



## AG CAPITAL

Office 201, 2nd Floor, Cape Quarter Square, 27 Somerset Road, Green Point, Cape Town, 8000

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### THE PROTECTION OF PERSONAL INFORMATION ACT COMPLIANCE AND PRIVACY NOTICE

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#### 1. INTRODUCTION

The right to privacy is an integral human right recognised and protected in the South African Constitution and the Protection of Personal Information Act 4 of 2013 (“POPIA”). POPIA aims to promote the protection of privacy by providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

Through the provision of quality services, the organisation is necessarily involved in the collection, use, and disclosure of certain aspects of the personal information of clients, employees, service providers, and other stakeholders.

This privacy notice aims to demonstrate our commitment to safeguarding your personal information and to notify you how and why we collect information from you, the way we use your information, and how we share or disclose your information, as required in terms of the Protection of Personal Information Act (“POPI Act”).

This Notice provides you with the following information:

- An overview of AG Capital (Pty) Ltd (“AG Capital”);
- Our commitment to compliance;
- A Summary of the compliance measures implemented;
- A notification on the collection of personal information and how we use the information;
- Your rights as a data subject;
- How to contact us about this notice.

#### 2. OVERVIEW OF AG CAPITAL

AG Capital is an authorised financial services provider with FSP Number 43325. In this notice, when we refer to “AG Capital”, “the group” or “we”, reference is made to AG Capital and/or AG Institutional Brokers as responsible parties. AG Institutional Brokers (Pty) Ltd is an approved JSE IRC member firm and a 100% wholly-owned subsidiary of AG Capital. AG Capital and AG Institutional Brokers share infrastructure and data platform technology to deliver a range of professional services.

AG Capital has developed this compliance and privacy notice for our clients, service providers, employees, applicants for employment and any other data subject to understand our commitment to compliance with the POPI provisions and how and why the group collects, uses, discloses and safeguards their

personal information.

We render financial services in the following product categories:

Category Description	Cat I	Cat II	Cat IIA
Structured Deposits	X		
Participatory Interest in a Hedge Fund	X	X	X
Shares	X	X	X
Money Market Instruments	X	X	X
Debentures & Securitised Debt	X	X	X
Warrants, certificates and other instruments	X	X	X
Bonds	X	X	X
Derivative Instruments	X	X	X
Participatory Interest in a Collective Investment Scheme	X	X	X
Long-Term Deposits	X		
Short-Term Deposits	X		
General CAT IIA			X

#### 3. COMMITMENT TO COMPLIANCE WITH POPI

Given the importance of privacy, AG Capital is committed to effectively managing personal information in accordance with POPIA’s provisions. To meet the requirements of POPI, AG Capital has drafted a POPI Risk Management and compliance programme or framework which includes the following measures:

- Development and implementation of an information processing plan and procedures, including the safeguards of personal information required under POPI;
- Development and implementation of a compliance monitoring plan;
- Appointment of an Information Officer;
- Delegation of duties to staff and training on their duties;

- Development of disclosures and client POPI engagement processes;
- Documentation of relationships with third parties on the sharing of personal information and/or service agreements for the outsourcing of certain POPI obligations.

#### 4. PRIVACY STATEMENT

AG Capital respects your right to privacy and is committed to safeguarding your personal information when processing your personal information in terms of the Protection of Personal Information Act (POPIA).

This privacy statement applies to natural and juristic persons whose personal information is processed by AG Capital, including potential clients, existing clients, services providers, and applicants for employment. In instances where AG Capital processes personal information as an operator for a responsible party in terms of a contract or mandate, we encourage you to read and understand that particular responsible party's privacy notice.

Our privacy statement outlines our policy surrounding the protection and processing of your personal information and our commitment to comply with the conditions set out in the Protection of Personal Information Act (POPIA) when collecting, recording, storing, disseminating, and destroying personal information, and responding to government requests for our data subjects:

- I. In our capacity as the responsible party, we shall inform you that we shall be processing personal information, the purpose or reasons for the collection of personal information and we shall endeavour to obtain information directly from you upon your consent or if we can demonstrate a justifiable reason for collecting personal information;
- II. We shall process information for a specific, lawful reason and only adequate, relevant information which is limited to the purposes for which they are processed and which relates to the functions or the activity for which it is intended;
- III. We shall delete or otherwise de-identify your personal information after the minimum storage periods required under our risk and statutory record-keeping periods have expired.
- IV. We shall take reasonable steps to ensure personal information obtained from our data subjects or third parties is complete, accurate, not misleading, and updated where necessary.
- V. We take measures to ensure data is kept safe and prevent loss of, damage to, or unauthorized destruction of personal information, and unlawful access to or processing of personal information.
- VI. We undertake to review and update our security measures in accordance with future legislation and technological advances.
- VII. AG Capital is obligated to inform the Information Regulator and the affected data subject if there is a

breach of personal information. We shall aim to assist in minimising any losses that may result from such a breach in security.

- VIII. We shall not contact/solicit you unless you have given us your consent to do so;
- IX. We shall implement the necessary measures that will give effect to your rights as a data subject as provided in terms of POPIA.

#### 5. NOTIFICATION OF PERSONAL INFORMATION COLLECTED AND PROCESSING ACTIVITIES

This notification applies to natural and juristic persons (which includes) potential clients, existing clients, services providers, and applicants for employment whose personal information is processed by the group in its capacity as a responsible party.

##### 5.1. Information being collected

The type of personal information and special personal information we collect depends on the purpose and reason for which it is processed and relates to the functions or the activity for which it is intended.

Personal information is information that identifies a person, examples of personal information we collect are; your full name, ID number, date of birth; contact details; information surrounding your personal circumstances such as your race, gender, nationality, marital status, medical and financial history. Juristic persons may be identified by their registered or trade name, registration numbers, and business addresses. AG Capital may also collect information such as tax numbers, VAT numbers, and bank account details. AG Capital only collects special personal information and personal information of a child if it is necessary for the performance of the client engagement or required by law.

AG Capital shall only process personal information in a lawful manner and based on-

- Having consent from the data subject;
- or for legitimate and justifiable reasons as provided for in the POPI Act.

The Data subject provides the information voluntarily and understands that certain information is mandatory for the purpose of administration or management of the relationship between the Responsible Party and Data Subject.

##### 5.2. Methods of collection

AG Capital collects personal information in several ways which include but are not limited to:

- Online submission through our website;
- Correspondence via e-mail;
- Electronic-based information sheets;
- Phone calls, consultation which content is entered into records;
- Social media platforms.

AG Capital collects information directly from you where you provide us with your details or if personal information is



available in public records. In addition to the aforementioned, we may obtain information from third parties subject to your consent.

The personal information provided by you may be processed by AG Capital to ensure efficient interaction with AG Capital. Such information is processed, stored, and retained through AG Capital's shared data technology platform.

### 5.3. Purpose of collection and use of personal information

AG Capital shall collect personal information for a specific, explicitly defined, and lawful purpose that relates to the function or the activity of our organisation for which it was intended. If AG Capital wants to process the personal information further or for additional purposes, it must be compatible or in line with the purpose for which it was collected.

The information collected by AG Capital may be used, transferred, stored, disseminated, shared, or processed for the following purposes:

Potential clients and existing clients:

- To provide services to our clients and to carry out our responsibilities in terms of the engagement with the client;
- To confirm, verify and update your details;
- To communicate and manage our relationship with you;
- To enhance our apps and portals;
- To respond to enquiries and complaints from clients;
- To detect and prevent fraud, crime and money laundering, and other forms of malpractice;
- To perform an analysis of the locations from which visitors access our website;
- For record-keeping purposes;
- To protect and enforce AG Capital's rights and remedies in terms of legislation and governing law;
- Provide regulatory updates, newsletters and to inform you of new products or developments that may be of interest to you;
- To analyse complaints and suggestions from clients for services delivery;
- To comply with legal obligations.

Service providers:

- Obtain quotes and service proposal for the delivery of services;
- For processing payments of invoices;
- Liaising with the service provider on the services to be rendered in terms of the services level agreement.

Applicants for employment:

- To determine whether the applicant is suitable for the position applied.

Employees:

- To maintain the employer and employee relationship;

- Comply with obligations imposed on the employer in terms of the South African conditions of employment legislation framework;
- Administration of employee benefits;
- Administration and submission of statutory submission and payments such as tax, UIF, etc;
- Payment of salaries;
- Resolving labour disputes.

### 5.4. Particular law authorising or requiring collection and other processing activities.

AG Capital may process information to comply with legislative requirements which include:

- Compliance with regulatory and legislative requirements such as the Financial Intelligence Centre Act 38 of 2001, Basic Conditions of Employment Act 75 of 1997, etc.;
- Compliance with reporting requirements;
- Record-keeping requirements;
- Prevention of money laundering, terrorist financing, fraud, corruption, tax evasions, and other crimes.

### 5.5. Cookies

A cookie is a string of information that a website stores on a visitor's computer, and that the visitor's browser provides to the website each time the visitor returns. AG Capital and its partners set cookies to help identify and track visitors, their usage of AG Capital's service, and their website access preferences. AG Capital visitors who do not wish to have cookies placed on their computers should set their browsers to refuse cookies before using AG Capital's website, with the drawback that some features of AG Capital's websites may not function properly without the aid of cookies.

### 5.6. Disclosure of personal information

During our various processing activities, AG Capital may disclose personal information with:

- Our employees who are required to render the services to our clients, liaise with applicants for employment and services providers;
- Services providers involved in the rendering of services to the clients;
- Service providers that provide software or programming services that enable AG Capital to perform our services efficiently;
- Services providers that AG Capital is engaged with such as compliance officers, administration, labour consultants, attorneys, auditors, etc.;
- Government organisations (such as SARS, CIPC, UIF, etc); and
- Regulatory or governmental authorities such as the Financial Sector Conduct Authority and the Prudential Authority.

AG Capital may share personal information if it has a duty or a right to disclose the same in terms of law or certain industry



codes; or if it is necessary to protect AG Capital's or your legal rights and interests.

Access to client data from within our organisation is limited to essential staff or specialist contractors that are required to access our systems for client service or maintenance purposes, who are bound by the requirements of the legislation and are required to maintain safety and security measures.

### 5.7. Cross border transfer

The organisation will not transfer personal information to a third party in a foreign country without ensuring that it complies with the provisions of POPI or subscribes to similar personal information protection laws. Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa. Personal information shall not be shared with countries that do not subscribe to personal information protection laws unless AG Capital has entered into an agreement in terms of which the third party subscribes to the obligations for lawful processing of personal information.

## 6. YOUR RIGHTS AND RESPONSIBILITIES

To ensure that AG Capital at all times has the correct information of the person to whom the personal information relates, we require our data subjects to inform AG Capital when their personal information changes.

You have the right to request access to personal information and where necessary, that the personal information held by AG Capital must be corrected, destroyed, or deleted (Annexure A).

A person to whom the personal information relates, a data subject, also has a right to object to the use of personal information (Annexure B) or complain about instances where any of their rights under POPI has been infringed upon (Annexure C). In certain instances failure to provide us with personal information may result in the inability to deliver said services to you, alternatively, you shall receive limited services or we shall not be able to enter into a business or employment relationship with you, as the case may be.

## 7. DATA SUBJECT ENGAGEMENT PROCEDURES

Access to information requests can be made by email, addressed to the Information Officer. The Information Officer will provide the data subject with the prescribed form (Annexure A). Once the completed form has been received, the Information Officer

will verify the identity of the data subject before handing over any personal information. All requests will be processed and considered against the organisation's PAIA Policy, recordkeeping policies, and any other requirements in terms of the law.

AG Capital takes all complaints very seriously and will address all POPI related complaints by the following procedure:

- POPI complaints must be submitted to the organisation in writing. Where so required, the Information Officer will provide the data subject with a "POPI Complaint Form" (Annexure C).
- The Information Officer will provide the complainant with a written acknowledgement of receipt of the complaint.
- The Information Officer will carefully consider the complaint and amicably address the complainant's concerns. In considering the complaint, the Information Officer will endeavour to resolve the complaint in a fair manner and in accordance with the principles outlined in POPIA.
- Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject has the right to complain to the Information Regulator.

The Information regulator's contact details are as follows:

**Complaints email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**General enquiries email:** [info@agcapital.co.za](mailto:info@agcapital.co.za)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Should you have any questions relating to this notice, you can contact the Information Officer or Deputy Information Officers at [info@agcapital.co.za](mailto:info@agcapital.co.za). Our Information Officer is Julian Woolley and our Deputy Information Officers are Rozanne Arnesen, Jan Cronje, Marina Kotsopoulos, Ruansa van Eeden and Dawid Wilken.

## 8. POLICY CHANGES

This notice was last revised on 10 June 2021. Any material changes hereto will be published on our website or distributed to clients in writing. Your continued use of our services following the update means that you accept AG Capital's updated notice.



**ANNEXURE A:**

<b>PERSONAL INFORMATION REQUEST FORM</b>	
<b>Please submit the completed form to the Information Officer:</b>	
Name	
Contact Number	
Email Address:	

Please be aware that we may require you to provide proof of identification prior to processing your request.  
There may also be a reasonable charge for providing copies of the information requested.

<b>A. Particulars of Data Subject</b>	
Name & Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	

<b>B. Request</b>	
I request the organisation to:	
(a) Inform me whether it holds any of my personal information	<input type="checkbox"/>
(b) Provide me with a record or description of my personal information	<input type="checkbox"/>
(c) Correct or update my personal information	<input type="checkbox"/>
(d) Destroy or delete a record of my personal information	<input type="checkbox"/>

<b>C. Instructions</b>	

<b>D. Signature Page</b>	
Signature	
Date	

**ANNEXURE B:**

<b>DATA SUBJECT OBJECTION FORM</b>	
<b>Please submit your complaint to the Information Officer:</b>	
Name	
Contact Number	
Email Address:	

Affidavits or other documentary evidence as applicable in support of the objection may be attached. If the space provided in this Form is inadequate, submit information as an Annexure to this Form and sign each page. Complete as applicable.

<b>A. Particulars of Data Subject</b>	
Name & Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	
<b>B. Reasons for Objections in terms of Section 11 (1)(d) to (f)</b>	
<b>D. Signature Page</b>	
Signature:	
Date	

**ANNEXURE C:**

**POPI COMPLAINT FORM**

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

**Please submit your complaint to the Information Officer:**

Name	
Contact Number	
Email Address:	

Where we are unable to resolve your complaint to your satisfaction, you have the right to complain to the Information Regulator.

**The Information Regulator:** Adv Pansy Tlakula

**Physical Address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

**Email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**Website:** <https://www.justice.gov.za/inforeg/index.html>

**A. Particulars of Complainant**

Name & Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	

**B. Details of Complaint**


**C. Desired Outcome**


**D. Signature Page**

Signature:	
Date	

