



Protection of Personal Information Policy

ZIVALEA (PTY) LTD

November 2024



1 Introduction

1.1. The Company

Zivalea (Pty) Ltd (hereinafter referred to as the “Company,” “we,” “us,” or “our”) is a licensed Financial Service Provider (FSP) under Registration Number 2023/147262/07, authorized and regulated by the Financial Sector Conduct Authority (FSCA) of South Africa, with License Number 54231.

1.2. Services Provided

The Company offers an online trading platform that enables retail investors to engage in over-the-counter derivative trading, specifically through Contracts for Difference (CFDs). A CFD is a leveraged financial contract entered into bilaterally between the Company and the investor, allowing the investor to speculate on the price movements (either upward or downward) of underlying instruments such as currency pairs, commodities, indices, shares, or other financial assets. In essence, a CFD is an agreement between a buyer and a seller to exchange the difference in the price of an underlying asset (e.g., currencies, commodities, indices, shares, etc.) from the point of the contract’s initiation to its closure.

1.3. Objective of the Policy

This Policy is designed to outline the Company’s standard operating procedures to ensure the adequate protection of the Client’s personal data throughout the course of the business relationship with us.

1.4. Definition of Client

For the purposes of this Policy, the term “Client,” “you,” or “your” refers to any individual or legal entity that has registered with the Company and whose personal information may be processed in relation to our services.

1.5. Applicability of the Policy

This Policy applies to the Company’s employees, contractors, and other associated persons who are involved in the collection, processing, or handling of personal data.

1.6. Scope of the Policy



This Policy is applicable to existing Clients, prospective Clients, individuals who have terminated their business relationship with the Company, as well as visitors to the Company's website(s) and users of the Company's online platforms.

2 Overview

The Company, in compliance with its regulatory obligations, collects, processes, and stores personal information of data subjects during the course of conducting its business. We recognize the importance of safeguarding the confidentiality and security of your personal data and have developed specific policies and practices aimed at ensuring its protection.

The Company is fully committed to safeguarding the privacy of all personal information that it processes, in accordance with applicable international principles of information protection, the Basic Provisions of the Constitution of South Africa (1996), the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as "POPI"), and the provisions of this Policy.

This Policy outlines the types of personal information that we collect from you when you engage with our services, how such information will be used, and the measures we take to ensure its security. It sets forth the general standards for the protection of personal information under our control as a data controller. Additionally, this Policy provides guidance on your privacy rights and the reasonable safeguards we implement to protect your personal information.

By accessing or using the Company's website(s), you agree to the terms and conditions of this Policy and provide your explicit consent to the collection, use, and disclosure of your personal information in accordance with the practices described herein.

This Policy will be periodically reviewed and updated to reflect changes in regulatory requirements, technological advancements, or other developments deemed necessary. It is your responsibility to regularly check the Legal Documents section of our website for any updates to this Policy

3 Key Principles

The Company, along with its representatives and staff members, is fully committed to adhering to the following principles:

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- To comply with all applicable regulatory requirements regarding the collection, processing, and storage of personal information.
- To collect and process personal information solely through lawful and fair means.
- To uphold the highest standards of confidentiality, security, and protection in handling personal information, in line with applicable regulations.
- To ensure the accuracy, completeness, reliability, and currency of personal information.
- To implement appropriate security measures to protect personal information from risks such as loss, unauthorized access, damage, destruction, alteration, or deletion.
- To comply with any restrictions or requirements governing the transfer of personal information, in accordance with relevant laws and regulations.
- To disclose personal information only when necessary and for purposes permitted by law, such as compliance with a legal obligation, regulatory authority request, or requirements from financial institutions, payment providers, or other authorized entities.
- The Company will not collect or process any personal data relating to individuals under the age of eighteen (18). The Company does not offer services to minors, and if any such data is inadvertently collected, it will be promptly destroyed or deleted at the earliest possible opportunity.

4 Collection and Processing of Personal Information

Personal information is collected only when an individual knowingly and voluntarily submits such information. Personal information may be required to provide further services or to respond to any queries or requests related to the services provided.

The Company, in line with the applicable privacy laws in South Africa, is committed to ensuring that individuals' personal information is protected from any potential misuse or harm. This policy is designed to align with the privacy laws governing personal data protection in South Africa.

4.1. Compliance with POPI Act

The Company will ensure that all conditions outlined in the Protection of Personal Information Act, No. 4 of 2013 ("POPIA") are met during the processing of personal information.



4.2. Purpose Limitation

Personal information will only be processed when its purpose is adequate, relevant, and not excessive. We will use your personal data solely for the purpose for which it was collected, unless we determine, in a reasonable manner, that the use of your data for another purpose is compatible with the original purpose and lawful (in which case, your prior knowledge or consent may not be necessary). Should you wish to understand how we assess the compatibility of the new purpose with the original one, please contact us. If we need to use your personal data for a purpose that is unrelated to the original one, we will notify you and explain the legal basis for doing so. Please note, we may process your personal data when required or permitted by law.

4.3. Legal Grounds for Processing Personal Information

Personal information may be processed only if one of the following conditions is met:

- The data subject has given consent for the processing.
- Processing is necessary to fulfill obligations arising from the Agreement entered into with you.
- Processing is required to protect the legitimate interests of the Client.
- Processing is necessary for compliance with applicable laws and regulations, including but not limited to:
 - a) In accordance with South African laws such as the Financial Intelligence Centre Act (FICA), the Financial Advisory and Intermediary Services Act (FAIS), or other relevant laws, directives, or regulations, we are required to collect, process, and retain personal information to verify your identity, assess the source of funds, and determine your suitability and appropriateness for the products and services we offer.
 - b) To ensure compliance with relevant laws and regulations, we may process your personal data to monitor for suspicious activity. In the event such activity is detected, we will use the available data for investigative purposes, and take appropriate legal action based on the investigation's findings.
 - c) To provide our services and fulfill regulatory obligations, your personal information may be processed to evaluate and manage business and client-related risks. This may include processing information such as your trading history, trading patterns (to identify and prevent abusive or unlawful trading practices), and identifying information, such as your name, ID, passport, and residential details.

4.4. Internal Research and Development

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We may use your personal information for internal research and development purposes, including diagnosing system issues, managing our websites, and enhancing system features and functions. Additionally, your data may be used to test and develop new content, products, and services, in order to improve our systems and procedures. This processing is necessary for the legitimate interests of the Company.

4.5. Right to Withdraw Consent

You have the right to withdraw your consent to the processing of your personal data at any time. However, please note that such withdrawal will not affect the Company's ability to fulfill any legal or regulatory obligations that require the processing of your personal data.

4.6. Right to Object

You have the right to object to the processing of your personal data if you believe that the processing is not being conducted in accordance with prescribed legal standards or without reasonable grounds. However, the Company may refuse your objection if there is a legislative basis or regulatory obligation for the processing. You also have the right to object to direct or indirect marketing, particularly through unsolicited electronic communications.

5 How do we Collect Personal Information?

We collect personal information directly from you when you provide it, as well as from third parties. Below is a non-exhaustive list of examples of the channels through which we may obtain your personal data:

- **Communication with Us:** When you contact us through our website(s), Platform(s), email, phone, online forms, or post, we will maintain a record of the information you provide.
- **Account Registration:** When you register an account with us, you will be required to complete a questionnaire and provide documentation necessary for the verification of your identity.
- **Publicly Available Sources:** We may lawfully collect data from publicly available sources, such as third-party risk management software, social media, press, and the internet, to verify the accuracy of the information you provide.



- **Use of Our Trading Platform(s):** We record your trading activities when you use our platform(s).
- **Automated Technologies:** As you interact with our electronic services, we may automatically collect technical data about your equipment, browsing actions, and patterns. This data may be collected through cookies, server logs, and other similar technologies.
- **Third-Party Sources:** We may obtain information from third parties, including affiliates, business introducers, business contacts, and subscription-based intelligence or screening databases.
- **Webinar Registrations:** Information collected through webinar sign-up forms may also contribute to the data we hold.
- **Referrals:** In certain cases, we may receive personal information through referrals from others. In such instances, we will take reasonable steps to ensure that the individual is informed about the terms of this Policy. We may also receive unsolicited personal information. If this information is not required for the provision of our services and is deemed unnecessary, we will securely delete or destroy it, provided that it is lawful and reasonable to do so.

It is your responsibility to ensure that the personal information you provide remains accurate and up to date for the duration of your Agreement with us.

6 Types of Personal Information We Collect

We may collect various types of personal information from both natural and legal persons, as defined under the Protection of Personal Information Act (POPI). The specific data we collect will depend on the nature of our interaction with the data subject. Below is a list of the types of personal information we may collect:

- **Contact Details:** This includes your name, surname, email address, phone number, and country of residence.
- **Identification Details:** This may include your Identity Card or Passport.
- **Proof of Residence:** Examples include a recent (no older than 6 months) utility bill (e.g., water or gas), bank statement, or similar documents.



- **Personal Demographics:** Information such as your age, gender, ethnicity, education, occupation, trading experience, and whether you hold a prominent public function (PEP).
- **For Legal Persons:** This includes documents such as the certificate of incorporation, registered address, directors and shareholders details, memorandum and articles of association, power of attorney signed by the board appointing a representative with the authority to operate the trading account, and proof of ID and proof of residence for directors, shareholders with qualified shareholding capital, and authorized representatives.
- **Financial Information:** This includes details such as annual income, net worth, bank account details, credit card information, tax statements, and the source of funds/wealth.
- **Transaction and Trading History:** We collect information related to your trading activities, including communications with you (written, phone calls, or other forms of communication).
- **Service Preferences:** Information about your preferences for particular products and services.
- **Website and Platform Usage Data: Information** collected through cookies, such as IP address, domain names, browser version, operating system, geolocation, and other similar data.
- **Criminal Records:** Information related to any criminal records, convictions, or offences.
- **Marketing Information:** We may use your personal information (including but not limited to your name, email, address, phone number, location, and web data) to deliver marketing and event communications to you across various platforms, such as social media, email, phone, text messaging, direct mail, online ads, push notifications, or other methods. We will continue to do so under the following conditions:
 - i. Until you withdraw your consent, or
 - ii. During the duration of our Agreement with you, and for a reasonable period after the relationship has ended, to inform you about products, services, promotions, and special offers related to products or services that you have shown interest in previously.



7 To Whom We Can Disclose Personal Information

- 7.1. Your personal data will be treated as strictly confidential. We will not share your personal data with any third party, except where required by applicable laws, regulations, or where disclosure is necessary for our legitimate interests, or where it is legally permissible to do so.
- 7.2. Your personal information may be transferred or disclosed to any product supplier with whom you enter into a contract directly, subject to appropriate agreements to ensure data protection. Additionally, third parties may process your personal information based on our instructions and in compliance with relevant laws, this Policy, and necessary confidentiality and security measures.
- 7.3. Your personal information may also be processed by third parties, such as our software providers or other suppliers, to ensure you receive the highest quality of service. In some cases, your data may be transferred across borders, such as when we use cloud services for data storage, or when one of our service providers operates overseas.
- 7.4. We may share personal information with third parties if we sell, transfer, or merge parts of our business or assets, or if we seek to acquire or merge with other businesses. Any third parties involved will be required to have adequate systems and procedures to ensure the protection and safety of personal data.
- 7.5. We may share your personal information with regulators, law enforcement agencies, data protection authorities, and other competent authorities, as required by law, or if we reasonably believe that you have committed an act or omission that violates applicable laws, regulations, or rules.
- 7.6. We may disclose your personal information for the purpose of providing our products and services, as well as for administrative, billing, and other related business purposes.
- 7.7. In general, we will only disclose your personal information when you authorize us to do so, when we are legally required to do so, or when it is necessary to investigate suspected fraudulent or criminal activities.

8 How Long we will Retain Your Personal Information?

In compliance with applicable laws and regulations, we are required to retain records containing personal information, trading information, signed documents, communications,

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and any other data collected during the course of our business relationship with you. These records will be kept for a period of five (5) years after the termination of the business relationship.

9 International Transfer of Personal Information

The Company may transfer your personal information to external third parties located outside of your home country. In accordance with the POPI Act, personal information can only be transferred if appropriate safeguards are in place to ensure its security and protection.

We are committed to safeguarding your personal information, especially when it is transferred internationally. The Company will ensure that any such transfer is lawful and/or necessary for the performance of the contract between you and the Company, and that adequate security measures are in place.

In cases where personal information is transferred to third parties in jurisdictions without adequate data protection laws, we will enter into agreements with these third parties to ensure suitable safeguards, including standard contractual clauses as required by the POPI Act.

10 Links to Other Websites

- 10.1. Our website(s) may contain links to external websites or social media channels. However, once you leave our website(s) through these links, we do not have control over the content or privacy practices of the linked sites. Therefore, we cannot be held responsible for the protection and privacy of any information you provide while visiting such sites, as these are not governed by this Privacy Policy. We recommend that you exercise caution and review the privacy policies applicable to the websites or social media channels you visit.
- 10.2. The Company will not be liable for any unlawful or unauthorized use of your personal data resulting from misuse, malicious use, negligence, or misplacement of your passwords, whether caused by you or a third party.



11 Your Rights Regarding Your Personal Information

Under the Protection of Personal Information Act (POPIA), you have the following rights regarding your personal information:

- **Right to be Informed:** You have the right to be informed if your personal information has been collected and if it has been accessed or acquired by an unauthorized party.
- **Right to Access:** You have the right to request information about the types of personal data we have collected about you.
- **Right to Correct:** You have the right and, in some cases, the obligation to correct your personal information. If you notice any inaccuracies, such as a typo, or if your details have changed, you may request that we update the information.
- **Right to Erasure:** You may request the erasure of your personal data. This allows you to ask us to delete or remove your information when we no longer have a legitimate reason to process it, or if you have successfully objected to its processing. However, as per the Financial Advisory and Intermediary Services (FAIS) requirements, we are obligated to retain your data for five (5) years following the termination of our agreement. In such cases, while we may not be able to delete your data, we will stop processing it for any purposes unless legally required to do so.
- **Right to Object:** You may object to the processing of your personal data when we rely on legitimate interests (or those of a third party) and you believe that processing your information impacts your fundamental rights and freedoms. You also have the right to object to the use of your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to continue processing your information, which may override your rights and freedoms.
- **Right to Complain:** You have the right to submit a complaint as outlined in paragraph 15 of this Policy.
- **Right to Object to Marketing:** You have the right to object to receiving marketing communications from us. If you wish to opt out of marketing communications, please send a written request to the Company. You may also opt-out of email marketing by using the unsubscribe link found in the marketing emails you receive from us.

Please note that opting out of marketing communications:



- i. May affect your ability to explore new products and services and their customization to your needs.
- ii. Will not prevent all forms of communication, as we are required by law to provide you with important legal information regarding the products and services we offer.

12 Your Consent to Process Personal Information

By entering into an agreement with us, you acknowledge and accept this Privacy Policy, along with all other legal documents available on our website. You hereby consent to the collection, processing, and storage of your personal information as outlined in this Policy.

13 Use of “Cookies”

- 13.1. Cookies are small text files containing ID tags that are stored on your computer for record-keeping purposes. These cookies are created when you visit a website that uses them to track your activities within the site. They help you resume where you left off, remember your login credentials, theme preferences, and other customized settings.
- 13.2. We use cookies on our website(s) to enhance your browsing experience and to collect anonymous information that helps us improve our site. By continuing to browse, you consent to our use of cookies. Please note that we do not use cookies to collect personal information; they are used solely for optimizing our services.

14 Protecting Your Data

While we strive to ensure that your data is protected against accidental loss, disclosure, destruction, or misuse, it is important to note that no method of communication over the internet, such as emails or online chats, can be guaranteed to be 100% secure. Therefore, we cannot be held liable for any unauthorized access or loss of personal information that occurs due to factors beyond our control.

We are legally bound to protect your data, and to support this, we may engage third-party service providers. These third parties are required to respect the confidentiality of your



personal information and are contractually bound to comply with our Privacy Policy through Service Level Agreements (SLAs).

Our employees are also bound by confidentiality obligations regarding your personal information. All employees are required to sign employment contracts that include a confidentiality clause.

We will not disclose your personal information unless:

- It is required to comply with legal or regulatory obligations, or when permitted by law.
- It is necessary for fulfilling our contractual obligations to you, including providing the products and services you've requested.
- Disclosure is in the public interest or necessary to protect our legal rights.

The Company takes all reasonable steps to secure the personal information we hold and ensure its accuracy. If you notice any inaccuracies in the information we have about you, please contact us to have it corrected.

We recognize the importance of protecting the privacy of personal information and have implemented technical and organizational measures to safeguard the data entrusted to us. These measures include encryption of data during transmission and storage, strong authentication mechanisms, and the segmentation of our digital architecture into protected zones. We also follow a 'least access' strategy and periodically review access levels. While these systems and procedures significantly reduce the risk of security breaches and misuse, they cannot provide absolute security. We continuously assess and update our security measures to ensure they align with the latest standards and best practices.

15 Questions and Complaints

If you have any questions, concerns, or complaints regarding the use of your personal data or this Privacy Policy, please contact us using the contact details provided on our website.

If your complaint or concern is not resolved to your satisfaction, you may contact the Information Regulator of South Africa for assistance:

Website: <https://inforegulator.org.za/>

Email for complaints: POPIAComplaints@inforegulator.org.za

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To lodge a complaint, you will need to complete the prescribed [POPIA form 5](#).

For general enquiries you can contact Information Regulator at:

Email: enquiries@info regulator.org.za