

FOREVER RESORTS (PTY) LTD

Reg: 2006/025967/07

PRIVACY POLICY

THIS PRIVACY POLICY ("POLICY") GOVERNS THE COLLECTION, STORAGE, MANAGEMENT AND DISCLOSURE OF PERSONAL INFORMATION THAT FOREVER RESORTS (PTY) LTD ("WE", "US" OR "OUR") COLLECTS THROUGH THE FOREVER RESORTS APPLICATION ("APPLICATION") WE RESPECT YOUR RIGHTS TO RESPONSIBLE MANAGEMENT OF YOUR PERSONAL INFORMATION UNDER THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 ("HEREINAFTER REFERRED TO AS THE "POPI ACT"). FOR THE PURPOSES OF THIS POLICY, PERSONAL INFORMATION IS DEFINED IN ACCORDANCE WITH THE DEFINITION PROVIDED IN THE ACT. YOUR USE OF THE APPLICATION IS SUBJECT TO THIS POLICY. BY USING THIS APPLICATION, YOU SIGNIFY YOUR CONSENT OR IF YOU ARE YOUNGER THAN 18, YOU ACKNOWLEDGE THAT YOU HAVE OBTAINED CONSENT FROM A PARENT OR LEGAL GUARDIAN AND THAT YOU ARE NOT IN ANY WAY OBSCURING THE DUTY TO OBTAIN SUCH CONSENT, TO PROCESSING OF YOUR PERSONAL INFORMATION IN ACCORDANCE WITH THIS PRIVACY POLICY. FOREVER RESORTS MAY AMEND THIS POLICY AT ANY TIME. ALL AMENDED TERMS SHALL BE EFFECTIVE IMMEDIATELY UPON THE REVISED POLICY BEING MADE AVAILABLE AND ANY SUBSEQUENT ACTIVITY IN RELATION TO THE APPLICATION SHALL BE GOVERNED BY SUCH AMENDED TERMS AND CONDITIONS OF USAGE. IF YOU DO NOT AGREE WITH ANY TERM IN THIS POLICY, PLEASE DO NOT USE THIS APPLICATION OR SUBMIT ANY PERSONALLY IDENTIFIABLE INFORMATION THROUGH THIS APPLICATION.

This Agreement was last revised on 24 October 2019.

You are advised to regularly check the Website www.foreversa.co.za for any amendments or updates.

DEFINITIONS

1. "Application" shall mean the Forever Resorts Mobile Application that allows Users to access associated services within the application.
2. "Child" shall mean a natural person under the age of 18 years.
3. "Competent Person" shall mean a person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.
4. "Data subject" shall mean any identified or identifiable natural person.
5. "Personal Information" shall mean personal information as defined in the POPI Act , South Africa including information relating to:

- (a) the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - (b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identity or other particular assignment to the person;
 - (d) the biometric information of the person;
 - (e) the personal opinions, views or preferences of the person;
 - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - (g) the views or opinions of another individual about the person; and
 - (h) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.
6. "Special Personal Information" shall mean personal information as defined in the Protection of Personal Information Act, South Africa including information relating to
- (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of the person; or
 - (b) the criminal behaviour of a data subject to the extent that such information relates
 - i) to the alleged commission by the person of any offence; or
 - ii) any proceedings in respect of any offence allegedly committed by the person or the disposal of such proceedings.
7. "User/s" shall mean any individuals who make use of or access the Application, whether by doing so themselves or through a parent, legal guardian or Competent person.

1 UNDERSTANDING PERSONAL INFORMATION

The term "Personal Information" has the meaning given to it in the POPI Act. Generally, it is any information that can be used to personally identify You. This may include Your name, surname, address, telephone number and/or email address. Should the information we collect personally identify You, or You are reasonably identifiable from it, the information will be considered personal information. Your Personal Information will not be shared, sold, rented or disclosed other than as described in this Privacy Policy. The processing of Personal Information shall include the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, use;

dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as blocking, degradation, erasure or destruction of information. FOREVER RESORTS strives to ensure that the conditions set out in the Act and all the measures that give effect to such conditions, are complied with when processing Personal Information. In particular, FOREVER RESORTS strives to ensure that Personal Information and Special Personal Information is processed in a manner that is lawful, adequate, relevant and not excessive given the purpose of collection.

2 COLLECTION OF PERSONAL INFORMATION

2.1 FOREVER RESORTS collects and processes information that can be used to identify You personally that is necessary for the providing, facilitating and maintaining of the Application and associated services.

2.2 Subject to consent, we collect Personal Information/Special Personal Information from the following entities:

- a) natural persons over 18 years;
- b) natural persons under the age of 18, we collect Special Personal Information with the consent of the parent, legal guardian or Competent Person;
- c) Registered Application users; and
- d) people who send enquiries or requests to our contact email address.

2.3 As a parent, legal guardian or Competent Person, on behalf of the child, You consent to the collection, processing, sharing and storage of Special Personal Information for the purpose of facilitating access to the Application.

2.4 Personal Information that may be collected by FOREVER RESORTS includes:

- 2.4.1 First and last name;
- 2.4.2 Email address;
- 2.4.3 Mobile phone number;
- 2.4.4 Physical address;
- 2.4.5 Province;
- 2.4.6 Country of residence;
- 2.4.7 Location;

2.5 FOREVER RESORTS collects and processes Personal Information that is provided to them by Users

- 2.5.1 On registration for use of the Application and associated services;
- 2.5.2 Upon use of the Application;
- 2.5.3 Via correspondence via e-mail, fax, telephone and post.

2.6 FOREVER RESORTS retains records for a period that is longer than is required by law and You hereby consent to such retention of Personal Information/Special Personal Information.

2.7 There may be instances where we may also collect some information that is not Personal Information/Special Personal Information because it does not identify You or anyone else (we may collect anonymous answers to surveys or aggregated information about how You use our Application).

3 USE AND PURPOSE OF COLLECTING PERSONAL INFORMATION

3.1 The primary purpose for collecting and processing Your Personal Information is to enable us to provide You access to the Application and various associated services. FOREVER RESORTS also collects and processes Personal Information in order:

3.1.1 to identify the User to effect the Application registration process;

3.1.2 to provide information in relation to reservation enquiries;

3.1.3 to re-confirm user information whenever the User logs onto a new device;

3.1.4 to communicate with the User;

3.1.5 to verify the User's identity;

3.1.6 to process and respond to any complaint made by You;

3.1.7 to enable ease of use of the Application;

3.1.8 to assess the performance of the Application;

3.1.9 to engage in legitimate electronic communications and transactions with You;

3.1.10 to provide feedback on any related enquiries;

3.1.11 to provide You with direct marketing material;

3.1.12 to update our records and keep Your contact details up to date;

3.1.13 to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority of any country.

3.2 We are also able to use the information collected to improve our internal technical and business processes. We research users' habits, measure traffic patterns in the aggregate, analyse trends, administer the Application, track users' actions and gather broad demographic information.

3.3 In some instances, FOREVER RESORTS may also collect sensitive information about users, such as information about their racial or ethnic origin. Consent is obtained for the collection of such information.

4 CONSENT FOR PROCESSING PERSONAL INFORMATION

4.1 By using the Forever Resorts Application, You hereby consent to Your Personal Information (including Special Personal Information) for the abovementioned purposes, associated purposes and to (a) update our

records; (b) keep Your contact details up to date; (c) to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or co-operate with any governmental authority of any country.

4.2 By Using the Application, You represent that You are of the age of 18 or where You are under 18, a Competent Person has given consent to allow You to utilise this Application. This consent is effective on access to the Application.

4.3 You, or a Competent Person in the case of a child, consent/s to the processing of Personal Information/Special Personal Information. As a Competent Person You agree that giving such consent means that You have given FOREVER RESORTS permission to collect and process the child's Special Personal Information in the ways described in this Policy.

4.4 You understand that Your consent to the processing of Your Personal Information/Special Personal Information by FOREVER RESORTS pertains to the provision of information and the Application; as well as associated purposes.

4.5 Personal Information/Special Personal Information may be processed by FOREVER RESORTS in the country where it was collected as well as other countries where laws regarding processing of Personal Information differ.

4.6 Should You select the option to join the Forever Resorts mailing list and receive news alerts, You consent to the receipt of direct marketing communications regarding all business activities and news.

4.7 You expressly consent to FOREVER RESORTS retaining Your Personal Information/Special Personal Information once Your relationship with FOREVER RESORTS has been terminated and using the information for aggregate, statistical and reporting purposes.

5 HANDLING OF PERSONAL INFORMATION

5.1 FOREVER RESORTS endeavours to comply with all laws and regulations applicable to FOREVER RESORTS pertaining to information and communications privacy and to protect the privacy of all Users as enshrined in the Constitution of the Republic of South Africa 108 of 1996.

5.2 FOREVER RESORTS seeks to ensure the quality, accuracy and confidentiality of Personal Information in its possession. You warrant that all Personal Information supplied by You is accurate, complete and up-to-date at the time of provision. In the event of any aspect of this Personal Information changing post submission, it is Your responsibility to immediately notify FOREVER RESORTS of the said changes by email to privacy@foreversa.co.za.

5.3 You agree to indemnify and hold FOREVER RESORTS, its officers, directors, employees, agents, and suppliers harmless from and against

any claims, damages, actions and liabilities including without limitation, indirect, incidental, special, consequential or punitive damages arising out of FOREVER RESORTS' reliance on Your personal information should Your personal information contain any errors or inaccuracies.

5.4 You warrant that You have the authority, permissions and consent to provide FOREVER RESORTS with any third party information submitted to FOREVER RESORTS.

5.5 FOREVER RESORTS will take all reasonable measures in order to ensure Your Personal Information is appropriately safeguarded, these precautions include, but are not limited to: firewalls, access control mechanisms via private keys, and software protection for information security.

6 THIRD PARTY ACCESS TO PERSONAL INFORMATION

6.1 FOREVER RESORTS will share Your Personal Information with authorised third parties, only after obtaining your consent to do so. These third parties will include service providers to FOREVER RESORTS as well as data hosting service providers.

6.2 FOREVER RESORTS does not permit these parties to use such information for any other purpose than to perform the services that FOREVER RESORTS has instructed them to provide. All processing is compatible with such purpose.

6.3 FOREVER RESORTS may appoint certain agents, third parties and/or service providers which operate outside the borders of the Republic of South Africa. In these circumstances FOREVER RESORTS will be required to transmit Your Personal Information outside South Africa. The purpose of the trans-border transfer of Your Personal Information may include, but is not limited to: data hosting and storage. You expressly consent to the trans-border flow of Your Personal Information.

6.4 FOREVER RESORTS will ensure that any third party referred to in 6.1 - 6.3 will adhere to all minimum security requirements and take all reasonable measures to safeguard the personal information of all Users, shared with them.

7 RETENTION AND RESTRICTION OF RECORDS

7.1 On receipt of instructions from You, FOREVER RESORTS will destroy or delete a record of Personal Information about You which FOREVER RESORTS is no longer authorised to retain. This is subject to certain exceptions such as retaining records that FOREVER RESORTS is required by law to retain. FOREVER RESORTS is entitled to retain de-identified information for authorised or legitimate purposes.

7.2 In the event that You wish to revoke all consent pertaining to Your Personal Information and/or You would like FOREVER RESORTS to remove and/or delete Your Personal Information entirely, You may contact

FOREVER RESORTS via email at privacy@foreversa.co.za

7.3 Records relating to the provision of information to and/or by You can be retained by FOREVER RESORTS in terms of legislative records retention provisions and includes Your Personal Information and/or Special Personal Information.

7.4 FOREVER RESORTS retains records for a period that is longer than is required by law for statistical or research purposes.

8 UPDATING OF PERSONAL INFORMATION

8.1 You may request access to any Personal Information/Special Personal Information we hold about You at any time by contacting us on privacy@foreversa.co.za

8.2 If You believe that Personal Information/Special Personal Information we hold about You is incorrect, incomplete or inaccurate, then You may request us to amend it. We will consider if the information requires amendment. If we do not agree that there are grounds for amendment or that we cannot amend the information as required, we will retain a note about the request.

8.3 Where we hold information that You are entitled to access, we will try to provide You with suitable means of accessing it (for example, by mailing or emailing it to You). We may charge You a fee (as allowed for under the Promotion of Access to Information Act) for our administrative and other reasonable costs in providing the information to You. We will not charge for making the request and will not charge for making any corrections or updates to Your Personal Information/Special Personal Information.

8.4 There may be instances where we cannot grant You access to the Personal Information/Special Personal Information we hold. We may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. Should this be the case, we will give You written reasons for any refusal, which will not be unreasonably withheld.

9 DISCLOSURE OF PERSONAL INFORMATION

9.1 Business records relating to the provision of information or the Application to You can be retained by FOREVER RESORTS in terms of legislative records retention provisions and includes Your Personal Information. Records can be retained for operational purposes or for evidential purposes. Where FOREVER RESORTS shares Your Personal Information/Special Personal Information with Employees and other Users, FOREVER RESORTS does not permit such parties to use the information for any other purpose than those pertaining using, maintaining and/or running to the Application and associated services.

9.2 We may disclose Your Personal Information/Special Personal Information to:

9.2.1 our employees to enable us to operate;

9.2.2 fulfil requests by You, and to otherwise provide information and services to You;

9.2.3 suppliers and other third parties with whom we have commercial relationships, for business and related purposes; and/or

9.2.4 any organisation for any authorised purpose with Your express consent.

9.3 We may further disclose your Personal Information/Special Personal Information in the following instances:

a) To comply with the law or legal process;

b) To protect FOREVER RESORTS' rights, facilities and other property;

c) To protect FOREVER RESORTS against any misuse or unauthorised use of the Application; and

d) To protect Users or third parties affected negatively by Your action in using the Application.

9.4 We will disclose Personal Information/Special Personal Information to our service providers who use software programmes and hardware devices to monitor usage in order to identify unauthorised attempts to access, upload, damage or alter information that it has stored.

9.5 Personal Information is stored on servers both inside and outside of South Africa.

9.6 We have placed security safeguards to protect Your Personal Information/Special Personal Information through agreements concluded with third party service providers. We will not be held liable for any illegal activity or other activity that may result in a claim for damages due to lack of protection of Your Personal Information/Special Personal Information whilst under the care of the third party.

10 SECURITY OF PERSONAL INFORMATION

10.1 We take reasonable steps to ensure Your Personal Information/Special Personal Information is protected from misuse, loss and from unauthorised access, modification or disclosure. We may hold Your information in either electronic or hard copy form. We use third parties who may have access to Your Personal Information and who have undertaken to protect Your Personal Information.

10.2 Should an unauthorised person/s gain access to Your Personal Information FOREVER RESORTS will contact You within a reasonable time to inform You of such access.

10.3 As our Application is linked to the internet, and the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information You communicate to us online. We

also cannot guarantee that the information You supply will not be intercepted while being transmitted over the internet. Accordingly, any Personal Information/Special Personal Information or other information which You transmit to us online is transmitted at Your own risk.

11 DATA SUBJECT PARTICIPATION

Should You have enquiries concerning Personal Information processed by FOREVER RESORTS, You can request feedback that describes the Personal Information held by FOREVER RESORTS, and information about third parties, or categories of third parties who provide services to FOREVER RESORTS, who have, or have had, access to the information. You may request FOREVER RESORTS correct or delete Your Personal Information in its possession or under its control that is inaccurate, irrelevant, excessive, misleading or obtained unlawfully; or destroy or delete a Personal Information that FOREVER RESORTS is no longer authorised to retain. As a User, You have the right to request access, correction or deletion of Your Personal Information.

12 INDEMNITY

You agree to indemnify and hold FOREVER RESORTS, its officers, directors, employees, agents, licensors, suppliers and members harmless from and against any claims, damages, actions and liabilities including without limitation, loss of profits, direct, indirect, incidental, special, consequential or punitive damages arising out of FOREVER RESORTS' reliance Your Personal Information should Your Personal Information contain any errors, inaccuracies or be irrelevant to the use of the Application.

13 CROSS-BORDER PROCESSING

13.1 FOREVER RESORTS will endeavour to ensure the protection of personal information and data throughout the process of collecting, storing and utilizing any personal data of any natural person protected by the General Data Protection Regulation (GDPR) of the European Union (EU).

13.2 The principles as set out in this policy will apply to any information concerning a data subject in all Member States of the EU as well as all Californian citizens as per the California Online Privacy Protection Act of 2003 (CalOPPA).

13.3 FOREVER RESORTS undertakes to inform all persons who work with personal information / data of Users to whom the GDPR or CalOPPA apply, of their obligations to both ensure the protection of the data

concerned as well as the privacy of all data subjects of whom the personal information is being collected, stored or utilized.

13.4 FOREVER RESORTS will ensure that personal information or data of all natural persons that is processed across borders, is processed lawfully in a manner that ensures appropriate security of such information or data including protection against unlawful access and accidental loss, destruction and damage by using appropriate measures to ensure the integrity and confidentiality of all personal information.

14 CONTACTING US

14.1 Should You have any questions about this Privacy Policy, or require a correction to be made to Your Personal Information that FOREVER RESORTS keeps on record, or a copy of the record itself, or should You feel that You would like to object to the collection, Use or processing of Your Personal Information by FOREVER RESORTS, or that You would like us to delete Your personally identifiable information, then kindly send an e-mail to privacy@foreversa.co.za We will endeavour to make the correction, provide You with the record, cease processing of Your Personal Information and/or delete it, in accordance with Your request.

14.2 We will treat Your requests or complaints confidentially.