

Introduction

Divers Alert Network Southern Africa NPC (Registration Number: 1997/000483/08) (“**DANSA**”, “**Us**”, “**We**”, “**Our**”) operates <https://www.dansa.org/> that is accessible through the internet and is committed to protecting your privacy and complying with applicable data protection and privacy laws. This Privacy Policy will inform you as to how we Process your Personal Information and tell you about your privacy rights and how the law protects you (as a data subject).

It is important that you read this Policy with any other privacy policy or fair processing policy DANSA may provide on specific occasions when DANSA is Processing Personal Information about you, so that you are fully aware of how and why DANSA Processes Personal Information.

By submitting Personal Information to us it will be seen as your consent to us to process the Personal Information. Reference to “consent”, “your consent” or “your explicit consent” or “informed consent” shall include the clicking on a “submit” or “Send Message” or “I agree” button or reply on an email after you have been made aware of the reference to this Privacy Policy.

1) Important information and who we are

a) Responsible Party

- i) **As Responsible Party:** Where you use our sites or engage with us for our services and/or products, DANSA is the Responsible Party and responsible for your Personal Information.
- ii) **As Operator:** Where DANSA Process Data Subject Personal information on instructions from a third party (on their behalf), DANSA will act as an Operator and the third party will act as the Responsible Party. As Responsible Party the third party has sole responsibility for the legality, reliability, integrity, accuracy and quality of the Personal Information he/she/it makes available to DANSA.
- iii) We have appointed an Information Officer (IO) who is responsible for overseeing questions in relation to this Privacy Policy.

b) Contact details:

- i) If you have any questions about this Policy, including any requests on our privacy practices, please contact one of the IO's on the contact details below:
 - (1) **Information Officer:** Mornè Christou;
 - (2) **Email:** morne@dansa.org;
 - (3) **Registered address:** Zandkloof House, 15 New Street, Durbanville, 7550;
- ii) You have the right to make a complaint at any time to the Information Regulator's office (IR), the Republic of South Africa's authority for data protection issues (<http://www.justice.gov.za/inforeg/>). **We would, however, appreciate the chance to deal with your concerns before you approach the IR, so please contact us in the first instance.**

c) Changes to the Privacy Policy and your duty to inform us of changes

- i) We keep our Privacy Policy under regular review. Archived versions (if available) can be obtained by contacting us. Any changes made to our Privacy Policy in future will be posted on our website or made available during your engagement with DANSA. The new version will apply the moment it is published on our website or incorporated by reference in any of our communications.
- ii) **It is important that the Personal Information we hold about you is accurate and current. Please keep us informed if your Personal Information changes during your relationship with us.**

d) Integration into other sites:

This Privacy Policy applies to DANSA sites, Services and electronic communications only. We do not exercise control over third party sites who provide DANSA Services as part of their own offering. These other third party sites may place their own cookies or other files on your computer, collect data or solicit Personal Information from you. We cannot be held responsible for any wrongful handling of end users' information by other sites.

e) Third-party links:

Our Sites may include links to Third-Party websites, plug-ins, and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. If you disclose your Personal Information to a Third-Party, such as an entity which operates a website linked to our Sites, **DANSA SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE, HOWSOEVER ARISING, SUFFERED BY YOU AS A RESULT OF THE DISCLOSURE OF SUCH INFORMATION TO THE THIRD-PARTY.** This is because we do not regulate or control how that Third-Party uses your Personal Information. You should always ensure that you read the privacy policy of any Third-Party. When you leave our website, we encourage you to read the privacy policy of every website you visit.

2) What Information do we collect?

- a) Personal Information means the information as per the Definitions. It does not include data where the identity of the data subject has been removed (anonymous data / de-identified information).
- b) We may Process different kinds of Personal Information about you when we engage with you, which we have grouped together as follows:
 - iii) **Identity Data** includes first name, last name, username or similar identifier, title, date of birth and gender.
 - iv) **Contact Data** includes billing address, delivery address, email address and telephone numbers.
 - v) **Financial Data** includes banking details and/or payment card details and credit information.
 - vi) **Transaction Data** includes details about payments to and from us and other details of the services and products you have acquired from us.
 - vii) **Technical Data** includes internet protocol (IP) address, your 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 our website.
 - viii) **Usage Data** includes information about how a person uses our website, products and/or services. This information shall include the full Uniform Resource Locators (URL) Clickstream to, through and from our website (including the date and time) and the services you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), use of a certain function on any service and methods used to browse away from the page and any phone number used to call our customer service number, service transaction instructions from and to you via our APIs.
 - ix) **Special Personal Information:** information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behaviour of a data subject.
 - i) **Children Information:** Personal Information of a Child.
- b) We also collect, use, and share **aggregated data** and pattern data such as (but not limited to) statistical or demographic data or service and/ or product transactional data for any purpose ("Statistical Data"). Statistical Data could be derived from your Personal Information but is not considered Personal Information in law as this data will not directly or indirectly reveal your (the data subject's) identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature or executing a specific transaction type (where applicable). However, if we combine or connect Statistical Data with your Personal Information so that it can directly or indirectly identify you, we will treat the combined data as Personal Information which will be used in accordance with this Policy.
- c) You may choose to provide additional Personal Information to us, in which event you agree to provide accurate and current information, and not to impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.
- d) **Special Personal Information and Children information:** Where we may collect Special Personal Information or Information of a Child DANSA will Process same subsequent to appropriate Consent and in accordance with the Data Protection Legislation.
- e) **Submission of Personal Information on behalf of another:** If you provide information on behalf of someone else, then it is your responsibility to obtain the necessary consent from the person/entity before making the Personal Information available to us. On receipt of Personal Information, we assume that the necessary consent has been obtained and will process the Personal Information as per your instructions. By submitting such Personal Information on behalf of another person/ entity, you indemnify us against any Third-Party claim, where such Third-Party claim relates to Personal Information that has been processed without the necessary consent or other available exception allowed by law.
- f) **If you fail to provide Personal Information:** Where we need to collect Personal Information by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services (including services for no charge)). In this case, we may have to cancel a service you have with us, but we will notify you if this is the case at the time.

3) How is Personal Information collected?

We use different methods to collect Personal Information from and about you including:

- a) **Direct interactions.** We may collect Personal Information directly from a Data Subject. This may be via the following means:-
 - i) Apply/sign up for any of our DANSA Services (subject to the specific service terms and conditions);
 - ii) subscribe to our newsletters (where applicable);
 - iii) enter a competition, promotion or survey;
 - iv) access any of our facilities or events;
 - v) give us feedback or contact us on our website; or
 - vi) by communicating with us via email and other similar e-communication channels.

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- b) **Automated technologies or interactions.** As you interact with our Services or website, we will automatically collect Technical Data about your equipment, browsing actions, patterns and device(s). We collect this Personal Information by using cookies (see section 4) below), server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- c) **Third parties or publicly available sources.** We will receive Personal Information about you from various third parties and public sources as set out below:
- Technical Data from the following parties:
 - analytics providers such as Google ("How Google uses information from sites or apps that use our services", (located at <https://policies.google.com/technologies/partner-sites>))
 - advertising networks; and
 - search information providers.
 - Contact, Financial and Transaction Data from providers of technical, payment and delivery services.
 - Identity and Contact Data from data brokers or aggregators where same have been obtained in accordance with the Data Protection Legislation.
 - Identity and Contact Data from publicly available sources such as the Company and Intellectual Property Commission ("CIPC") or such places where the Data Subject has deliberately made available his/her/its Personal Information.

4) Cookies

See our Cookies Policy.

5) How we use your Personal Information

- a) DANDSA will not sell Personal Information. DANDSA will only use Personal Information within the framework of the law. Most commonly, DANDSA will use Personal Information in the following circumstances:
- Where the Data Subject has given his/her/its consent; or
 - Where DANDSA needs to perform under a contract that DANDSA is about to enter into or has entered into you as a Data Subject; or
 - Where it is necessary for DANDSA's legitimate interests (or those of a third party) and the Data Subject's interests and fundamental rights do not override those interests;
 - Where Processing protects a legitimate interest of the Data Subject; or
 - Where DANDSA needs to comply with a legal obligation.
- b) **Purposes for which DANDSA will use Personal Information:-**
- In the table below we provide a description of all the ways DANDSA plans to Process Personal Information, and which of the legal bases DANDSA relies on to do so. We have also stated what DANDSA's legitimate interests are where appropriate.
 - Note that DANDSA may process Personal Information for more than one lawful ground depending on the specific purpose for which DANDSA are using the data. Please contact DANDSA if you need details about the specific legal ground, DANDSA is relying on to process Personal Information where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a member	(a) Identity and (b) Contact (c) Financial	Actions for the conclusion or performance of a contract with you (including the browse wrap agreement (Terms of Use of our website))
To sign you up for our newsletter or blog/ communication as a DANDSA member To sign you up for our newsletter or blog where you're not a DANDSA member	(a) Identity and (b) Contact	On the basis that you are a member Your consent
To perform in accordance with our service agreement: (a) Deliver the services and/or products (b) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity, (b) Contact, (c) Financial, (d) Transaction, (e) Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us) [TAKE NOTE: we do not store credit card – we use third party service providers to execute transactions where you use your card. You should read their privacy policy].

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<p>To manage our relationship with you as a DANSA member:</p> <p>(a) To deliver the services;</p> <p>(b) Notifying you about changes to our terms or privacy policy or service terms and conditions;</p> <p>(c) To reply to your submission via our "Contact Us" page</p> <p>(d) Asking you to leave a review or take a survey</p>	<p>(a) Identity,</p> <p>(b) Contact,</p> <p>(c) Marketing and Communications</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary to comply with a legal obligation</p> <p>(c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</p>
<p>To administer and protect our business, website and other electronic platforms (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Technical</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p> <p>(b) Necessary to comply with a legal obligation</p>

v) Promotional offers from us

- (1) **As a member:** Once you have purchased a product from us or utilised any of our services, you will be seen as a member/customer of DANSA. As a member we may send you direct marketing that may relate to similar products and/or services that you have acquired;
- (2) **If you're not a member/customer:** We will obtain your consent first before we send you direct marketing material via electronic means.

vi) Third-party marketing

- (1) We will get your express opt-in consent before we share your Personal Information with any third-party for marketing purposes.
- (2) **TAKE NOTE:** We may provide (without your consent) third-party marketing parties/advertisers with anonymous aggregate information (Aggregate Data (see above)) about our users (for example, we may inform them that 500 men aged under 30 have clicked on a specific product or advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target (for example, women in a specific region). We may make use of the Personal Information we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience. **IMPORTANT: We do not disclose information about identifiable individuals to our advertisers.**

vii) Opting out.

- (1) You can ask us or third-parties to stop sending you marketing messages at any time by logging into the website or unsubscribe on the email communication or by contacting us at any time and requesting to opt-out of our marketing services.
- (2) Where you opt out of receiving these marketing messages, this will not apply to Personal Information provided to us as a result of a Service purchase, service experience or other transactions.

c) Change of purpose

- viii) We will only use your Personal Information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.
- ix) If we need to use your Personal Information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- x) Please note that we may process your Personal Information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6) Disclosures of Personal Information

- a) We may share Personal Information with the parties set out below for the purposes set out in the table above.
 - i) Where we have your Consent.
 - ii) **Internal Third Parties** as set out in the *Definitions*. Where we share Personal Information to our group (collaborating companies), we ensure your Personal Information is protected by requiring all our collaborating companies to follow this policy when processing your Personal Information.
 - iii) **External third parties** as set out in the *Definitions* and to those external parties as per your instructions.
 - (1) Where we make use of External Parties to deliver certain parts of the DANSA Services (i.e. IT Support) we will conclude a Processing of Personal information / Operator Agreement with said parties before sharing Personal Information with them.
 - iv) Third-Parties to whom we may choose to sell, transfer or merge all or parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your Personal Information in the same way as set out in this Privacy Policy.

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- v) We require all Third-Parties to respect the security of your Personal Information and to treat it in accordance with the law. We do not allow our Third-Party service providers to use your Personal Information for their own purposes and only permit them to process your Personal Information for specified purposes and in accordance with our instructions.

7) International transfers

- a) Some of our External Third-Parties may be based outside your country so their processing of your Personal Information could involve a transfer of data outside your country. Whenever we transfer your Personal Information out of your country, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
 - i) We will only transfer your Personal Information to countries that have appropriate data protection and privacy legislation to protect your Personal Information.
 - ii) Where we use certain service providers, we conclude an agreement with them (Operators Agreement) to confirm that your Personal Information is confidential, they can only process on our instructions and that they should establish and maintain appropriate technological and organisational measurements to protect your Personal Information.
 - iii) Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide protection to personal information similar to the conditions under the POPI Act, which we believe are good principles to ensure compliance.
- b) **By submitting your Personal Information to us you consent to the transfer of your Personal Information outside the borders of your country (when required).**

8) Data security

- a) DANSA has put in place appropriate technological and organisational measures to prevent Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, DANSA limits access to Personal Information to those employees, agents, contractors and other third parties who have a business need to know. They will only process Personal Information on our instructions, and they are subject to a duty of confidentiality.
- b) We have put in place procedures to deal with any suspected Personal Information breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

9) Data retention

How long will DANSA retain Personal Information?

- a) 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.
- b) To determine the appropriate retention period for Personal Information, we consider the amount, nature and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of your Personal Information, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.
- c) In some circumstances you can ask us to delete your data: see your legal rights below for further information.
- d) In some circumstances we will anonymise your Personal Information (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

10) Records

We will keep detailed, accurate and up-to-date written records regarding any Processing of Personal Information it carries out, including but not limited to, the access, control and security of the Personal Information and approved subcontractors, the processing purposes, categories of processing, any transfers of Personal Information to a third country and related safeguards, the instructions as received from our customers and a general description of the technical and organisational security measures and retention and destruction of Personal Information.

11) Data Subject's legal rights

- a) Under certain circumstances, a Data Subject has the following rights under Data Protection Legislation in relation to his/her/its Personal Information:
 - i) **Request access** to Personal Information (commonly known as a "data subject access request"). There may be a fee associated with this request – see below. This enables the Data Subject to receive a copy of the Personal Information the Responsible Party holds about the Data Subject and to check that the Responsible Party is lawfully processing it. See the DANSA Promotion of Access to Information Manual ("PAI Manual").
 - ii) **Request correction** of the Personal Information. This enables the Data Subject to have any incomplete or inaccurate data the Responsible Party holds about the Data Subject corrected, though the Responsible Party may need to verify the accuracy of the new data the Data Subject provides to the Responsible Party.
 - iii) **Object to processing** of Personal Information where the Responsible Party is relying on a legitimate interest (or those of a third party) and there is something about the Data Subject's particular situation which makes the Data Subject want to object to processing on this ground as the Data Subject feels it impacts on his/her/its fundamental rights and freedoms. The Data Subject also has the right to object where the Responsible Party are processing the Data Subject's Personal Information for direct marketing purposes. In some cases, the Responsible Party may demonstrate that the Responsible Party has compelling legitimate grounds to process the Data Subject's information which override the Data Subject's rights and freedoms.

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- iv) **Withdraw consent at any time** where we are relying on consent to process your Personal Information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.
- b) **If you wish to exercise any of the rights set out above then please contact us at the details mentioned par. 1)a) above.**
- c) **Fee required:** Apart from any prescribed fees under any applicable data protection legislation, the Data Subject will not have to pay a fee to access his/her/its Personal Information (or to exercise any of the other rights). However, a reasonable fee may be charged if the Data Subject request is clearly unfounded, repetitive or excessive. Alternatively, the Responsible Party could refuse to comply with the Data Subject request in these circumstances.
- d) **What we may need from the Data Subject:** We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Information (or to exercise any of your other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.
- e) **Time limit to respond:** We try to respond to all legitimate requests within 30 (thirty) days. Occasionally it could take us longer than 30 (thirty) days if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

12) Subcontractors

- a) DANSA may authorise a third party (subcontractor) to Process the Personal Information. Where DANSA uses sub-contractors, DANSA will:
 - i) enter into a written contract with the subcontractor that contains terms substantially the same as those set out in this Privacy Policy, in particular, in relation to requiring appropriate technical and organisational data security measures; and
 - ii) maintain control over all Personal Information it entrusts to the subcontractor.
- b) DANSA agrees to select subcontractors carefully according to their suitability and reliability.
- c) A subcontractor within the meaning of this Privacy Policy shall not exist if DANSA commissions third parties with additional services, that are not an essential part of this Privacy Policy.
- d) The Parties consider DANSA to control any Personal Information controlled by or in the possession of its subcontractors.
- e) DANSA undertakes to ensure that all subcontractors who process Personal Information of Data Subjects shall not amend, modify, merge or combine such Personal Information and Process same as per instructions from DANSA.

13) Definitions

- a) **Child** means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself.
- b) **Consent:** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information.
- c) **Data Protection Laws** means any and all applicable laws relating to the protection of data or of Personal Information and shall include the Protection of Personal Information as per the POPI Act and General Data Protection Regulations (GDPR).
- d) **Data Subject** means the person to whom Personal Information relates and, in this document, refers to you, as the party providing Personal Information that will be processed by DANSA or a relevant third party.
- e) **Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Information for our legitimate interests. We do not use your Personal Information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- f) **Operator** means a person who processes Personal Information for a Responsible party in terms of a contract or mandate, without coming under the direct authority of the party.
- g) **Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- h) **Personal Information** means information as defined in the protection of Personal Information Act of 2013 ([POPI Act](#) (click on link to view)).
- i) **POPIA** means the [Protection of Personal Information Act](#), Act 4 of 2013.
- j) **Process** means processing as defined under the POPI Act;
- k) **Responsible Party:** means a party as defined in the [POPI Act](#) (click on link to view);
- l) **Special Personal Information** means information as defined in the [POPI Act](#) (click on link to view).
- m) **THIRD PARTIES**

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- i) **Internal Third Parties:** Partners, affiliates, employees, shareholders, directors and/ or agents of DANSA, acting as joint responsible parties or operators and who may also provide IT and system administration services and undertake leadership reporting. We require that these parties agree to process such information based on our instructions and in compliance with this Privacy Policy and any other appropriate confidentiality and security measures.
- ii) **External Third Parties**
 - (1) Service providers acting as operators who provide IT and system administration services or such service providers that assist us in detecting, preventing, or otherwise address fraud, security or technical issues.
 - (2) Professional advisers acting as operators or joint Responsible Parties, including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services, debt collectors (where payments are due and payable).
 - (3) The Revenue Services, regulators and other authorities acting as operators or joint Responsible Parties who require reporting of processing activities in certain circumstances.
 - (4) Court of law or any other authority where we have an obligation under law to share your Personal Information;
 - (5) In the event that we sell or buy any business or assets, in which case we may disclose your Personal Information to the prospective seller or buyer of such business or assets.

END OF POLICY