

Privacy Policy

1. INTRODUCTION

Avok Financial Services is an entity which is a registered credit provider, whose primary business is providing micro finance to the general public.

Avok Financial Services is committed to sound business practices in compliance with all the relevant legislation, which for purposes of this Privacy Policy, includes the Protection of Personal Information Act 4 of 2013 (“POPIA”) read with the Consumer Protection Act 68 of 2008, The National Credit Act 34 of 2005 and the Constitution of the Republic of South Africa.

2. PURPOSE, SCOPE & OBJECTIVES

- - The policy sets out the manner in which personal information of consumers, utilising Avok Financial Services Website for purposes of applying for credit, is collected, managed, stored, used and protected by Avok Financial Services.

- The objectives are to:
 - process personal information responsibly and lawfully in terms of the provisions of POPIA;
 - provide a guideline as to the way Avok Financial Services processes and protects personal information;
 - adopt good practices in terms of processing of personal information;
 - display the commitment of Avok Financial Services to uphold and respect information privacy.

3. DEFINITIONS

“consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

“data subject” means the person to whom the personal information relates.

“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-

- 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 a person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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;
- the views or opinions of another individual about the person; and
- 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.

“processing” 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.

“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.

4. TYPE OF INFORMATION PROCESSED

Avok Financial Services may collect and process the following types of information during the credit application process and granting of credit:

- Biometric Fingerprint Information
- Bank statements
- Payslips
- Name and surname
- Household Expenses
- Identity number (including date of birth)
- Nationality
- Gender
- Marital status
- Homeowner status
- Race
- Contact details, including email address, telephone numbers, physical address
- Name, surname, contact details and relationship of client’s next of kin
- Credit report
- Employment information
- Client payment reports
- Bank Account Details, including status and last deposit date
- Number of Dependents

5. LAWFUL PROCESSING OF PERSONAL INFORMATION

The conditions for the lawful processing of personal information by any responsible party i.e. Avok Financial Services, as prescribed by the provisions of POPIA, are set out herein below. Avok Financial Services undertakes to comply with these conditions when processing personal information:

5.1 Accountability

Avok Financial Services will ensure that the conditions set out hereunder are given effect to and complied with at the time of processing of personal information. Avok Financial Services will remain accountable and takes responsibility for personal information in its possession and processed by it.

5.2 Processing limitation

Avok Financial Services undertakes to process personal information:

- lawfully; and
- in a reasonable manner that does not infringe the privacy of the data subject.
- Personal information will only be processed if, given the purpose for which it is processed, it is in a manner that is adequate, relevant and not excessive.
- Personal information will only be processed if:
 - the data subject or a competent person, where the data subject is a child, consents thereto. The responsible party bears the burden of proof for the data subject's or competent person's consent. The consent may be withdrawn at any time, provided that the lawfulness of processing personal information prior such withdrawal will not be affected;
 - processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
 - processing protects a legitimate interest of the data subject;
 - processing is necessary for the proper performance of a public law duty by a public body; or
 - processing is necessary for pursuing the legitimate interests of the responsible party of a third party to whom the information is supplied.
- Personal information will be collected directly from the data subject, unless:

- the information is contained in or derived from a public record or has deliberately been made public by the data subject;
- the data subject is a competent person, where the data subject is a child, has consented to the collection of the information from another source;
- collection of the information from another source would not prejudice a legitimate interest of the data subject;
- collection of the information from another source is necessary;
- to avoid prejudice to the maintenance of the law by any public body;
- to comply with an obligation imposed by law or to enforce legislation;
- for the conduct of proceedings, in any court or tribunal, that have commenced or are reasonably contemplated;
- in the interest of national security; or
- to maintain the legitimate interests of the responsible party or of a third party to whom the information is supplied;
- compliance would prejudice a lawful purpose of the collection; or
- compliance is not reasonably practicable in the circumstances of the particular case.

5.3 Purpose specification

Avok Financial Services will collect the personal information for the following and related purposes:

- Application for credit
- Conducting an Affordability Assessment
- Obtaining a credit bureau report
- Fraud check
- Pre-agreement statement & quotation & credit agreements
- Debt collection
- Marketing if consent was obtained

- Compliance with legislation
- Once personal information, processed and stored by Avok Financial Services, has reached its expiry date or becomes in any way redundant, Avok Financial Services will destroy or delete the record of personal information in a manner that prevents its reconstruction in an intelligible form.
- Avok Financial Services will restrict the processing of personal information if:
 - the accuracy is contested by the data subject, for a period to enable the verifying of the personal information;
 - the personal information is no longer needed for the purpose for which it was collected and processed, but maintained for purposes of proof;
 - the processing is unlawful, and the data subject opposes its destruction, but requests the restriction of its use instead; or
 - data subject requests the transmission of personal data into another automated processing system.

5.4 Further processing limitation

Any further processing of personal information carried out by Avok Financial Services will be done in accordance or compatible with the purpose for which it was initially collected.

5.5 Information quality

Avok Financial Services will take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.

5.6 Openness

- - Avok Financial Services will maintain the documentation of all processing operations under its responsibility.

When personal information is collected, Avok Financial Services will take reasonably practicable steps to make the data subject aware of:

- the information being collected or the source from which the information is collected;
- the name and address of the responsible party;
- the purpose for which the information is being collected;
- whether or not the supply of the information by that data subject is voluntary or mandatory;
- the consequences of failure to provide the information;
- any law authorising or requiring the collection of the information;
- the fact that, where applicable, the responsible party intends to transfer the information to a third country or international organisation and the level of protection afforded of the information by that third country or international organisation;
- any further relevant information.

5.7 Security safeguards

- - Avok Financial Services undertakes to secure the integrity and confidentiality of personal information in its possession or under its control. This is done by taking appropriate, reasonable technical and organisation measures to prevent loss of, damage to or unauthorised destruction of personal information; and unlawful access to or processing of personal information.

The following safeguards has been put in place by Avok Financial Services to secure the integrity and confidentiality of personal information:

- Physical access security to the building
- Password protection on Loan Management systems
- Password protection on all computer logins
- Anti-virus programmes on all computers, which are tested and updated monthly

- Firewalls
- External hard drive for backup purposes

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, Avok Financial Services will notify, as soon as possible after the discovery of the compromise:

- the Information Regulator; and
- the data subject, unless the identity of such data subject cannot be established.

Avok Financial Services will notify the data subject in writing of the unauthorised access to or acquiring of its personal information and provide sufficient information to the data subject in order to take protective measures against the potential consequences of the compromise.

5.8 Data subject participation

Any queries or concerns regarding this Privacy Policy, your information held, corrections or deletion of personal information or updating personal information, please contact us on adelle@avok.co.za.

6. COLLECTION OF INFORMATION

Avok Financial Services collects personal information in the following manners:

- Credit Applications
- Credit bureaus
- Voluntary disclosure by data subject
- Website
- Telephonically
- Email