

PRIVACY POLICY

1. BACKGROUND AND PURPOSE OF THE POLICY

- 1.1. This privacy policy (“**the Policy**”) governs the following:
 - 1.1.1. The manner in which Atom collects, protects, shares, uses and otherwise handles your Personal Information which is collected by us directly through your use of our products, E-Services and Services;
 - 1.1.2. the rights you have in relation to your Personal Information.
- 1.2. This Policy may form part of the agreement between you and Atom for the provision of Services.
- 1.3. In this regard, we will, to the extent possible, inform you what information is voluntary or mandatory for you to provide and the consequences for failing to provide the requested information. Please note however that, where the provision of the Personal Information is voluntary and if you elect not to provide us with same, we may not be able to provide you with the information, products, Services and/or E-Services which you have requested or otherwise fulfil the purpose(s) for which we have asked for the Personal Information.
- 1.4. By providing us with your Personal Information, either directly, using the E-Services, our products and Services and/or communicating electronically and/or using non-electronic means of communication with us, you –
 - 1.4.1. agree to the Policy and consent to the processing and transfer of your Personal Information as set out in the Policy; and
 - 1.4.2. authorise us and other third parties to process your Personal Information for the purposes stated in the Policy.
- 1.5. We will not use your Personal Information for any other purpose than that set out in the Policy and will endeavour to protect your Personal Information that is in our possession, if any, from unauthorised alteration, loss, disclosure or access.
- 1.6. The Policy must be read together with any other legal notices or terms and conditions provided to you by Atom.

2. DEFINITIONS

- 2.1. “**App**” means the Precision Meter Reader application available on the Google Play Store or Apple App Store, and on which application you can access your end consumer data in accordance with the subscription agreement;
- 2.2. “**Atom**” means Atom Operations Proprietary Limited (registration number: 2018/289869/07), and “we”, “us” and “our” shall bear the corresponding meaning;
- 2.3. “**E-Services**” means collectively the Platform and the App;
- 2.4. “**Party**” means Atom or yourself, as the context indicates;
- 2.5. “**Parties**” means you and Atom collectively;
- 2.6. “**POPIA**” means the Protection of Personal Information Act 4 of 2013, as amended from time to time;
- 2.7. “**Personal Information**” means information relating to you and which can be used to personally identify you including, but not limited to, information such as your full name, telephone number, date of birth, e-mail address, as well as any other personal data collected, either directly or indirectly and as further detailed in the POPIA;
- 2.8. “**Platform**” means the web-based platform, owned and operated by Precision Utilities, and on which platform your consumer data shall be available;
- 2.9. “**Services**” means the services that Atom provides to you in accordance with the subscription agreement between yourself and Atom, if applicable;
- 2.10. “**Special Personal Information**” means information concerning your religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information and criminal behaviour relating to an alleged commission of an offence or proceedings in respect of any offence allegedly committed by you, either directly or indirectly and as further detailed in the POPIA; and
- 2.11. “**You**” means any person who enters, visits, accesses and/or uses the E-Services notwithstanding the fact that such a person only enters, visits, accesses and/or uses the home page of the E-Services, and “yourself” and “you’re” shall bear the corresponding meaning.

3. PERSONAL INFORMATION WE COLLECT

- 3.1. The categories of Personal Information we collect may include the following:
- 3.1.1. personal details: your full name, telephone number, date of birth, e-mail address, residential address;
 - 3.1.2. consent records: records of any consents you may have given, together with the date and time, means of consent and any related information; and
 - 3.1.3. data relating to your visits to the E-Services: your device type; operating system; browser type; browser settings; Wi-Fi IP address; LAN IP address; the coordinates of the location where you use our product and/or services; login details; dates and times of connecting to the E-Services; and other technical communications information.

4. REASON FOR PROCESSING YOUR PERSONAL INFORMATION

- 4.1. We will use, analyse and process your Personal Information, in the ordinary course of the business of providing Services to you. We will primarily use your Personal Information only for the purpose for which it was originally or primarily collected. We will use your Personal Information for a secondary purpose only if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected or you have provided us with consent.
- 4.2. We may subject your Personal Information to processing during the course of various activities, including, without limitation, the following:
- 4.2.1. to provide the relevant Services to you;
 - 4.2.2. to compile your information that has been collected and processed as a result of using our Services;
 - 4.2.3. provide aggregated reports to third parties within the ambits of the law; and
 - 4.2.4. we may process your Personal Information for safety and security purposes.
- 4.3. We do not process nor do we collect any of your Special Personal Information unless we become obligated by law to do so.

5. DISCLOSURE OF YOUR PERSONAL INFORMATION

- 5.1. We may disclose your Personal Information to Atom employees or authorised representatives for legitimate business purposes, in accordance with applicable law.
- 5.2. In addition, we may disclose your Personal Information –
- 5.2.1. if required by law;
 - 5.2.2. to legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;
 - 5.2.3. to third party operators, who also act in accordance with the POPIA;
 - 5.2.4. where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights; and
 - 5.2.5. to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including, but not limited to, safeguarding against, and the prevention of threats to, public security.
- 5.3. If we engage a third party operator to process any of your Personal Information, we recognise that any operator who is in a foreign country must be subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA. We will review our relationships with operators should we be engaged with them, and to the extent required by any applicable law, we will require such operators to be bound by contractual obligations to–
- 5.3.1. only process such Personal Information in accordance with our prior written instructions; and
 - 5.3.2. use appropriate measures to protect the confidentiality and security of such Personal Information.

6. SHARING YOUR PERSONAL INFORMATION

- 6.1. We may share your Personal Information with law enforcement agencies, regulatory organisations, courts or other public authorities if we are obligated to, or are authorised to by law.
- 6.2. Where appropriate, before disclosing Personal Information to a third party, we contractually require the third party to take adequate precautions to protect that data and to comply with applicable law.

- 6.3. We will restrict the processing of Personal Information to data that is sufficient for the fulfilment of the primary and applicable legitimate purpose.
- 6.4. Should we retain and store your Personal Information, we will only do so as long as necessary for the fulfilment of those purposes as have been identified by us, and only for the period for which the Personal Information is required to serve its primary purpose or legitimate interest or for the period required to comply with any applicable legal requirement, whichever is longer.

7. YOUR LEGAL RIGHTS

- 7.1. It is your right to have access to your Personal Information and to ask us to rectify, erase and restrict the use of your Personal Information.
- 7.2. You may at any time request:
 - 7.2.1. confirmation that we hold your Personal Information;
 - 7.2.2. access to your Personal Information;
 - 7.2.3. the identities or categories of third parties to whom we have disclosed your Personal Information; and
 - 7.2.4. that we correct or delete any Personal Information that is incomplete, misleading, inaccurate, excessive or out of date.
- 7.3. You have the right to object to the transfer of Personal Information you have made available to us and/or to withdraw consent to the use of your Personal Information.
- 7.4. Please be advised however that your rights as set out above may in certain circumstances be limited if we have legal grounds to process your Personal Information.

8. COOKIES AND SIMILAR TECHNOLOGIES (IF APPLICABLE)

- 8.1. When you access or use our E-Services, we may store some information (commonly known as “Cookies”) onto your device, or read Cookies already on your device, subject always to obtaining your consent, where required, in accordance with applicable law.
- 8.2. We may use Cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits, and if applicable.
- 8.3. You can determine any use of Cookies through your browser settings.
- 8.4. We may process your Personal Information by our use of Cookies and similar technologies found on our E-Services.

9. LINKS TO OTHER WEBSITES (IF APPLICABLE)

- 9.1. In the event that the E-Services contain hyperlinks to third party sites not controlled by Atom (“**Target Sites**”), Atom is not responsible for the content of, or the services offered by those sites. The hyperlinks are provided solely for your convenience and should not be construed as an express or implied endorsement by Atom of the Target Sites or the products or services provided therein or any association with their operators. **You access the Target Sites and use their products and services solely at your own risk.** Atom recommends that you check the policies of the Target Sites you visit (including their data or privacy practices) before using the site or providing any Personal Information about yourself and others.
- 9.2. **Atom shall not be liable, in any manner whatsoever, for any damage, loss, liability, costs or expense, whether direct, indirect, or of a consequential nature, that resulted from the use and access to Target Sites and the content on such Target Sites.**

10. SECURING YOUR PERSONAL INFORMATION

- 10.1. We implement appropriate technical and organisational security measures to protect your Personal Information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.
- 10.2. Where there are reasonable grounds to believe that your Personal Information that is in our possession has been accessed or acquired by any unauthorised person, we will notify the relevant regulator and you, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs us that notifying you will impede a criminal investigation.
- 10.3. Although we will implement all reasonable measures to protect your Personal Information that is in our possession, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during the course of such transmission.

11. ACCESS TO AND AMENDMENT OF PERSONAL INFORMATION HELD BY US

- 11.1. Please contact Atom, at support@atomservices.io should you:

- 11.1.1. have any queries about the Policy;
 - 11.1.2. need further information about our privacy practices;
 - 11.1.3. wish to request a copy of the Personal Information we hold in respect of yourself and the purpose for holding it. We will take all reasonable steps to confirm your identity before providing details of your Personal Information to you; and
 - 11.1.4. wish to amend, correct or destroy your Personal Information held by us, if any.
- 11.2. If we do not respond to a request from yourself pertaining to your Personal Information to your satisfaction, you may lodge a complaint at the office of the Information Regulator at the following addresses:
- 11.2.1. Website: <https://www.justice.gov.za/inforeg/index.html>
 - 11.2.2. Address: JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001
 - 11.2.3. Postal address: P.O Box 31533
Braamfontein
Johannesburg
2017
 - 11.2.4. Complaint email address: complaints.IR@justice.gov.za
 - 11.2.5. General enquiry email address: inforeg@justice.gov.za.

12. GENERAL

- 12.1. The Policy shall be governed by and construed and interpreted in accordance with the laws of the Republic of South Africa.
- 12.2. Should any dispute arise as a result of the terms and the Policy, you submit yourself to the jurisdiction of the courts of the Republic of South Africa.
- 12.3. References herein to the singular include the plural and vice versa.
- 12.4. The terms and conditions of this Policy are severable, in that if any provision is determined to be illegal or unenforceable by any court of competent jurisdiction, then such provision shall be deemed to have been deleted without affecting the remaining provisions of the terms and conditions.
- 12.5. Any failure of a party to enforce any of the rights contained in these terms and conditions shall not be construed as a waiver of any such right.
- 12.6. You may not cede, assign or otherwise transfer any right contained in these terms and conditions to any third party.