

PRIVACY POLICY

1. INTRODUCTION

- 1.1. Durban Filmmart Institute NPC (“Durban Filmmart Institute”, “the NPC”, “We”, “Us”) with registration number 2020/255768/08 is a non-profit company incorporated in the Republic of South Africa with its registered office situated at 11 Rennie’s House, 41 Victoria Embankment, Durban Central, Durban, 4000.
- 1.2. Durban Filmmart Institute services include *inter alia* the following:
 - 1.2.1. Providing selected African filmmakers with projects in development an opportunity to pitch film projects to leading financiers and content buyers;
 - 1.2.2. Providing full programme of industry-film related masterclasses, workshops, panel discussions as well as networking opportunities for African and International filmmakers; and
 - 1.2.3. In addition to the annual market, Durban Filmmart Institute hosts year round programming to upskill and nurture African film industry professionals.

(Hereinafter referred to as the “Services”).
- 1.3. Durban Filmmart Institute strives to ensure that our use of the Personal Information of data subjects is relevant, legal and reasonable to our organisation’s activities.
- 1.4. This Privacy Policy must be read together with our website terms and conditions and any other documents, agreements or privacy notices that describe how we, in specific circumstances, collect or process Personal Information about you. This will enable you to understand how we will process your Personal Information.
- 1.5. This Privacy Policy supplements such other documents and agreements, but shall not supersede them and in the event of a conflict, the terms of the particular document or agreement will prevail.
- 1.6. By providing us with your Personal Information, you agree to this Privacy Policy and authorise us to process such information as set out herein; and authorise the NPC, our associates, funders service providers and other third parties to Process your Personal Information for the purposes stated in this Privacy Policy.

2. TYPES OF INFORMATION COLLECTED BY US

- 2.1. We may collect, acquire, receive, record, organise, collate, store, update, change, retrieve, read, process, analyse, use and share your Personal Information in the manner as set out in this Privacy Policy. When we perform one or more of these actions, we are "**Processing**" your Personal Information.
- 2.2. "**Personal Information**" refers to private information about an identifiable living natural or juristic person. Personal Information does not include information that does not identify a person or anonymized information.
- 2.3. The Personal Information we collect may differ according to the Services you receive from us. We may process various categories of Personal Information, such as:
 - 2.3.1. **Identity Information**, when interacting with us as a customer, including information concerning your name, company name, identity and registration numbers, title, date of birth, gender, and legal status, languages, physical address;
 - 2.3.2. **Contact Information**, which includes your billing address, service addresses, physical address, email address and telephone numbers;
 - 2.3.3. **Criminal behaviour history**, where permitted in respect of prospective employees and job applicants;
 - 2.3.4. **Financial Information**, where permitted, including bank account details, bank statements and financial statements;
 - 2.3.5. **Human Resources** in respect of our own employees, including leave records, job applications, medical aid information to administer employment contracts and comply with our legal obligations;
 - 2.3.6. **Tax Information** where permitted, which includes IRP5 records, PAYE records and VAT registration numbers;
 - 2.3.7. **Technical Information**, which includes your internet protocol (IP) address, browser type and version, time zone setting and location, operating system and platform, on the devices you use to access our Website, products or Services..
 - 2.3.8. **Transaction Details concerning you as an individual**, which includes your name, age, gender, address, telephone, mobile, fax, e-mail, contact details, proof of identity and address, copies of passports, driving licences, and utility bills, payment card details, and financial information, health information relevant to your planned travel, and travel

insurances held, credit status, your preferences, frequent flyer or travel partner program affiliation and member number, and any other information provided to us by or in relation to you which concern you as an individual.

2.3.9. **Business-related information**, if you are an individual associated with a business or other organisation that is our funder, associate and/or partner then your Personal Information may include the following information that we link to you:

2.3.9.1. business or organisation details (such as name, address, telephone numbers, payment arrangements, financial information, etc.)

2.3.9.2. your relationship with that business or organisation (such as owner, partner, director, shareholder, employee, or agent);

2.3.9.3. your contact details within that business (such as work address, work telephone and mobile numbers, work fax number, and work e-mail address.

2.3.10. **Correspondence**, including messages between you and us, and between us and third parties, including correspondence relating to any booking or enquiry, or performance of any contract.

2.3.11. **Competition information**, including Personal Information collected during any competitions or promotions held by us or our associates;

2.3.12. **Usage Information**, which includes information as to your access to and use of our Website, products and Services.

2.3.13. **Marketing and Communications Information**, which includes your preferences in respect of receiving marketing information from us and your communication preferences.

2.4. We also process, collect, store and/or use aggregated data, which may include historical or statistical data ("**Aggregated Data**") for any purpose. Aggregated Data is not considered Personal Information as this data does not directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your Personal Information in a manner that can identify you, we will treat the combined data as Personal Information, which will be managed per this Privacy Policy.

2.5. Where we need to process your Special Personal Information, we will do so in the ordinary course of our business, for a legitimate purpose, and per applicable laws.

3. **COLLECTION OF INFORMATION**

3.1. We collect Personal Information about you when you:

- 3.1.1. Enquire about our Services;
- 3.1.2. contract with us for our Services;
- 3.1.3. apply for our services;
- 3.1.4. access our website;
- 3.1.5. contact us for any reason; and/or
- 3.1.6. join us as an agent, associate or employee.

4. APPLICATION OF THIS PRIVACY POLICY

- 4.1. This Privacy Policy describes our practices and approach in respect of your Personal Information and our treatment thereof.
- 4.2. This Policy applies to all external parties with whom we interact, including but not limited to:
 - 4.2.1. applicants and recipients of our Services;
 - 4.2.2. representatives of applicants and recipients of our Services;
 - 4.2.3. our funders, partners and service providers;
 - 4.2.4. our staff and representatives; and
 - 4.2.5. any other users of our Services.

5. HOW WE COLLECT PERSONAL INFORMATION

- 5.1. You directly provide us with most of the Personal Information we process. We collect and process Personal Information in the following ways, namely:
 - 5.1.1. through direct or active interactions with you;
 - 5.1.2. through direct or active interactions with your agent and/or representative;
 - 5.1.3. in the course of providing our Services to you or your organisation;
 - 5.1.4. in evaluating job applicants and onboarding Employees;
 - 5.1.5. from third parties, where permitted;

6. PASSIVELY COLLECTED PERSONAL INFORMATION

6.1. We may passively collect certain categories of your Personal Information from the devices that you use to access and navigate our Website or to make use of our Services (“Access Devices”) using server logs and your browser’s cookies. The categories of Personal Information we passively collect from your Access Device may include your:

6.1.1. Technical Information;

6.1.2. Usage Information and/or

6.1.3. Any other Personal Information which you expressly permit us, from time to time, to passively collect from your Access Device.

7. **INDIRECT COLLECTION OF PERSONAL INFORMATION**

7.1. We may also receive your Personal Information indirectly from, among others, the following sources (including public parties):

7.1.1. our information technology suppliers;

7.1.2. law enforcement;

7.1.3. credit bureaus (with your consent, where required by law).

7.1.4. from other Responsible Parties where we act as contracted outsourced processors (“Operators”) in performing our Services, including:

7.1.4.1. Banks and other financial institutions;

7.1.4.2. Telecommunications providers; and/or

7.1.4.3. Medical institutions and insurers.

7.1.5. When we collect your Personal Information from third parties it is either because you have given us express consent to do so, your consent was implied by your actions, or because you provided consent, either explicit or implicit, to the third party that provided this information to us.

8. **HOW WE USE YOUR PERSONAL INFORMATION**

8.1. We Process your Personal Information in order to carry out our Services.

8.2. We may also use the Personal Information we collect to maintain and improve our website and to improve the experience of its users, to facilitate the provision of our Services to you, and to comply with our statutory and regulatory obligations.

9. FAILURE TO PROVIDE US WITH REQUESTED PERSONAL INFORMATION

9.1. Where we are required to process certain Personal Information by law, or in terms of a contract that we have entered into with you, and you fail to provide such Personal Information when requested to do so, we may be unable to perform in terms of the contract in place or are trying to enter into with you. In such a case, we may be required to terminate the contract and/or relationship with you, upon due notice to you, which termination shall be done in accordance with the terms of that contract and any applicable legislation.

10. DISCLOSURE OF PERSONAL INFORMATION

10.1. We will not intentionally disclose your Personal Information, whether for commercial gain or otherwise, other than with your permission or in accordance with this Privacy Policy.

10.2. We may disclose your Personal Information to our contracted Responsible Parties, service providers, funders, sponsors and/or associates for legitimate purposes such as carrying out our Services, in accordance with the applicable laws and subject to applicable professional and regulatory requirements regarding confidentiality and appropriate data protection measures.

10.3. In addition, we may disclose your Personal Information:

10.3.1. where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;

10.3.2. With our contracted agents, funders, sponsors, advisers, consultants, service providers, suppliers, banking partners and other Operators who process Personal Information on our behalf and whose assistance we require to conduct our business operations.

11. STORAGE AND TRANSFER OF PERSONAL INFORMATION

11.1. We have engaged reputable and trusted organisations as outsourced processors (Operators), and in some cases, as sub-processors to provide data storage and cloud services to securely store your information. Our servers and cloud storage run in secure premises located in South Africa.

11.2. We reserve the right to generally transfer to and/or store your Personal Information on servers in a jurisdiction other than where it was collected, or outside of South Africa in a jurisdiction that may

not have comparable data protection legislation provided that if the location does not have substantially similar laws to those of South Africa, we will take reasonably practicable steps, including the imposing of suitable contractual terms to ensure that your Personal Information is adequately protected in that jurisdiction.

12. **MEASURES TAKEN TO PROTECT PERSONAL INFORMATION**

- 12.1. We have established and implemented data breach management procedures to address actual and suspected data breaches and will notify you and the relevant regulatory authorities of breaches where we are legally required to do so and within the period in which such notification is necessary.
- 12.2. We periodically review our Personal Information collection, storage and processing practices, including physical and digital security measures.

13. **WARRANTIES**

- 13.1. We take all reasonable measures to secure the integrity of all retained information and strive to protect it from misuse, loss, alteration, and destruction through the use of accepted technological standards that prevent unauthorised access to or disclosure of your Personal Information. Unfortunately, despite our best efforts, no data transmission or storage can be guaranteed to be 100% secure. Therefore, we do not make any warranties or guarantees that Personal Information shall be entirely 100% secure nor do we accept any liability of whatsoever nature for loss of privacy resulting from any unauthorised disclosure and/or use of your Personal Information, unless such disclosure and/or misuse is because of our gross negligence.

14. **RETENTION AND DELETION**

- 14.1. We may retain and process your Personal Information if and for as long as:
 - 14.1.1. we are required or permitted by law, or contract with you, to do so;
 - 14.1.2. it is for lawful purposes that are related to our performance of our obligations in respect of our Services; and/or
 - 14.1.3. you agree to us retaining it for a specified further period.
- 14.2. Unless there is a lawful purpose for us to continue processing or storing your Personal Information, we will destroy your Personal Information in the following circumstances:

- 14.2.1. the Personal Information is no longer necessary for the purpose for which it was collected or processed; or
- 14.2.2. you withdraw your consent to the processing of your Personal Information; or
- 14.2.3. you object to the processing of your Personal Information; and
- 14.2.4. there are no other lawful grounds for us to continue processing your Personal Information.

15. YOUR DATA PROTECTION RIGHTS

- 15.1. Data protection laws may grant you, among others, the following rights:
 - 15.1.1. **Request access to your Personal Information** – enabling you to receive a copy of the Personal Information retained about you;
 - 15.1.2. **Request the correction of your Personal Information** – to ensure any incomplete or inaccurate Personal Information is corrected;
 - 15.1.3. **Request erasure of your Personal Information** – where there is no lawful basis for the retention or continued processing of your Personal Information;
 - 15.1.4. **Object to the processing of your Personal Information for a legitimate interest (or those of a third party)** - under certain conditions where you feel it impacts your fundamental rights and freedoms;
 - 15.1.5. **Request restriction of processing of your Personal Information** – to restrict or suspend the processing of your Personal Information to limited circumstances;
 - 15.1.6. **Withdraw consent given in respect of the processing of your Personal Information at any time** – withdrawal of consent will not affect the lawfulness of any processing carried out before your withdrawal notice. But may not affect the continued processing of your Personal Information in instances where your consent is not required.
- 15.2. If an above request/objection is to be made, please use the contact information provided in clause 22 and we will revert within 30 calendar days.

16. CHILDREN

- 16.1. Our Website and our Services are not targeted at people under the age of 18. We will not knowingly collect Personal Information in respect of persons in this age group without express permission to do so, unless permitted by law.

17. THIRD PARTY SUB-PROCESSORS/OPERATORS

17.1. We use external processors (“**Operators**”) for certain processing activities and to assist in the delivery of Services. We reserve the right to change our Operators at any time without further notice to you, but we will ensure our Operators are bound by this Privacy Policy and our Data Protection Policy or similar terms providing the same or higher level of protection. Such external processing activities include, but are not limited to:

17.1.1. IT systems and infrastructure;

17.1.2. Human resources; and

17.1.3. Hosting and email infrastructure.

18. COOKIES

18.1. We may place small text files called “cookies” on your device when you visit our website. Cookies do not contain Personal Information, but they do contain a personal identifier allowing us to associate your Personal Information with a certain device.

18.2. Your internet browser may accept cookies automatically and you can delete cookies manually. However, no longer accepting cookies or deleting them may prevent you from accessing certain aspects of our Website where cookies are necessary.

18.3. As cookies are stored in the web browser used to access our Website, to disable cookies users need to change the settings pertaining to that browser in particular.

18.4. Many websites use cookies and more information is available at www.allaboutcookies.org.

19. PRIVACY POLICIES OF OTHER WEBSITES

19.1. Our website may contain links to other websites, apps, tools, widgets and plug-ins that are run by third parties. If you visit a third-party website or social media site, you should read that website/ social media’s privacy notice, terms and conditions, and their other policies. We are not responsible for the policies and practices of third parties and social media sites. Any Personal Information you give to those organizations is dealt with under their privacy notice, terms and conditions, and other policies.

- 19.2. If you disclose your Personal Information to any third party other than us, we shall not be held liable for any loss or damage, howsoever arising, as a result of your disclosure of your Personal Information to a third-party.

20. GOVERNING LAW

- 20.1. This Privacy Policy is governed by South African law.
- 20.2. If any provision of this Privacy Policy is determined to be illegal, void or unenforceable due to applicable law or by order of a court, it shall be deemed to be deleted and the continuation in full force and effect of the remaining provisions shall not be prejudiced.

21. CHANGES TO THIS POLICY

- 21.1. We may amend this Privacy Policy from time to time and we will take reasonably practicable steps to inform you when changes are made. Without limiting how we may inform you, we may notify you by email, “pop-up” notification on our Website, or notification when you access our Website.

22. CONTACT US

- 22.1. We have appointed an Information Officer responsible for overseeing questions concerning this Privacy Policy. You may contact our Information Officer at info@durbanfilmmart.com to discuss this Privacy Policy, your rights under data protection laws applicable to you, and to raise any complaints with us.

23. QUERIES, COMPLAINTS, AND INFORMATION REGULATOR

- 23.1. All questions and complaints are to be address our Information Officer. If you feel our attempts at resolving the matter have been inadequate, you may lodge a complaint with the South African Information Regulator through their website, <https://www.justice.gov.za/inforeg/>.
- 23.2. If you are located outside of South Africa, you may contact the appropriate regulatory authority in your country of domicile.