



# EXTERNAL PRIVACY NOTICE

## SOUTH AFRICA

### 1 INTRODUCTION

- This is the Privacy Notice of Accolade Wines South Africa (Pty) Ltd (with registration number M2007015913) of Flagstone Winery, Paardevlei, WR Quinan Boulevard, Somerset West, Cape Town, Western Cape, South Africa (“**Accolade Wines**”).
- Accolade Wines has a commitment to privacy in accordance with the applicable privacy laws in the countries in which we operate and are committed to protecting and maintaining your privacy. We understand that when interacting with us the privacy and confidentiality of your personal information is important to you. That is why we are committed to safeguarding your personal information.
- This Privacy Notice relates to any personal information that identifies “**you**” meaning our suppliers, customers and individuals who browse our website or use our apps and other individuals outside our organisation with whom we interact. The types of personal information Accolade Wines collects will vary depending on the nature of your dealings with Accolade Wines. We refer to this personal information throughout this Privacy Notice as “personal information” and paragraph 3 below sets out further detail of what this includes.
- This Privacy Notice explains how we obtain, use and disclose your personal information in accordance with the requirements of the Protection of Personal Information Act 4 of 2013 (“**POPIA**”), how we protect your personal information; and your privacy rights under POPIA.
- Please also use the Glossary at the end of this privacy policy to understand the meaning of some of the terms used in this privacy policy.
- Please read this Privacy Notice to understand how we may use your personal information. This Privacy Notice may vary from time to time so please check it regularly. This version was last updated in September 2022.

### 2 RESPONSIBLE PARTY

The responsible party will be: Accolade Wines South Africa (Pty) Ltd (with registration number M2007015913) of Flagstone Winery, Paardevlei, WR Quinan Boulevard, Somerset West, Cape Town, Western Cape, South Africa.

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<b>Policy Owner:</b>	Legal Director, Europe
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We also have a representative in the EU, so if you would like to contact our EU representative then you can do so at Accolade Wines Limited (company number 137407), Thomas Hardy House, 2 Heath Road, Weybridge, Surrey KT13 8TB.

For South Africa our contact details are set out below and if you wish to access or correct your personal information held by us, or to complain about a possible breach of privacy or for any other enquiries these should be directed to the Information Officer using the following details:

By Email: [privacy@accoladewines.com](mailto:privacy@accoladewines.com)

or

By Post:

FAO the Information Officer  
Accolade Wines (Pty) Ltd  
Flagstone Winery, Paardevlei, WR Quinan  
Boulevard, Somerset West, Cape Town,  
Western Cape, South Africa.

You have the right to make a complaint at any time to the relevant supervisory authority (which, in South Africa, is the Information Regulator, the South African authority for information protection issues ([www.justice.gov.za](http://www.justice.gov.za)))

### 3 WHAT PERSONAL INFORMATION DO WE COLLECT?

The categories of personal information about you which we may collect are:

- (a) **Individual Data** which includes personal information which relates to your identity, such as your first name, middle name, last name, username or similar identifier, marital status, title, date of birth and gender, and your billing address, delivery address, email address and telephone numbers which you provide to us in person, via our website, apps or by telephone;
- (b) **Account and Profile Information** which includes personal information which relates to your account with us or profile on our website or apps, such as your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses;

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- (c) **Economic and Financial Information** which includes personal information which relates to your finances, such as your bank account and payment card details and, for the purposes of the prevention of fraud, such personal information may also include your passport (where you provide this to us) and any VAT registration details;
- (d) **Sales Information** which includes personal information which relates to the transactions you have conducted with us, such as details about payments to and from you, details of subscriptions to our services or publications and other details of products and services you have purchased from us;
- (e) **Information Technology Information** which includes personal information which relates to your use of our website or apps, such as your IP address, login data, and traffic data;
- (f) **Audio and Visual Information** which includes personal Information which is gathered using our CCTV or other recording systems at our locations in the form of images, video footage and sound recordings;
- (g) **Advertising and Marketing Information** which includes personal information which relates to your marketing preferences, such as information about your preferences in receiving marketing materials from us and our third parties and your communication preferences as well as your personal interests (where you provide this to us);
- (h) **Market Research Information** which includes personal information which is gathered for the purposes of market research;
- (i) **Health Information** which includes special personal information which is gathered for health and safety purposes including any accident report or claim log and dietary preferences.

We may also create personal information about you, for example, if you contact us by telephone to make a complaint, for example about our services or goods, then we may make a written record of key details of the conversation so that we can take steps to address the complaint.

We also obtain and use certain aggregated information such as statistical or demographic data for any purpose ("**Aggregated Information**"). Aggregated Information may be derived from your personal information but does not directly or indirectly reveal your identity. For example, we may aggregate your operational information to calculate the percentage of users accessing a specific feature on our website or apps. However, if we re-combine or re-connect Aggregated

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Information with your personal information so that it can directly or indirectly identify you, we treat the combined data as personal information which will be used in accordance with this Privacy Notice.

In addition, we may from time to time obtain certain special categories of your information including, for example, concerning health (“**Special Categories of Information**”), and this Privacy Notice sets out how we may process these types of personal information. For example, if there was an incident at one of our properties we may need to process your special personal information for health and safety requirements or to complete an accident form.

#### 4 HOW WE COLLECT YOUR PERSONAL INFORMATION

We collect your personal information from the following sources:

- (a) **Directly from you**, either in person (at our locations or otherwise), via our website or by telephone. This could include personal information which you provide when you:
- apply for our products or services;
  - create an account on our website or apps;
  - become a member of one of our wine clubs;
  - engage with us on social media;
  - install or download one of our apps;
  - contact us with a query or complaint;
  - subscribe to our services or publications;
  - request information on our services or products or for other marketing to be sent to you;
  - enter into a competition or promotion;
  - complete a survey from us or give us feedback; and
  - when you visit any of Accolade Wines’ premises.
- (b) **Automated technologies**, such as CCTV or other recording systems (in the event this is over the telephone we will notify you beforehand), cookies, server logs and other similar technologies. Please see Annexe A for further details on personal information

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gathered using cookies. Audio and Visual Information may be collected on you for security purposes if you attend any of our premises.

(c) **Third parties**, such as:

- analytics providers;
- providers of technical, payment and delivery services; and
- data brokers or aggregators.

(d) **Publicly available sources or “trusted” sources**, such as:

- Companies and Intellectual Property Commission (**CIPC**);
- The Deeds Office
- Tax authorities, credit and default reference agencies and South African Revenue services (**SARS**); and
- Banks and other financial institutions.

## 5 HOW WE USE YOUR PERSONAL INFORMATION & OUR BASIS FOR USING IT

(a) **Where we are relying on a basis other than consent**

We may rely on one or more of the following legal bases when processing your personal information and where we have identified what our legitimate interests are, these are legitimate interests in carrying out the processing, which are not overridden by your interests, fundamental rights or freedoms. We have also set out below the purposes for which we may process your personal information.

Purposes for which we process your personal information	Type of personal information used (see above for more details)	The lawful basis on which we can do this
To register you as a new customer or supplier or a member of an Accolade wine club.	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Economic and Financial Information ;</li> <li>• Account and Profile Information .</li> </ul>	The processing is necessary: <ul style="list-style-type: none"> <li>• to <b>perform a contract</b> with you; and</li> <li>• for our <b>legitimate interest</b> in the provision of goods</li> </ul>

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		and services to our customers.
<p>To process and perform any order placed by you or orders placed by us where you are a supplier or customer including:</p> <ul style="list-style-type: none"> <li>• payments, fees and charges;</li> <li>• collecting and recovering money owed.</li> </ul>	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Economic and Financial Information ;</li> <li>• Sales Information .</li> </ul>	<p>The processing is necessary:</p> <ul style="list-style-type: none"> <li>• <b>to perform any contract</b> entered into with you; and</li> <li>• for our <b>legitimate interests</b> (to recover debts due to us).</li> </ul>
<p>In order to comply with our own legal obligations, e.g., health and safety legislation, or to assist in an investigation (for example if there was an incident at our premises).</p>	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Audio and Visual Information ;</li> <li>• Health Data.</li> </ul>	<p>The processing is necessary for us to <b>comply with the law</b>, in the case of a health and safety incident recorded at any of our premises or in order to protect the <b>legitimate interests</b> of you or another individual.</p>
<p>In order to use your personal information in life or death situations and there is no time to gain your consent (e.g. in the event of an accident and we have to give your personal details to medical personnel).</p>	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Health Data.</li> </ul>	<p>The processing is necessary for us to <b>comply with the law</b> and in order to protect the <b>legitimate interests</b> of you or another individual.</p>
<p>In order to manage our relationship with you including:</p> <ul style="list-style-type: none"> <li>• to send you important notices such as communications about changes to our terms and conditions and policies (including this Privacy Notice);</li> </ul>	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Account and Profile Information;</li> <li>• Sales Information;</li> <li>• Advertising and Marketing Information.</li> </ul>	<p>The processing is necessary:</p> <ul style="list-style-type: none"> <li>• <b>to perform any contract</b> entered into with you;</li> <li>• <b>to comply with the law;</b> and</li> <li>• for our <b>legitimate interests</b> in the management and operation of our business, to keep our records</li> </ul>

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<ul style="list-style-type: none"> <li>• to provide you with important information about products or services you have ordered from us (e.g., a change of time or location due to unforeseen circumstances);</li> <li>• to send you information you have requested;</li> <li>• wine club membership;</li> <li>• to deal with your enquiries; and</li> <li>• to ask you to leave a review or feedback on us.</li> </ul>		<p>updated and to study how customers use our products/services.</p>
<p>In order to administer and protect our business, deal with any misuse including of our website or apps and to comply with our security policies at our premises.</p>	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Account and Profile Information ;</li> <li>• Audio and Visual Information ;</li> <li>• Information and Technology Information.</li> </ul>	<p>The processing is necessary:</p> <ul style="list-style-type: none"> <li>• for our <b>legitimate interest</b> in provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise; and</li> <li>• <b>necessary to comply with the law.</b></li> </ul>
<p>In order to make suggestions and recommendations to you about goods or services that may be of interest to you, deliver relevant website or app content and advertisements to you and to measure or understand the effectiveness of our advertising.</p>	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Sales Information ;</li> <li>• Information and Technology Information ;</li> <li>• Advertising and Marketing Information .</li> </ul>	<p>The processing is necessary for our <b>legitimate interests</b> (to study how customers use our products/services, to develop our products and services and ensure our marketing is relevant to you, to grow our business and to inform our marketing strategy).</p>

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For internal purposes to use data analytics, to identify usage trends, determine and measure the effectiveness of promotional campaigns and advertising and to improve our website, apps products/services, marketing, customer relationships and experiences.	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Information and Technology Information ;</li> <li>• Advertising and Marketing Information ;</li> <li>• Market Research Information.</li> </ul>	The processing is necessary for our <b>legitimate interests</b> in defining types of customers for our products and services, to keep our website and apps updated and relevant, to develop our business and to inform our marketing strategy.
To communicate with you about, and administer your participation in, special events, programs, promotions, any prize draws or competitions.	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Account and Profile Information ;</li> <li>• Sales Information;</li> <li>• Information and Technology Information;</li> <li>• Advertising and Marketing Information.</li> </ul>	The processing is necessary: <ul style="list-style-type: none"> <li>• For <b>performance of a contract</b> with you; and</li> <li>• Necessary for our <b>legitimate interests</b> to promote our business.</li> </ul>
To sell, make ready for sale or dispose of our business in whole or in part including for intragroup activities, investment, financing or to any potential buyer or their advisers.	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Account and Profile Information;</li> <li>• Sales Information;</li> <li>• Information and Technology Information;</li> <li>• Advertising and Marketing Information;</li> <li>• Economic and Financial Information;</li> <li>• Health Data.</li> </ul>	The processing is necessary for our <b>legitimate interests</b> in the sale or disposal of our business or assets.

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In order to enforce or apply our terms of use, terms and conditions of supply and other agreements with third parties.	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Account and Profile Personal;</li> <li>• Sales Information; and</li> <li>• Economic and Financial Information .</li> </ul>	The processing is necessary for our <b>legitimate interests</b> in protecting our business and property and recovering debts owed to us.
For recruitment purposes	<ul style="list-style-type: none"> <li>• Individual Data;</li> <li>• Health Data.</li> </ul>	The processing is necessary for our <b>legitimate interests</b> in securing new employees for our business.

#### (b) Where we may rely on consent

We would like to use your personal information for a variety of different purposes. For certain of these purposes it is appropriate for us to obtain your prior, specific consent. The legal basis of consent is only used by us in relation to processing that is entirely voluntary – it is not used for processing that is necessary or obligatory in any way.

Where we rely on consent you may at any time withdraw the specific consent you give to our processing your personal information by logging into your account and managing your preferences or by following the opt-out links on any marketing message sent to you or by contacting us at any time.

## 6 WHO RECEIVES YOUR PERSONAL INFORMATION

We may disclose your personal information to:

- our group companies and affiliates or third party data processors who may process data on our behalf to enable us to carry out our usual business practices. Any such disclosure will only be so that we can process your personal information for the purposes set out in this Privacy Notice;
- The South African Revenue Service (**SARS**), legal and other regulatory authorities, including those who request your personal information or to report any potential or actual breach of applicable law or regulation;

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- external professional advisers such as accountants, auditors, bankers, insurers and lawyers;
- law enforcement agencies, courts or other relevant party, to the extent necessary for the establishment, exercise or defence of legal rights;
- third parties where necessary for the purposes of prevention, investigation, detection or prosecution of criminal offences, including but not limited to fraud prevention, or the execution of criminal penalties;
- third parties which are considering or have decided to acquire some or all of our assets or shares, merge with us or to whom we may transfer our business (including in the event of a reorganisation, dissolution or liquidation);
- third parties operating plugins or content (such as Facebook, Twitter, Instagram) on our website or apps which you choose to interact with.

#### 7 INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION

- 7.1 Personal information we collect from you may be transferred, stored and/or processed outside South Africa. It is possible that your personal information may also be transferred, stored and/or processed in other countries outside South Africa.
- 7.2 Subject to any applicable conditions in each case, such transfers of personal information may be made on the following bases:
- 7.2.1 where you have given your explicit, specific written consent;
  - 7.2.2 where such transfer is necessary to conclude or perform under a contract;
  - 7.2.3 where the personal information transferred, will be adequately protected after the transfer occurs;
  - 7.2.4 where the transfer is for your benefit; or
  - 7.2.5 where another reason applies so for example the transfer is necessary for legal claims, to protect the vital interests of an individual or necessary for the performance of a contract, public interest or with consent.
- 7.3 You can request further information by contacting us as specified in paragraph 2 above.

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#### 8 HOW LONG WE WILL STORE YOUR PERSONAL INFORMATION FOR

We will store your personal information for the time period which is appropriate and in accordance with our data retention criteria set out below. We keep the length of time that we hold your personal information for under regular review. These reviews take place annually. The criteria include-

- the purpose for which the personal information is used;
- our legal obligations and other legal requirements; and
- the type and amount of information and whether it is special personal information .

#### 9 CONTRACTUAL OR STATUTORY REQUIREMENTS ON YOU TO PROVIDE PERSONAL INFORMATION

- (a) In certain circumstances the provision of personal information by you is a requirement: to comply with the law or a contract; or necessary to enter into a contract.
- (b) It is your choice as to whether you provide us with your personal information necessary to enter into a contract or as part of a contractual requirement. If you do not provide your personal information then the consequences of such failure could mean, for example, that we may not be able to perform to the level you expect under our contract with you.

#### 10 ACCURACY OF YOUR PERSONAL INFORMATION

It is important that the personal information we hold about you is accurate and current and we take all reasonable precautions to ensure that this is the case but we do not undertake to check or verify the accuracy of personal information provided by you. Please keep us informed if your personal information changes during your relationship with us by emailing us on [privacy@accoladewines.com](mailto:privacy@accoladewines.com).

#### 11 YOUR RIGHTS IN RELATION TO YOUR PERSONAL INFORMATION

In addition to your ability to withdraw any consent you may have given to our processing your personal information, you may have a number of rights in connection with the processing of your personal information, including:

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- Request access to your personal information:** You have the right to confirm, free of charge, whether or not we hold any of your personal information, and to the extent that we do hold your information, to request a copy or description of that record for a prescribed fee. Please contact our information officer should you wish to exercise any of your data subject rights. You will be required to provide adequate proof of your identity so that we can confirm your identity and ensure your right to access your personal information. We may need to request other specific information from you to help us process your request. This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- Request correction of your personal information:** You have the right to request us to correct or delete your personal information which we have in our possession, where it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.
- Notification that your personal information is being collected:** When your personal information is collected, you have the right to be informed that your information is collected and where the information is not collected from you, you have the right to be informed of the source from whom/which it is collected.
- Notification of security compromises:** Where reasonable grounds exist for us to believe that your personal information has been accessed or acquired by an unauthorised person, you have the right to be notified.
- Request destruction or deletion of your personal information:** You have the right to ask us to delete or remove your personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with the law. Note, however, that we may not always be able to comply with your request of destruction or deletion for specific legal reasons which will be notified to you, if applicable, at the time of your request.

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- **Request the restriction of processing of your personal information:** This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Object to processing of your personal information:** You have the right to object to our processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your right to object to processing.
- **Withdraw consent:** You have the right to withdraw your 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 products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- **Institute civil proceedings:** You have the right to institute civil proceedings regarding the alleged interference with the protection of your personal information.
- **Submit a complaint to the Regulator:** you have the right to lodge complaints regarding the processing of your personal information with the relevant supervisory authority (which in South Africa is the Information Regulator). The Information Regulator can be contacted via email at [POPIAComplaints.IR@justice.gov.za](mailto:POPIAComplaints.IR@justice.gov.za). Please see [www.justice.gov.za](http://www.justice.gov.za) for how to do this in South Africa.

If you would like to exercise any of the rights set out above, please contact us using the contact details set out in paragraph 2 above.

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#### 12 LINKS TO OTHER WEBSITES OR APPS

This policy only applies to Accolade Wines, if you link to another website or app, you should remember to read and understand that website's privacy policy as well. We are not responsible for any use of your personal information that is made by unconnected third party websites or apps.

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### Glossary

**Information Regulator** means South Africa's Information Regulator established in terms of section 39 of POPIA;

**personal information** means all information relating to individuals that is processed in terms of this privacy policy, and where applicable, information relating to an identifiable, existing juristic person; and includes Identity Information, Contact Information, Financial Information, Transaction Information, Technical Information, Profile Information, Usage Information, Marketing and Communications Information, and Special Personal Information;

**POPIA** means the *Protection of Personal Information Act, 2013* and its regulations;

**process** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information,

and **processing** and **processed** have corresponding meanings;

**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; and for the purposes of this privacy policy is Accolade Wines;

**special personal information** means personal information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, biometric information or any other information that is deemed to be sensitive under applicable privacy laws.

<b>Version Number:</b>	2
<b>Subject:</b>	External Privacy Notice SA
<b>Policy Owner:</b>	Legal Director, Europe
<b>Authorised by:</b>	Executive Committee
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<b>Effective Date:</b>	26 April 2022
<b>Last Revised Date:</b>	1 September 2022
<b>Next Review Date:</b>	26 April 2023





## EXTERNAL PRIVACY NOTICE

### SOUTH AFRICA

#### Annexure A – Cookies and Accolade Wines websites

Accolade Wines, in common with many website providers, may use standard technology called cookies on its websites. Cookies are small data files that are downloaded onto your computer when you visit a particular website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site.

A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you agree. Cookies contain information that is transferred to your computer's hard drive. This can allow websites to recognise devices throughout the duration of a user's visit or browsing session. These cookies are known as session cookies.

In some cases, cookies persist across multiple browsing sessions, enabling the website to remember user preferences from previous visits. These cookies are known as preference cookies. Both session cookies and preference cookies reduce the requirement for the user to continually identify themselves on their journey through a website. For example, cookies may be used on this website to remember that the user has verified their date of birth, or to remember the details and the choices from submitted forms.

Some third party cookies may be placed on devices used to browse this website. These will typically be social media cookies, used by websites such as Facebook, to aid with the integration between any social media elements that the user may interact with and their social media profiles. Analytic cookies may also be placed to log visit statistics and anonymously track the way users browse this website.

Some areas of this website may invite users to participate, by adding comments or by rating items. This functionality works by incorporating a content management system. These content management systems may require content management cookies to be placed on the browsing device.

If you register with us or if you continue to use our site, you agree to our use of cookies. You can disable cookies by turning them off in your browser, however some areas of the website may not function properly if you do so. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies as soon you visit our site. For more information on cookies and how to use them or block them visit [www.allaboutcookies.org](http://www.allaboutcookies.org)

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