

# Clarity Data Protection Statement ("Statement")

**clarity**  
by Investec

## Introduction

For purposes of this Statement:

**“Affiliate(s)”** means

- (i) with respect to any undertaking, a subsidiary undertaking or parent undertaking of that undertaking, and any other subsidiary undertaking of any parent undertaking of that undertaking or any person who is directly or indirectly affiliated by way of a dual listing with such undertaking from time to time; and
- (ii) with respect to an individual, an undertaking in which that individual has, or may have, directly or indirectly, a Controlling Interest from time to time.

**“Applicable Laws”** means all local, foreign and international laws, regulations, treaties and codes that Clarity is required to comply with, for example the Protection of Personal Information Act 4 of 2013, the Financial Intelligence Centre Act 38 of 2001, the National Credit Act 34 of 2005 and the Foreign Account Tax Compliance Act of the United States of America.

**“Client”**, “you” or “your” refers to any prospective, new or existing client of any member of the Clarity Group.

**“Clarity”** or **“we”** means Investec Limited, its subsidiaries and affiliates. To obtain more information on these subsidiaries please refer to the Investec Group annual financial statement located on our website under Investor Relations: [https://www.investec.com/en\\_za/welcome-to-investec/about-us/investorrelations/financial-information.html](https://www.investec.com/en_za/welcome-to-investec/about-us/investorrelations/financial-information.html).

**“Clarity Group”** means Investec Limited and Investec plc and all their Entities / Subsidiaries.

**“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

**“Special Personal Information”** means personal information concerning—

- (a) 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
- (b) the criminal behaviour of a data subject to the extent that such information relates to—
  - (i) the alleged commission by a data subject of any offence; or
  - (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

**“Subsidiary” means**

- (a) subsidiary of Clarity if Clarity, one or more other subsidiaries of Clarity, or one or more nominees of Clarity or any of its subsidiaries, alone or in any combination—
  - (i) is or are directly or indirectly able to exercise, or control the exercise of, a majority of the general voting rights associated with issued securities of Clarity, whether pursuant to a shareholder agreement or otherwise; or
  - (ii) has or have the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board; or
- (b) a wholly owned subsidiary of another juristic person if all of the general voting rights associated with issued securities of the company are held or controlled, alone or in any combination, by persons contemplated in paragraph (a).

This Statement sets out how your personal information will be used by Clarity and applies to any information, including personal and special personal information, you give to Clarity, or which Clarity may collect from third parties.

It is important that you read this Statement carefully before submitting any personal information to Clarity. The provisions of this Statement are subject to mandatory, unalterable provisions of Applicable Laws.

**How to contact us**

If you have any comments or questions about this Statement please contact Investec’s Information Officer, Group Compliance at 100 Grayston Drive, Sandown, Sandton, 2196, South Africa or you may send an email to [dataprotectionsa@investec.co.za](mailto:dataprotectionsa@investec.co.za).

**Amendment of this Statement**

We may amend this Statement from time to time for any of the reasons listed below. We will notify you of any changes by placing a notice in a prominent place on Clarity’s website or by sending you an email detailing the changes that we have made.

- a) To provide for the introduction of new systems, methods of operation, business, services, products, property offerings or facilities;
- b) To reflect an actual or expected change in market conditions or general banking financial services, lending, investment and advisory services or property practices;
- c) To comply with changes to any legal or regulatory requirement;

- d) To ensure that our Data Protection Statement is clearer and more favourable to you;
- e) To rectify any mistake that might be discovered from time to time; and/or
- (i) For any other reason which Clarity, in its sole discretion, may deem reasonable or necessary.

## Privacy and security

Clarity takes your privacy and the protection of your personal information very seriously, and we will only use your personal information in accordance with this Statement and applicable data protection legislation. It is important that you take all necessary and appropriate steps to protect your personal information yourself (for example, by ensuring that all passwords and access codes are kept secure). More information on how you can protect yourself from fraud is available at [https://www.investec.com/en\\_za/legal/know-fraud.html](https://www.investec.com/en_za/legal/know-fraud.html). We have implemented reasonable technical and operational measures to keep your personal information secure.

## Information which we may collect about you

We may collect information not limited to the following:

- a) In respect of a natural client, your full name, date of birth, place of birth, address, contact details, citizenship information, identity number and/or passport number, residential address, contact details, bank details, details about your employment, tax number, other financial information and where relevant, related party information (e.g. in respect of authorised person/s);
- b) In respect of an entity client, incorporation / registration and / or trading name, incorporation / registration number, place of incorporation / registration and operation, industry / nature of business information, tax number, other financial information and related party information (e.g., in respect of authorised person/s and those who have been identified as having ownership and / or exercising control of your entity);
- c) Records of correspondence or enquiries from you or anyone acting on your behalf;
- d) Details of transactions you carry out with us;
- e) Details of contracts, sales or leases you carry out with us;
- f) Details of your credit history, where you have applied for credit and any additional information once we have agreed to provide credit to you;
- g) Your medical records for underwriting and claims purposes, where you have applied for an insurance cover or where we have agreed to provide cover through our insurance business;
- h) Sensitive or special categories of personal information, such as criminal behaviour and biometric information such as images, fingerprints and voiceprints.
- i) We may collect other information about a client dependent on the nature of the transaction or business relationship being entered into. In this instance we will inform the client of what information is collected for these specific purposes.
- j) We may require you to provide additional personal and tax-related information, in order for us to meet our legal or regulatory obligations. For tax reporting purposes, we may collect information belonging to persons who have authority or effective control over your account/the accountholder (this includes a

person with power of attorney and for some passive entities, all the controlling persons of such entity). We may collect this information from you or such other persons.

Where you provide us with the personal information of third parties you should take steps to inform the third party that you need to disclose their details to us, identifying us. We will process their personal information in accordance with this Statement.

### **How we collect information**

You may provide personal information to us either directly or indirectly (through an agent acting on your behalf, an independent financial advisor, or an introducer), by completing an application for our products and services or requesting further information about our products and services, whether in writing, through our website, over the telephone or any other means.

We may also collect your personal information from your appointed agent, Financial Services Provider, any regulator, fraud prevention agency or other third party or public resource that may hold such information. In instances where you have applied for credit or where we have agreed to provide credit to you or where it is necessary for us to conduct a search for us to provide an offering to you, we may conduct searches at credit bureau(x). Details of our searches will be kept by the credit bureau and will be available to other businesses that conduct searches with that agency for the purposes of meeting our regulatory obligations, credit assessments, debt recovery, management of your accounts, prevention of money laundering and fraud and statistical analysis. In instances where you apply for credit, we will tell you, where permitted by law, if we make a decision about you relating to your credit scoring or eligibility for our products or services based solely on an automated decision-making process. You will be given a reasonable opportunity if permitted by law or code of conduct to make representations about a decision.

In the instance where you have applied for an insurance related product, as well as at claims stage we will upfront, and on an ongoing basis, obtain and/or share information from/with our reinsurers, medical service providers, and other relevant sources to accurately assess your health or insurance risk.

### **Use of information collected**

We may use, transfer, and disclose your personal information for the purposes of:

- a) Providing you with the services, products or offerings you have requested, and notifying you about important changes to these services, products or offerings;
- b) Managing your account, investment, contractual arrangement or relationship and complying with your instructions or requests;
- c) Detecting and preventing fraud, financial crime and/or safeguard the interest of national security; Verifying your identity or the identity of your related parties (e.g. authorised persons and those who have ownership and / or exercise control of your entity);
- d) Assessing and dealing with complaints and requests;

- e) Assessing your affordability and possible investment needs (including existing investments) within the Clarity Group;
- f) Assessing your medical information for insurance purposes;
- g) Operational, marketing, auditing, legal, regulatory and record keeping requirements;
- h) Conducting financial crime related screening against relevant lists;
- i) Verifying your identity or the identity of the beneficial owner;
- j) Taking credit decisions where you have applied for credit or where we have agreed to provide credit to you; Obtaining credit reports or those of any other security provider from one or more credit reporting agency in connection with any agreement between you and Clarity and where you direct us to do so, where applicable; Using your credit score or other external data-check mechanisms when considering any account application and when providing you with services and products, and verifying any information provided by you or by the authorised signatory;
- k) Transmitting to a registered credit bureau any information concerning your application for a credit facility, our agreement with you, termination and non-compliance with the terms thereof, as well as information about your account;
- l) Conducting credit checks on related parties who are authorised users on an account;
- m) Complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- n) Conducting market research and providing you with information about Clarity's products or services from time to time via email, telephone or other means (for example, events);
- o) Ensuring that where you have unsubscribed from certain direct marketing communications, we do not send such direct marketing to you again;
- p) Engaging with third parties, including other members of the Clarity Group for reasons set out in this Statement or where it is not unlawful to do so;
- q) Complying with an obligation imposed by inter-bank agreements and payment clearing rules;
- r) Monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from Clarity or any of its employees, agents or contractors, including monitoring and recording telephone communications between you and Clarity to be used in the event of any dispute arising between you and Clarity; and
- s) Improving or evaluating the effectiveness of Clarity's business or products, services or offerings;
- t) Reclaiming offshore dividends withholding tax ("DWT") on your behalf, where such relief is available through the double taxation agreements between South African and various other countries;
- u) Enabling your attendance at webinars, webcasts, events or competitions that Clarity has arranged or sponsored.

We may from time to time contact you about services, products, and offerings available from Clarity or specific members of the Clarity Group which we believe may be of interest to you, by email, phone, text, or other electronic means, unless you have unsubscribed from receiving such communications by sending an email to [support@nowclarity.com](mailto:support@nowclarity.com)

#### **Disclosure of your information**

Your personal information may be shared with other members of the Clarity Group, our agents and subcontractors, and selected third parties who process the information on our behalf.

We may disclose your personal information to members of the Clarity Group in order to:

- a) Assess and monitor any of your applications for Clarity products or services, including the risk involved to comply with Applicable Laws;
- b) Determine which products and services of Clarity that may be of interest to you and/or to send you information about such products and services, unless you object or choose not to receive such communications;
- c) Provide proposals to you which include details of existing products or services you may hold within the Clarity Group;
- d) Expedite the provision of services, account opening and facilitate the opening of further accounts;
- e) Manage additional benefits associated with an account;
- f) Make decisions regarding the extension of credit;
- g) Fulfil our provision of insurance products and services to you;
- h) Fulfill our obligations relating to buying, selling and letting of land and/or premises;
- i) Keep your usual contact within Clarity informed of the progress of any new applications for new accounts, and vice versa;
- j) Have a better understanding of your circumstances and needs in order to provide and improve Clarity's products and services.
- k) We may also disclose your personal information to third parties
- l) To comply with Applicable Laws requiring Clarity and/or any third party to collect information about an account holder's tax residency and related tax matters, which Clarity may, at times, be obliged to report to SARS (for example, where the account holder is a US Person and/or has tax residency outside of South Africa, or where the account holder fails to provide tax related information or where the self-certification provided by the account holder is incorrect or incomplete;
- m) To report transactions to a licensed external trade repository in order to meet our legal obligations as an Over-the-Counter Derivatives Provider;
- n) To financial institutions who have received payments made you in order for that institution to identify you as payer of the funds;
- o) To a person and/or entity authorised to receive such information for purposes of prevention, detection and reporting of fraud, financial crime and criminal activities;
- p) To any regulator or supervisory authority, including those in foreign jurisdictions, if Clarity is required to do so in terms of Applicable Laws;
- q) To any person who has agreed to provide security for your indebtedness;
- r) To a prospective buyer or seller of any of our businesses or assets and/or obligations;
- s) To a person who acquires substantially all of the assets and/or obligations of a member of the Clarity Group; To any person if we are under a duty to disclose or share your personal information in order to comply with any Applicable Laws, or to protect the rights, property or safety of Clarity, Clients or other third parties; To any surety, guarantor, potential surety or potential guarantor for the obligations of a Client under any finance document who requests such information to evaluate any actual or potential liability under such suretyship or guarantee;
- t) To your agent or any other person acting on your behalf, an independent financial advisor or an introducer, informing them of the outcome of your application and whether we have agreed to provide

you with the product, service or offering you have applied for. We may also disclose information about you and your relationship with Clarity (including details of a related investment) throughout the term of that relationship;

- u) To a third party to reclaim offshore DWT on your behalf and/or;
- v) Independent public accountants and auditors and authorised representatives of internal control functions such as audit and legal.
- w) We may transfer your information to another member of the Clarity Group, an agent, sub-contractor or third party who carries on business in another country, including one which may not have data protection laws similar to those of the Republic.

If you do not wish us to disclose this information to third parties, please contact us at the contact details set out above. We may, however, not be able to provide products or services to you if such disclosure is necessary for the provision of such products or services.

### **Retention of your information**

As a general rule, we will retain your information in accordance with retention periods set out in Applicable Laws, unless we need to retain it for longer for a lawful purpose. (For example, for the purposes of complaints handling, legal and regulatory processes and proceedings and combatting financial crime.)

### **Access to, correction and deletion of your personal information**

You may request details of personal information which we hold about you under the Promotion of Access to Information Act 2 of 2000 ("PAIA"). Fees to obtain a copy or a description of personal information held about you are prescribed in terms of PAIA. Confirmation of whether or not we hold personal information about you may be requested free of charge. If you would like to obtain a copy of your personal information held by Clarity, please review our Promotion of Access to Information Act Manual located at [https://www.investec.com/en\\_za/legal/paia-promotion-of-access-to-information-act.html](https://www.investec.com/en_za/legal/paia-promotion-of-access-to-information-act.html).

You also have the right to contact relevant credit bureau(x), to have the credit record(s) disclosed and to correct any inaccurate information.

You may request the correction of personal information Clarity holds about you. Please ensure that the information we hold about you is complete, accurate and up to date. If you fail to keep your information updated, or if your information is incorrect, Clarity may limit the products and services offered to you or elect not to open the account. Depending on the nature of the change, and Applicable Laws, we may be required to report the information to a tax authority or third-party financial institutions which are withholding agents. You have a right in certain circumstances to request the destruction or deletion of and, where applicable, to obtain restriction on the processing of personal information held about you. If you wish to exercise this right, please complete the applicable Form in Appendix 1 and email it to [dataprotectionsa@investec.co.za](mailto:dataprotectionsa@investec.co.za).



You have a right to object on reasonable grounds to the processing of your personal information where the processing is carried out in order to protect our legitimate interests or your legitimate interests unless the law provides for such processing. If you wish to object to the processing of your personal information, please complete the applicable Form in Appendix 2 and email it to [dataprotectionsa@investec.co.za](mailto:dataprotectionsa@investec.co.za).

## **Complaints**

Should you believe that Clarity has utilised your personal information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with Clarity.

If you are not satisfied with such process, you may have the right to lodge a complaint with the Information Regulator, using the contact details listed below:

Tel: 010 023 5200

Email: [POPIAComplaints@inforegulator.org.za](mailto:POPIAComplaints@inforegulator.org.za)

## **Cookies**

Cookies are information that is used to track visitor use of a website and to compile statistical reports on website activity. If you wish to restrict or block cookies, you can do this through your browser settings. If you require more information on cookies, see the Cookies Policy on Clarity's website.

Email: [support@nowclarity.com](mailto:support@nowclarity.com)  
[www.nowclarity.com](http://www.nowclarity.com)