providing, promoting, maintaining, personalizing and improving our services, to develop new services, and to protect PROTOUCH AFRICA, our platforms, content partners and our users from fraudulent or illegal activity.

3.2 Purposes: Specific purposes for which we process your data include:

3.2.1 processing personal data necessary for the purposes of conclusion and performance of the agreement with you, including:

3.2.2 to establish, personalize and maintain your PROTOUCH AFRICA Account, and to authenticate your identity when accessing your PROTOUCH AFRICA account, to provide you with movies, series and other content and to settle payments;

3.2.3 to provide you with unique selection of titles tailored exclusively for you in a form of recommendations resulting from automated analysis of your title choices and other actions made by you while using the PROTOUCH AFRICA Service;

3.2.4 to provide customer support services and to communicate with you, including to inform you about any changes to PROTOUCH AFRICA products and services; and

3.2.5 if applicable - to provide you with the PROTOUCH AFRICA App, including its voice search function available in some versions of the PROTOUCH AFRICA App.

3.2.6 to provide cross-border portability of PROTOUCH AFRICA online content, including verification of the country of residence in accordance with and based on the Regulation of the European Parliament and of the Council 2017/1128 on cross-border portability of online content services in the internal market;

3.2.7 processing of personal data in order to fulfil obligations resulting from provisions of applicable laws;

3.2.8 to fulfil any contractual obligations with our business partners for the purpose of offering PROTOUCH AFRICA services and for the purposes of financial settlements connected there to, which is our legitimate interest for processing personal data;

3.2.9 processing of personal data for marketing of the PROTOUCH AFRICA services, including through advertising tailored for individual or group needs and preferences, for example online advertising, which is our legitimate interest for processing personal data;

3.2.10 processing for the purposes of research, analytics, development, improvement (including user experience improvement), administration, maintenance, technical support and security of the PROTOUCH AFRICA Service, PROTOUCH AFRICA Website and PROTOUCH AFRICA App, which is our legitimate interest for processing personal data;

3.2.11 processing for the purposes of establishment, exercise and defence of legal claims, enforcing or investigating potential violations of our terms of use or any other actual or alleged fraudulent activities, protecting rights, property or safety of PROTOUCH AFRICA, our customers, employees and other third parties, which is our legitimate interest for processing personal data; and processing for the purposes of reorganization of the PROTOUCH AFRICA group, including changes in ownership or control of assets, shares or management of PROTOUCH AFRICA, or that of our affiliates, which is our legitimate interest for processing personal data.

4 Who are the recipients of personal data?

4.1 Your personal data may be disclosed to the following categories of recipients:

4.1.1 PROTOUCH AFRICA affiliates, which includes our holding companies, subsidiaries and entities that control or are under common control with PROTOUCH AFRICA, in particular when necessary for the ongoing maintenance and continued provision of the services to you;

4.1.2 trusted service providers retained by us to enhance or provide services to you, acting at our instruction, including hosting services providers, platform development, support and security services providers, analytics

tools and services providers, customer support services providers, payment and reconciliation services providers;

4.1.3 marketing services providers supporting us in promoting the PROTOUCH AFRICA Service, including marketing agencies, email distribution and other marketing tools providers, social media marketing services providers including Facebook and Google, as well as analytics services providers Some PROTOUCH AFRICA services may be integrated with external services, including social media networks. This may mean that information, for instance about your interests and activities, is tracked or extracted from other platforms (such as Facebook). If you are signed in to PROTOUCH AFRICA's digital platform that is integrated with other media tools, this information may be available to others depending on the privacy settings you have in place on these other platforms.

The number and nature of social media platforms is changing rapidly, and the way in which information is shared between them is becoming increasingly complex. To help you manage and protect your personal information, PROTOUCH AFRICA will ask you to opt-in before making your personal information available through an integrated service. You may also opt-out of your participation in most of PROTOUCH AFRICA's digital services. Information about how to opt-out will be provided in the particular service. However, you should be aware that PROTOUCH AFRICA may continue to store personal information provided by you prior to you opting-out.

Your ability to opt-out of a third party tool or platform will depend on the conditions governing your agreement with that third party;

4.1.4 partners who may offer access to the PROTOUCH AFRICA Service on our behalf and/or partners with whom PROTOUCH AFRICA co-operates with respect to placing the PROTOUCH AFRICA App on their platforms;

4.1.5 third parties, including governmental bodies, courts or bodies of similar nature, when it is required in order to comply with applicable laws, to enforce or investigate potential violations of our terms of use or any other contract between you and us, to protect our rights, property or safety or that of our customers, employees, and other third parties; and/or

4.1.6 third party in relation to reorganization of the PROTOUCH AFRICA group, in particular a third party that acquires (or proposes to acquire) ownership or control of our assets, shares or management, or that of our affiliates by any means, or a third party from whom we acquire, ownership or control of assets, shares or management.

4.1.2 Please note that PROTOUCH AFRICA offers services in jurisdictions located outside the European Economic Area and some of the data recipients referred to in clause 4.1 may be located outside the European Economic Area, in countries with respect to which the European Commission has not issued an adequacy decision ("Third Country").

4.2 Where personal data is transferred to a Third Country, PROTOUCH AFRICA takes legally required steps consistent with applicable European data protection legislation to ensure that the personal data is adequately protected in each such jurisdiction in particular by basing agreements with the relevant data recipients on the standard data protection clauses adopted by the European Commission or adopted by a supervisory authority and approved by the European Commission.

5. What are your rights?

5.1 **Your data subject rights.** You have the following rights with respect to your personal data processed by PROTOUCH AFRICA:

5.1.1 **Access:** You have the right to access your personal data;

5.1.2 **Rectification:** You can ask us to have inaccurate personal data amended. You can use the My Account section on the PROTOUCH AFRICA Website or the PROTOUCH AFRICA App to change basic information about you;

5.1.3 **Erasure:** You can ask us to erase your personal data. Note that we will only keep personal data that is necessary for us to fulfil the purpose for which it was originally collected and for us to comply with financial and tax laws and regulations and for the establishment, exercise or defence of legal claims;

5.1.4 **Object to marketing:** You can object to the processing of your personal data for marketing purposes;

5.1.5 **Object to other processing:** You can object to the processing of your personal data based on the legitimate interest of PROTOUCH AFRICA unless we have a valid ground to continue processing the data;

5.1.6 **Portability:** You can ask us to receive your personal data that you provided to PROTOUCH AFRICA in machine-readable format or have such data transmitted to a third party; and

5.1.7 **Restriction:** We may be required to have your data restricted for processing in certain circumstances as defined in article 19 of the GDPR and POPI.

5.1.8 **Exercise of your rights.** You can exercise your rights and lodge requests to PROTOUCH AFRICA using the My Data section in My Account on the PROTOUCH AFRICA Website or the PROTOUCH AFRICA App.

5.2 **Exercise of your objection to marketing:** You may object to direct email marketing e-mail marketing communications from us by indicating your communications preference in the Marketing Email Preference section in My Account on the PROTOUCH AFRICA Website. You may also unsubscribe using the link included in every direct email marketing communication, it may take few days for this request to be processed. You cannot unsubscribe from service administration related e-mails. In the Marketing Preferences Section you may also opt-out from receiving push messages or from having your data processed for marketing purposes, with respect to other marketing, using the My Data section in My Account on the PROTOUCH AFRICA Website or the PROTOUCH AFRICA App. Please also see clause 8 – Cookies.

5.3 **Withdrawal of consent** You have the right to withdraw your consent for the processing of your personal data at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

5.4 **Support center:** Should you have any difficulties with exercising any of the rights referred to above using your PROTOUCH AFRICA Account, you may contact us at the customer support email address INSERT for assistance (in such case, for security reasons you may be asked to confirm your request by logging into your PROTOUCH AFRICA account and upon such confirmation your request will be considered to be validly filed).

5.5 **5.5 Complaints:** You can raise a complaint about our processing with the data protection regulator in your jurisdiction. If you find it difficult to contact the data protection regulator, we will help you.

6. How long do we store data?

6.1 **Data Retention Principles:** We process your personal data during your subscription and following the end of your subscription to the extent that the data is necessary for the purposes with respect to which we are permitted and/or required to process data, in any event no longer than for the period of expiry of claims, including for the following purposes:

6.1.1 compliance with obligations resulting from applicable laws to which PROTOUCH AFRICA is subject;

6.1.2 establishment, exercise or defence of legal claims as well as for the purposes any other legal proceedings or compliance with any judgments and/or decisions issued by public authorities;

6.1.3 research and analytics;

6.1.4 marketing of PROTOUCH AFRICA products and services; and

6.1.5 maintaining the PROTOUCH AFRICA Account in accordance with clause 6.2.

6.2 **Access to your PROTOUCH AFRICA Account after Registered User or Subscriber account termination:** Following the termination of your subscription, or your PROTOUCH AFRICA Account will remain active for a period of five years. If you do not re-subscribe to the PROTOUCH AFRICA Service within that time, we will delete your PROTOUCH AFRICA Account and any related information to the extent that it is not used as set out in clause 6.1.

6.3 Data retention Principles with respect to consent: As outlined in clause 5.3 we might be processing your data on the basis of consent. In such event we process data only as long as the consent is valid and to the extent that the data is necessary for the purposes with respect to which we are permitted and/or required to process data.

6.4 Where appropriate we will encrypt, pseudonymize, anonymize and/or segregate information so that we may make use of it in a manner that avoids unnecessary identification, in the interest of protecting your privacy and enhancing security practices.

7. Security

Maintaining the security and integrity of your personal data is a high priority and we endeavour to maintain appropriate technical and organizational measures to secure the integrity of information, using accepted technological standards to prevent unauthorized access to or disclosure of your personal data and to protect them from misuse, loss, alteration or destruction.

8. Cookies

8.1 In order to ensure that the PROTOUCH AFRICA Website, PROTOUCH AFRICA App and PROTOUCH AFRICA Service work properly, to provide you with a personalised experience, we and certain of our third-party service providers may set cookies or similar technologies (such as in particular web beacons, pixels and advertising identifiers) on your device, subject to your consent where relevant. A cookie is a small text file that a website saves on your computer or mobile device when you visit the website. It enables the website to remember your actions and preferences (such as session status, language, font size and other display preferences) over a period of time, so you don't have to keep re-entering them whenever you come back to the site or browse from one page to another.

8.2 The PROTOUCH AFRICA Website uses two basic cookie types: session cookies and persistent cookies. Session cookies are temporary files stored on the user's end device until the user logs out, leaves the website or closes the software (web browser). Persistent cookies are stored on the user's end device for the time specified in the parameters of the cookies or until deleted by the user.

8.3 In many cases, the default settings of the web browsing software (web browser) enable cookie storage on the user's end device. You can delete or block cookies from being set in your web browser settings or relevant software. Cookies set by PROTOUCH AFRICA will likely be labelled as first party cookies, and those set by our partners will be labelled third party cookies. Certain parts of the PROTOUCH AFRICA Website, the PROTOUCH AFRICA Service or the PROTOUCH AFRICA App may not work properly if first party cookies are blocked or deleted.

8.4 The types of cookies and the purposes for which they are used on the PROTOUCH AFRICA Website and the PROTOUCH AFRICA App include:

8.4.1 strictly necessary cookies, which enable use of the services available on the PROTOUCH AFRICA Website and PROTOUCH AFRICA App, for example cookies used for authentication of users and cookies that ensure security;

8.4.2 performance cookies, which help us collect information about how the PROTOUCH AFRICA Website, the PROTOUCH AFRICA Service and the PROTOUCH AFRICA App are used, so that we can perform analytics and improve their performance;

8.4.3 functionality cookies, which remember choices made by the user and personalise the interface and allow enhanced functionality and personalisation of the PROTOUCH AFRICA Website, the PROTOUCH AFRICA Service and the PROTOUCH AFRICA App; and

8.4.5 targeting cookies and advertising IDs for delivering adverts more relevant to users and their interests, as well as ad conversion tracking; these cookies are mainly set by our advertising partners.

8.4.6 Third parties that engage in online behavioural advertising, or that provide such services to us as service providers, may offer additional control over this practice via a self-regulatory body called the European Interactive Digital Advertising Alliance. For further details regarding the collection of information by third-party advertising companies or to exercise choices over online behavioural advertising practices, visit <https://youronlinechoices.eu/>.

9. Changes to this Policy and final provisions

We may change this Privacy Policy from time to time. If we do so, we will post the revised policy on PROTOUCH AFRICA and will inform users of such amendments and of their effective date.

In case of discrepancy between this document and the PROTOUCH AFRICA App end user licence agreement, the provisions of this Privacy Policy will prevail.

10. Disclaimer

While we have taken all reasonable measures to ensure that the PROTOUCH AFRICA App is secure, to the maximum extent permitted by law, the PROTOUCH AFRICA App and services provided thereon are on an “as is” basis and you expressly acknowledge and agree that your use of the PROTOUCH AFRICA App is entirely at your own risk. To the maximum extent permitted by law, we disclaim all representations and warranties (whether express, implied, arising under statute or otherwise) including any warranties of merchantability and fitness for a particular purpose and non-infringement of title or any third-party rights.

This version of Privacy Policy applies from 10 SEPTEMBER 2022.