

**CHERY INTERNATIONAL (PTY) LTD T/A OMODA SOUTH AFRICA  
PRIVACY POLICY**

**1 INTRODUCTION**

1.1 Chery International Proprietary Limited t/a Omoda South Africa with registration number 2021/355670/07 ('we', 'us', 'our', 'OMODA') is an automotive manufacturer and wholesaler who imports and retails automotive vehicles and components for onward sale to Dealerships and/or customers.

1.2 We value our members, clients and business partners. We understand the sensitive nature of the personal information which we hold. It is for this reason that the protection of your personal information is one of our top priorities. We endeavour to maintain the confidentiality of your personal information and process your personal information in adherence to the Protection of Personal Information Act 4 of 2013 ("POPIA").

1.3 This privacy policy ("**privacy policy**") explains –

1.3..1 how we collect, use, transfer and protect your personal information; and

1.3..2 the rights you have in relation to your personal information in terms of POPIA.

1.4 This notice may be revised from time to time as and when necessitated by the changes in our growing business, and updated versions of this notice will be posted on our website and made available via email upon request. If you wish to receive this privacy policy by email, you may do so by request to our information officer at [informationofficer@chery.co.za](mailto:informationofficer@chery.co.za).

**2 WHAT IS PERSONAL INFORMATION**

2.1 In terms of POPIA, personal information is information that may be used to identify an individual or a company.

2.2 Examples of personal information include, but are not limited to –

- 2.2..1 Name
- 2.2..2 identification number
- 2.2..3 contact information
- 2.2..4 financial information
- 2.2..5 information relating to race, gender or sexual orientation
- 2.2..6 age
- 2.2..7 physical or mental health
- 2.2..8 disability; and
- 2.2..9 language

### 3 PERSONAL INFORMATION THAT WE COLLECT

3.1 We collect and use personal information from you directly or indirectly, 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, through an OMODA authorised Dealer/Franchisee or any other means. In other words, where there is a legitimate and mutual interest.

3.2 We may collect personal information which includes, but is not limited, too—

Type of information	Description of information
Identification and contact information and Information that will assist us to provide products and services to you	<ul style="list-style-type: none"> <li>✓ name</li> <li>✓ physical and postal address</li> <li>✓ email address</li> <li>✓ telephone or other contact details</li> <li>✓ date of birth</li> <li>✓ identification number</li> <li>✓ Vehicle information (including registration number, VIN, service reminders, mileage and warranty, service and maintenance repair information)</li> <li>✓ The date and time you used our services;</li> </ul>

Type of information	Description of information
	<ul style="list-style-type: none"> <li>✓ The pages you visited on our website and how long you visited us for</li> <li>✓ Your IP address</li> <li>✓ Your GPS location (where you have permitted access to this)</li> <li>✓ The Internet browser and devices you are using;</li> <li>✓ Cookie, Pixels or Beacon information (for more information, please see our Cookie Policy )</li> <li>✓ The website address from which you accessed our website;</li> <li>✓ Details of any transactions between you and us or any authorised Dealer/Franchisee;</li> <li>✓ Voice recordings of calls you make to our customer service centre</li> <li>✓ Social media records</li> <li>✓ Any information within correspondence you send to us, including in any competition entries you submit</li> <li>✓ Your social media name and identification number, any information you post on our social media pages, posts in which you include a hashtag or mention relating to us and information regarding your activities on our social media pages generally (for example, the time and date of your posts and your likes): Your direct marketing preferences</li> </ul>

Type of information	Description of information
Financial information and account details	<ul style="list-style-type: none"> <li>✓ bank account number and account details</li> <li>✓ credit history</li> <li>✓ credit score</li> </ul>
Other sensitive information	<ul style="list-style-type: none"> <li>✓ Details of services provided by our authorised Dealers/Franchisees that you have received or for which you have registered;</li> <li>✓ Information we receive about you from data cleansing, enrichment and other data analytics providers' information about your race, gender and income scale in an aggregated data format and not a personalised data format.</li> </ul>

3.3 Where you engage with us in a business context, we may collect your job title, company contact details (including email addresses), fleet size and company details (some of which we may obtain from an online or public business directory).

3.4 We may also collect feedback, comments and questions received from you in service-related communication and activities.

3.5 When personal information is collected, we will indicate the purpose for the collection of the personal information and whether the personal information required is compulsory or voluntary. To the extent possible, we will inform you of the consequences for failing to provide the requested information.

## 4 HOW WE COLLECT PERSONAL INFORMATION

We collect your personal information in one of the following ways –

4.1 directly from you;

- 4.2 from our Group Affiliates and/or Dealerships/Franchisees;
- 4.3 from customers that refer you to us;
- 4.4 when you use our website, your information may be automatically collected (e.g. data gathered by cookies);
- 4.5 when you use our website for online queries or chat box functionality;
- 4.6 when your personal information is publicly available; and
- 4.7 if you gave consent to the collection of your information from another source (including our Group Affiliates) and we have provided you with the detail of the source.

## 5 **USE OF PERSONAL INFORMATION**

Personal information collected by us may be used, stored, disclosed or shared for the following purposes –

- 5.1 to communicate with you regarding our products, services and support information and process any queries you may have in respect of the aforementioned;
- 5.2 to send you important information regarding changes to our policies and other terms and conditions, including warranties;
- 5.3 testimonials;
- 5.4 to manage any membership disputes;
- 5.5 to process your instalments and other payments;
- 5.6 to analyse and manage other commercial risks;

- 5.7 to conduct market research;
- 5.8 to provide marketing information to you (including information about other products and services in the interest of your overall well-being linked to your policy, offered by Group Affiliates and, in so doing, enhance our holistic service to you by ensuring you have the necessary care);
- 5.9 to comply with our internal policies and procedures such as –
  - 5.9.1 audit reports;
  - 5.9.2 finance and accounting;
  - 5.9.3 billing and collections
  - 5.9.4 IT systems;
  - 5.9.5 data and website management; and
  - 5.9.6 records management.
- 5.10 to respond to queries or resolve complaints
- 5.11 to handle requests for the correction, updating, access or deletion of your personal information
- 5.12 to comply with applicable laws and regulatory obligations; and
- 5.13 to access suitability for a product.

## 6 SHARING OF PERSONAL INFORMATION

- 6.1 Access to your personal information within OMODA and the Group Affiliates is restricted to those individuals who require access to your personal information for business purposes.

6.2 In order to provide products and services to you that enhance our products and services and support, we share your information with the Credit Providers, Banks, Group Affiliates which are part of our Dealer network/Franchisees or other commercial partners whom we partner with from time to time.

6.3 We may also share your information with other companies who are not Group Affiliates. This will only be done to the extent that it is in pursuance of our legitimate interests or once you have given us your explicit and prior consent to do so. Furthermore, we may share your personal information with third parties in the event of any of the following occurring –

Merger	Civil rehabilitation
Acquisition	Joint venture
Assignment	Transfer of all or any part of OMODA
Any insolvency or similar proceedings	

6.4 Where we disclose your personal information to the above parties, they will be bound to use that personal information for the reasons and purposes it was provided to them and not for any other purpose.

6.5 OMODA may be obliged to disclose your personal information to the extent that it is required to do so by law or where we believe it is necessary to protect our rights.

## 7 SECURING YOUR PERSONAL INFORMATION

7.1 OMODA will –

7.1..1 take reasonable and appropriate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access. This includes for example,

encryption of your personal information and ensuring that adequate firewalls are in place;

7.1..2 provide you with access to your personal information to view and/or update your personal details;

7.1..3 promptly notify you if we become aware of any unauthorised use, disclosure or processing of your personal information; and

7.1..4 provide you with reasonable evidence of our compliance with our obligations under this policy on reasonable notice and request; and

7.2 Whilst we will do all things reasonably necessary to protect your rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of your personal information, whilst in our possession, by a third party who is not subject to our control, unless such disclosure is as a result of our gross negligence.

7.3 **If you disclose your personal information to a third party, such as an entity which operates a website linked to this website or anyone other than OMODA, OMODA SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE, HOWSOEVER ARISING, SUFFERED BY YOU AS A RESULT OF THE DISCLOSURE OF SUCH INFORMATION TO THE THIRD PARTY. This is because we do not regulate or control how that third party uses your personal information. You should always ensure that you read the privacy policy of any third party.**

7.4 All information obtained by OMODA is stored on dedicated servers within the borders of South Africa. The servers are secured behind a firewall, and access to the servers is password protected and strictly limited. Notwithstanding this, no security measures or systems are impenetrable. We cannot make any guarantees against data breaches.

## 8 HOW YOU CAN REVIEW AND CORRECT YOUR PERSONAL INFORMATION



- 8.1 We undertake to provide you with access to your personal information and provide mechanisms so that any personal information found to be inaccurate or incomplete can be corrected or amended as feasible, subject to any requirement or rule for such personal information to be retained by law.
- 8.2 Prior to the amendment, correction or removal of your personal information, we will require you to identify yourself and to identify the portion of information requested to be amended, corrected or removed. A request for the amendment, correction or removal of personal information may be declined if the process of the request is unreasonably repetitive, require disproportionate technical effort, or jeopardises the privacy of others.
- 8.3 The services of access and correction of personal information are done free of charge, except to the extent that it would require disproportionate effort by OMODA. Once personal information is deleted, residual copies of the information may take a period of time before they are deleted from our servers and may remain in our backup systems.
- 8.4 It is important that any information you provide directly to us is accurate and correct. Please let us know as soon as possible if any information we hold about you is no longer correct.
- 8.5 Providing false or inaccurate information in order to obtain a product or service may also result in said product or service being restricted or cancelled.
- 8.6 For further information on how to exercise your right of access to personal information, please refer to our procedure for data subject access to, objection to, correction or deletion of personal information processed by OMODA as set out in the PAIA/POPIA Manual, which is available at [www.OMODA .co.za](http://www.OMODA.co.za)

## 9 DATA RETENTION

- 9.1 We will only retain your personal information to the extent and duration that we have a legitimate interest in processing your personal information as defined above (“Use of Personal Information”).

- 9.2 We will, upon your request, promptly return or destroy any and all of your personal information in our possession or control, save for that which we are legally obliged to retain.

## 10 CROSS BORDER PERSONAL INFORMATION TRANSFERS

To the extent that we transfer your personal information outside the borders of South Africa, we will ensure appropriate safeguards are in place, including, for example, ensuring that the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA.

## 11 YOUR RIGHTS AS A DATA SUBJECT

- 11.1 As a data subject, you have a number of data privacy rights. These rights include –

11.1..1 **a right of access:** subject to certain exceptions, a data subject, after providing adequate proof of identity, has the right to –

11.1..1.1 request OMODA to confirm whether any personal information is held about the data subject; and/or

11.1..1.2 request from OMODA a description of the personal information held, including information about third parties who have or have had access to personal information.

11.1..2 **a right to request correction or deletion:** a data subject may request OMODA to –

11.1..2.1 correct or delete personal information about the data subject in our possession or control that is inaccurate, irrelevant, excessive, outdated, incomplete, misleading or obtained unlawfully; and/or

11.1..2.2                    destroy or delete a record of personal information about the data subject that OMODA is no longer authorised to retain in terms of the relevant legislative provision.

11.1..3                    **a right to withdraw consent and to object to processing:** a data subject that has previously consented to the processing of his/her/its personal information has the right to withdraw such consent and may do so by providing OMODA with notice to such effect to our Information Officer (at the contact details set out below). Furthermore, a data subject may object, on reasonable grounds, to the processing of personal information relating to him/her/it;

11.1..4                    **a right to not be subjected to direct marketing by means of unsolicited electronic communications:** a data subject has a right not to be subject to direct marketing by means of unsolicited electronic communications unless you have given us your consent or you are an existing customer of ours;

11.1..5                    **a right not to be subjected automated decision making:** a data subject has a right not to be subject to a decision which results in legal consequences for him/her/it which is based solely on the basis of the automated processing of personal information.

11.2                    As a data subject, you also have a right to lodge a complaint to the Information Regulator of South Africa if you are unsatisfied with the manner in which OMODA addresses any complaint with regard to OMODA's processing of your personal information, the contact details of the Information Regulator are as follows –

website: <http://justice.gov.za/inforeg/>

Tel:                    012 406 4818

Fax:                    086 500 3351

Email:                [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)



If you have any questions about this notice or our treatment of your personal information or wish to exercise any of your rights, please address an email to [informationofficer@chery.co.za](mailto:informationofficer@chery.co.za).

### 13 **VERSION CONTROL**

Last updated: **March 2023.**

