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This Privacy Policy describes our policies and procedures on the collection, use and disclosure of your information when you use the Service and tells you about your privacy rights and how the law protects you.

We use your Personal Data to provide and improve the Service. By using the Service, you agree to the collection and use of information in accordance with this Privacy Policy.

1. Interpretation and Definitions

1.1. Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions.

The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

1.2. Definitions

For the purposes of this Privacy Policy:

- **"You"** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.
- **"Company"** (referred to as either "the Company", "We", "US" or "OUR" in this Policy) refers to Freshmark Systems (PTY) Ltd and its subsidiaries, 2nd Floor, Infinity Place, 10 St Helena Road, Beacon Bay, East London.
- **"Affiliate"** means an entity that controls, is controlled by or is under common control with a party, where "control" means ownership of 50% or more of the shares, equity interest or other securities entitled to vote for election of directors or other managing authority.
- **"Account"** means a unique account created for you to access our Service or parts of our Service.
- **"Website"** refers to "http://www.freshmarksystems.co.za"
- **"FMS"** refers to Freshmark Systems (PTY) Ltd
- "Service" refers to FMS Website, FMS products or any other form of electronic offerings.

- **“Country”** refers to: South Africa
- **“Service Provider”** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analysing how the Service is used.
- **“Third-party Service”** refers to any Website or any social network Website through which a user can log in or create an account to use the Service.
- **“Personal Data”** is any information that relates to an identified or identifiable individual.
- **“Cookies”** are small files that are placed on your computer, mobile device or any other device by a Website, containing the details of your browsing history on that Website among its many uses.
- **“Device”** means any device that can access the Service such as a computer, a cell phone or a digital tablet.
- **“Usage Data”** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).

2. Collecting and Using Your Personal Data

2.1. Types of Data Collected

2.1.1 Personal Data

While using our services, we may ask you to provide us with certain personally identifiable information that can be used to contact or identify you. Personally, identifiable information may include, but is not limited to:

- Email address
- First name and last name
- Phone number
- Address, Province/State, City, Postal Code/ZIP
- Banking Details

Maintaining the security of your personal information is important to FMS. Reasonable security safeguards have been implemented to protect your personal information. FMS uses various methods to protect your information such as:

- Encryption methods when accessing password protected areas of our websites. An icon resembling a padlock is displayed on the address bar of most Internet browser windows during encrypted transactions.
- Access to your personal information on FMS websites, mobile applications, products and services will be password-protected.
- Sensitive data is protected by SSL encryption when it is exchanged between your web browser and the FMS website and mobile applications.
- To protect any data, you store on our servers, FMS also regularly audits its systems for possible vulnerabilities and attacks.
- FMS maintains an Information Security Programme internally to ensure that your personal information is protected against unauthorised access, accidental loss or destruction.

Further details can be found in our “FMS Information Security Policy” document available upon request.

2.1.2 Usage Data

Usage Data is collected automatically when using the Service.

Usage Data may include information such as your Device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When you access the Service by or through a mobile device, we may collect certain information automatically, including, but not limited to, the type of mobile device you use, your mobile device unique ID, the IP address of your mobile device, your mobile operating system, the type of mobile Internet browser you use, unique device identifiers and other diagnostic data.

We may also collect information that your browser sends whenever you visit our Service or when you access the Service by or through a mobile device.

2.2. Tracking Technologies and Cookies

We use cookie technology on some parts of our website. A cookie is a small piece of text that is saved on your Internet browser when you use our website. The cookie is sent back to our computer each time you visit our website. Cookies make it easier for us to give you a better experience online. You can stop your browser from accepting cookies, but if you do, some parts of our website or online services may not work. We recommend that you allow cookies.

2.3. Use of Your Personal Data

The Company may use Personal Data for the following purposes:

- **To provide and maintain our Service**, including to monitor the usage of our Service.
- **To manage Your Account**: to manage your registration as a user of the Service. The Personal Data you provide can give you access to different functionalities of the Service that are available to you as a registered user.
- **For the performance of a contract**: the development, compliance and undertaking of the purchase contract for the products, items or services you have purchased or of any other contract with us through the Service.

- **To contact You:** To contact you by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation.
- **To provide You with news,** special offers and general information about other goods, services and events which we offer that are similar to those that you have already purchased or enquired about unless you have opted not to receive such information.
- **To manage Your requests:** To attend and manage your requests to us.

We may share your personal information in the following situations:

- **With Service Providers:** We may share your personal information with Service Providers to monitor and analyse the use of our Service, to contact you.
- **For Business transfers:** We may share or transfer your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of our business to another company.
- **With Affiliates:** We may share your information with our affiliates, in which case we will require those affiliates to honour this Privacy Policy. Affiliates include our parent company and any other subsidiaries, joint venture partners or other companies that we control or that are under common control with us.
- **With Business partners:** We may share your information with our business partners to offer you certain products, services or promotions.
- **With other Users:** when you share personal information or otherwise interact in the public areas with other users, such information may be viewed by all users and may be publicly distributed outside. If you interact with other users or register through a Third-Party Social Media Service, your contacts on the Third-Party Social Media Service may see your name, profile, pictures and description of your activity. Similarly, other users will be able to view descriptions of your activity, communicate with you and view your profile.

2.4. Retention of Your Personal Data

The Company will retain your Personal Data only for as long as is necessary for the purposes set out in our Retention Policy. We will retain and use your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of our Service, or we are legally obligated to retain this data for longer time periods.

Detailed information on Data Retention can be found in our “FMS Data Archiving, Retention and Destruction Policy” document which is available upon request.

2.5. Transfer of Your Personal Data

Your information, including Personal Data, is processed at the Company’s operating offices and in any other places where the parties involved in the processing are located. It means that this information may be transferred to – and maintained on – computers located outside of your State, Province, country or other governmental jurisdiction where the data protection laws may differ from those of your jurisdiction.

Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

The Company will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy and no transfer of your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of your data and other personal information.

2.6. Disclosure of Your Personal Data

2.6.1 Business Transaction

If the Company is involved in a merger, acquisition or asset sale, your Personal Data may be transferred. We will provide notice before your Personal Data is transferred and becomes subject to a different Privacy Policy.

2.6.2 Law enforcement

Under certain circumstances, the Company may be required to disclose your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

2.6.3 Other legal requirements

The Company may disclose your Personal Data in the good faith belief that such action is necessary to:

- Comply with a legal obligation
- Protect and defend the rights or property of the Company
- Prevent or investigate possible wrongdoing in connection with the Service
- Protect the personal safety of users of the Service or the public
- Protect against legal liability

2.7. Security of Your Personal Data

The security of your Personal Data is important to us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While we strive to use commercially acceptable means to protect your Personal Data, we cannot guarantee its absolute security.

3. Your Privacy Rights (As per the Protection of Personal Information Act (POPIA))

We confirm that we will adhere to the POPIA which comes into effect **1st of July 2021**.

We further acknowledge that as per the PAIA, residents with an established business relationship with us can request information once a year about sharing their Personal Data with third parties for the third parties' direct marketing purposes.

If you'd like to request more information on the POPIA, you can contact us using the contact information provided below.

4. Links to Other Websites

Our Service may contain links to other Websites that are not operated by us. If you click on a third-party link, you will be directed to that third party's site. We strongly advise you to review the Privacy Policy of every site you visit.

We have no control over and assume no responsibility for the content, privacy policies or practices of any third-party sites or services.

5. Changes to this Privacy Policy

We may update our Privacy Policy from time to time.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

6. Contact Us

If you have any questions about this Privacy Policy, you can contact us:

By email: support@freshmarksystems.co.za

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