CLEAR ACCESS (PTY) LTD

Registration number 2010/013496/07

CUSTOMER PRIVACY NOTICE

Version v1.0

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Fibre coverage websites: coverage checks, home fibre order requests and business enquiries

Published at /legal/privacy-notice on every Clear Access coverage website

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1. ABOUT THIS NOTICE

1.1 This privacy notice explains how Clear Access (Pty) Ltd (**'Clear Access'**, **'we'**, **'us'** or **'our'**) collects, uses, shares and protects personal information on the fibre coverage websites that we run for our partner fibre network operators. It is the notice required by section 18 of the Protection of Personal Information Act 4 of 2013 (**'POPIA'**).

1.2 This notice applies to everyone who uses a Coverage Website to:

1.2.1 check fibre coverage at an address;

1.2.2 ask to order a home fibre service from an internet service provider (an **'Order Request'**); or

1.2.3 ask Clear Access about connectivity services for a business (a **'Business Enquiry'**).

1.3 A **'Coverage Website'** is any website or web page on which we offer these services, whichever fibre network operator's name and logo is shown on it. All Coverage Websites use this notice.

1.4 Words such as 'personal information' and 'processing' have the meanings given to them in POPIA.

1.5 This notice does not cover the websites or services of internet service providers (**'ISPs'**) or of fibre network operators (**'Network Operators'**). Where an ISP has published its own privacy notice, that notice explains how the ISP uses your information.

2. WHO WE ARE AND HOW TO CONTACT US

2.1 Clear Access is Clear Access (Pty) Ltd, a private company registered in South Africa with registration number 2010/013496/07.

2.1.1 Physical address: 26 Victoria Link, Route 21 Business Park, Centurion, 0178.

2.1.2 Email: info@clearaccess.co.za.

2.1.3 Telephone: 012 941 4000.

2.2 Our Information Officer deals with all questions, requests and complaints about personal information, and can be contacted by email at legal@clearaccess.co.za.

3. HOW WE COLLECT AND SHARE YOUR INFORMATION

3.1 Clear Access runs the Coverage Websites. You give us your information voluntarily when you enter it on a Coverage Website, and Clear Access collects it.

3.2 **Order Requests.** An Order Request is a request to the ISP you choose to contact you about its service. We share your order information with that ISP and, once the ISP confirms your order, with the Network Operator that installs your line, as set out in clause 6. The ISP decides whether to accept your order and concludes its service contract with you.

3.3 **Business Enquiries.** We collect Business Enquiries for our own sales purposes, as set out in clause 7.

3.4 We also keep a record of the notices and terms that you were shown and accepted, so that we can show what you were told and what you agreed to.

3.5 On some fibre networks that are not Clear Access partner networks, ISPs list their packages with us. If you place an Order Request on one of these networks, we send it only to the ISP. We do not contact the Network Operator; the ISP arranges your installation directly with it.

4. CHECKING COVERAGE

4.1 You can check coverage without creating an account and without giving us your name or contact details.

4.2 As you type an address, the text you type is sent to Google (Google Maps and Google Places) so that addresses can be suggested and the map can be displayed. Google receives this information directly from your browser, together with technical information such as your IP address, and processes it under its own privacy policy. See also clause 8.2.

4.3 Coverage results are based on network coverage information. To show them, we use only the location you select. We do not use your name, contact details or any other information about you.

4.4 We use the location only to show you which networks, packages and, in business areas, business connectivity options are available.

5. HOME FIBRE ORDER REQUESTS

5.1 When you submit an Order Request, we collect:

5.1.1 your name, email address and mobile number;

5.1.2 the installation address, the complex name and unit number, and the location on the map;

5.1.3 the ISP and package you chose;

5.1.4 any installation notes and site-access instructions you give us;

5.1.5 whether you agree that the ISP may send you news and offers; and

5.1.6 a record of your consent, being the date and time, your IP address and the versions of this notice, the website terms of use and any ISP documents that you accepted.

5.2 Your name, email address, mobile number and installation address are required. Without them we cannot send your Order Request and the ISP cannot contact you. Installation notes, site-access instructions and the choice to receive news and offers are optional.

5.3 **Site-access instructions.** Only include site-access instructions (such as a gate code) if the installer needs them. Do not enter alarm codes or passwords.

5.4 We use your order information only to:

5.4.1 send your Order Request to the ISP you chose, so that it can contact you about your order;

5.4.2 arrange the installation with the Network Operator once the ISP confirms your order;

5.4.3 keep the status of your order up to date for you, the ISP and the Network Operator; and

5.4.4 keep a record of what you were shown and accepted, deal with queries and complaints, and comply with the law.

5.5 We process this information because it is necessary to take the steps you have asked for to conclude a service contract with the ISP, and to perform that contract (section 11(1)(b) of POPIA). You also confirm on the order form that you agree to your information being shared as described in this notice.

5.6 We do not use your order information to market our own products or services, and we do not sell it.

6. WHO RECEIVES YOUR ORDER REQUEST

6.1 **The ISP.** The ISP you choose receives your order information in an encrypted file (AES-256) sent by email, so that it can contact you. The password needed to open the file is not sent by email.

6.2 **The Network Operator (Clear Access partner networks).** Once the ISP confirms your order, we send the Network Operator that installs your line only the information it needs to do so: your name, telephone number, installation address, complex and unit, package and site-access instructions. We send your email address only where that Network Operator needs it to arrange the installation. Your personal information will be shared with the licensed electronic communications network operator engaged to install and maintain your service, solely for that purpose.

6.3 **Other networks.** On networks that are not Clear Access partner networks, we send your Order Request only to the ISP.

6.4 **No separate network operator terms.** You are not asked to accept separate terms from the Network Operator. The ISP deals with the terms of your service.

6.5 **News and offers.** Your choice about news and offers is passed only to the ISP. If you agree, the ISP (not Clear Access) may send you news and offers. You can tell the ISP at any time that you no longer want to receive them.

6.6 We do not send your IP address, your map location or your consent record to the ISP or to the Network Operator.

6.7 Our own service providers, such as our hosting provider, may process personal information on our behalf as operators, under written agreements that require them to keep it confidential and secure.

6.8 We may also disclose personal information where the law requires it, for example to comply with a court order, or where it is necessary to protect our legal rights.

7. BUSINESS ENQUIRIES

7.1 When you submit a Business Enquiry, we collect: the business name and address; the name of the contact person; business and contact telephone numbers; email address; the services the business is interested in; any requirements you describe; the location; and which business networks are shown as available at that location.

7.2 We use this information to respond to the enquiry, to prepare a proposal and to follow up with you about it. The enquiry is sent to the Clear Access sales team by email notification and through our portal.

7.3 We need the contact details you give us to respond to the enquiry. If you do not provide them, we cannot contact you.

7.4 We process this information because you have asked us to contact you (you agree to this on the enquiry form), and because it is in the legitimate interests of Clear Access and of the business you represent that we respond to the enquiry (section 11(1)(a) and (f) of POPIA).

7.5 We will not send you electronic direct marketing unless you have agreed to it or the law otherwise allows it (section 69 of POPIA). You may opt out at any time.

8. SECURITY AND WHERE YOUR INFORMATION IS KEPT

8.1 Personal information is stored in encrypted form. Access is limited to authorised people who need it for the purposes in this notice, and access and changes are recorded.

8.2 Our systems are hosted in South Africa, and we do not transfer your personal information outside South Africa, except that the address text you type is sent to Google (clause 4.2), which may process it outside South Africa. Google processes this information under its own terms and privacy policy.

8.3 If there are reasonable grounds to believe that your personal information has been accessed or acquired by an unauthorised person, you and the Information Regulator will be notified as required by section 22 of POPIA.

9. HOW LONG WE KEEP YOUR INFORMATION

9.1 We keep order information for as long as you remain a customer on a network served through our platform, so that we can support your service with the ISP and the Network Operator. After that, we delete it, unless the law requires us to keep it for longer.

9.2 Order Requests that do not go ahead (for example, because they are declined or archived) are deleted within a reasonable time not exceeding 12 (twelve) months.

9.3 Site-access instructions are deleted when the installation is complete or the order is cancelled.

9.4 Business Enquiries are kept until a Clear Access administrator deletes them, which happens when they are no longer needed and in any event within 24 (twenty-four) months after our last contact with you, unless the business becomes our customer.

9.5 Our backups are kept for 30 (thirty) days. Information that has been deleted may therefore remain in a backup for up to 30 (thirty) days.

10. YOUR RIGHTS

10.1 Subject to POPIA, you have the right to:

10.1.1 ask whether we hold personal information about you, and ask for a copy or a description of it (section 23 of POPIA);

10.1.2 ask us to correct or delete personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, or that we are no longer authorised to keep (section 24 of POPIA);

10.1.3 object, on reasonable grounds, to processing based on legitimate interests (section 11(3)(a) of POPIA);

10.1.4 object at any time to direct marketing, and withdraw your agreement to receive news and offers (sections 11(3)(b) and 69 of POPIA);

10.1.5 withdraw any consent you have given, which does not affect processing that took place before you withdrew it (section 11(2)(b) of POPIA); and

10.1.6 lodge a complaint with the Information Regulator (section 74 of POPIA).

10.2 To make a request, email our Information Officer (clause 2.2). We may ask you to prove your identity before we act on a request. We will respond within a reasonable time and in any event within 30 (thirty) days. Requests for access to records are dealt with in accordance with the Promotion of Access to Information Act 2 of 2000 and our PAIA manual, which is available at www.clearaccess.co.za or on request, and a prescribed fee may apply.

10.3 If your request concerns an Order Request, we will also pass it to the ISP and, where relevant, the Network Operator that received your information, and help them to respond. You may also contact the ISP directly.

10.4 The Information Regulator (South Africa) can be contacted through its website at https://inforegulator.org.za or by email at POPIAComplaints@inforegulator.org.za.

11. COOKIES

11.1 The Coverage Websites use a session cookie that is needed for the coverage check and the order form to work. We do not use advertising or analytics cookies.

11.2 The Google map on the Coverage Websites may set its own cookies, to which Google's privacy policy applies. You can block or delete cookies in your browser settings, but the coverage check and the order form may then not work.

12. CHILDREN

12.1 Order Requests and Business Enquiries may only be submitted by persons who are 18 (eighteen) years or older. We do not knowingly collect personal information about children through the Coverage Websites.

13. CHANGES TO THIS NOTICE

13.1 We may update this notice from time to time. Each version has its own version number and date, and the current version is always available at /legal/privacy-notice on every Coverage Website.

13.2 The version that was current when you submitted an Order Request is recorded with it. Earlier versions remain available at their own address, for example /legal/privacy-notice/v1.0.