

 pathwayCycles			
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PRIVACY STATEMENT

At Pathway Cycles, we treat your Information with the importance it deserves. We are committed to protecting your Personal Information, handling it responsibly and securing it with administrative, technical and physical measures and safeguards and only processing it for the legitimate purposes disclosed. Any Personal Information is maintained under a strict policy of confidentiality. This Privacy Policy is applicable to all new and existing Users of our Services.

We will be transparent with what Information we hold, collect and process, and, to the extent possible, we will also give you control of the Personal Information you provide us with.

Your Information will only be used for the purposes as described in this Privacy Policy along with any additional consent document or agreement that we may enter with you.

To use any Pathway Cycles services, you must agree to this Privacy Policy. You may not use our services if you do not accept this Privacy Policy as it forms part of the Pathway Cycles Terms of Service.

KEY DEFINITIONS

"**Anonymized Information**" - means any Information that we have anonymized in a manner to result in the Information no longer being able to identify you, whether directly or indirectly, and is therefore no longer Personal Information.

"**Applicable Law**" - means any law, by-law, ordinance, proclamation and/or statutory regulation which the Parties are required to observe by reason of this Privacy Policy and matters incidental thereto, including, but not limited to, the Protection of Personal Information Act.

"**Data Subject**" means the person who is the subject of Personal Information.

"**Pathway Cycles**", "**we**", "**us**" and "**our**" - means Pathway Cycles Pty Ltd Registration No. 2019/070437/07 whose registered address is 35 Columbus Crescent, Rivergate, Cape Town, Western Cape, email: info@PathwayCycles.com.

"**POPI**" – means the Protection of Personal

Information Act No 4 of 2013

"**GDPR**" - means the European Union's General Data Protection Regulation, 2016/679.

"**Processing**", "**Process**" and "**Processed**" - means any operation or set of operations which is performed on Information, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"**Pseudonymized**" - means replacing the identifying markers of your Information with artificial identifiers to reduce the association between the data subject and the Information during processing.

"**Purpose**" - means the purposes for which we process Information.

"**Sensitive Personal Information**" - means any Personal Information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under Applicable Law.

"**Terms of Service**" - means the specific terms that apply to our relationship when we provide you with Products or Services.

THE INFORMATION WE COLLECT

Pathway Cycles does not provide services directly to anyone under the age of eighteen (18) years or as otherwise provided by the rules of Applicable Law, and therefore does not knowingly collect information for such Data Subjects as detailed in the 'PREREQUISITES' section of the TOS.

Pathway Cycles will act as a Controller for your Personal Information which may be collected from the following sources:

- 1) from you, the User, directly;
- 2) through your use of Our Site, Platforms or Services;
- 3) from opting in to make contact with us, via our marketing or advertisement campaigns;
- 4) from any public sources where you have chosen to make your Information public, such as social media platforms;
- 5) from content and advertising third parties with whom you have opted to interact on our Site; and
- 6) from third parties who lawfully provide it to us in the circumstances lawfully prescribed.

Pathway Cycles collects the following categories and types of Information:

1. Registration Information – when your account/service/quotation/invoice/delivery date is set up, you will be asked to provide certain Personal Information, including your name, contact details and national identity number (ID); as well as, where applicable, your business name, contact, address, VAT number and registration information.
2. Location Information – your physical address or location will be utilized to deliver your product or service, and/or to perform repairs or deliveries as included in our service offerings.
3. Local & international supplier details (including company logo and branding, banking details, registration numbers, contact details, physical and postal addresses, quantities of stock available, lead and turnaround times, names/designations/contact details for certain relevant employees, third party associations and affiliations)
4. Personal contact details - via delivery applications (like Bolt, Uber Eats, WumDrop, DXFS, The Restaurant App, Pekkish, and in-house delivery platforms including WhatsApp and phone call)
5. Payment Information – bank account details will be taken where applicable for debit orders, to facilitate purchases. Bank details are not stored by Pathway Cycles and are managed by our third-party processing provider.
6. Self-Reported Information – Personal Information including, but not limited to, medical conditions, sports-related information, ethnicity or family history that you voluntarily share in surveys, forms or features while entering Our Site, may be collected by us. Self-Reported Information may be converted into Anonymized Information and used in approved Pathway Cycles Research which is subject to separate consent.
7. Web behaviour Information – Pathway Cycles may collect Information on how Users make use of Our Site, Pathway Cycles backend portals or Pathway Cycles software solutions. This Information is collected through log files, cookies, and web beacon-, analytical- and advertising technologies. Device and IP locations collected will determine the regional version of Our Site to be displayed relevant to the country from which you are accessing Our Site. You can manage your location settings from your device or computer but please note - if these are switched off, the default version of Our Site will be displayed.

HOW WE USE YOUR INFORMATION

TO PROVIDE YOU WITH SERVICES:

We will process your Information to provide you with our Services, creating your account, dispatching your product/service/rider, processing your payments and analyzing your delivery purchases.

PROCESSING OF YOUR SENSITIVE PERSONAL INFORMATION:

We will only Process your Sensitive Personal Information in order to provide you with the Services in terms of the agreement entered with you.

MARKETING AND ADVERTISING:

From time to time, we may send you communications not directly related to the provision of the Services, but about new services available to you, discounts, events, invitations to participate in relevant Pathway Cycles Research or obtain testimonials for promotional purposes.

We may also use direct advertising to you via third party sites including social media. We will only send marketing material to you in accordance with this Privacy Policy, where we have a legitimate interest to do so, where you have opted-in to such communications or as determined by your web browser/cookie settings. You may change your marketing preferences at any time via email to info@pathwaycycles.com.

RESEARCH AND DEVELOPMENT:

We may Process your Information if you have provided prior, express and voluntary consent for your Information and Self-Reported Information to be used in any Pathway Cycles product development and Research and Development (R&D). This Processing may include sharing your Information with contracted suppliers for Purposes of Pathway Cycles Research & Development (R&D) only. We assure you that your information is **not** sold to any third parties for any other purposes.

For any Pathway Cycles Research, you will be contacted beforehand to opt in as a participant for any studies we hope to perform. We will obtain your consent before authorizing any publications that includes your Information, even if only Anonymized Information, and for any such publication, this will be subject to full Review Board approval.

IMPROVING OUR PRODUCTS OR SERVICES:

We collect Information when you send, receive, or engage in messaging with Pathway Cycles. We do this to delegate your inquiries to the correct department. We may use your Personal Information to investigate, respond to and resolve complaints and Service issues.

If you interact with Pathway Cycles via telephone, your call may be recorded for training, quality and monitoring purposes.

We also use analytics to determine ongoing service and resource needs and perform quality control checks to maintain best standards of practice.

INFORMATION DISCLOSURE

Except as otherwise stated in this Privacy Policy, Terms of Service or Consent Documents, we will never share your Information with a third party without getting your consent to do so, unless we are required to do so by law. If we are legally required to disclose any Information, we will make reasonable efforts to notify you unless we are legally prohibited from doing so.

We will only share your Personal Information with those categories of third parties listed below and under these circumstances or as detailed in the Consent Document:

- 1) Current or future Pathway Cycles subsidiaries or global entities. As Pathway Cycles grows, restructuring may take place and it may be appropriate for more than one entity to control and process Information. This Privacy Policy will apply to all Pathway Cycles entities unless otherwise stated;
- 2) Contracted consultants, suppliers and partners used to undertake fundamental activities to enable us to provide our Services, enhance the User experience, and to effectively operate and manage our organization;
- 3) Debit order processing service providers;
- 4) Research contractors where you have given consent to participate in Pathway Cycles Research and Development (R&D). Research contractors will only be granted access to your Information and Self-Reported Information through online channels and at our offices for approved scientific research purposes. Research contractors will be screened and will be subject to the rules established by Pathway Cycles, any Information sharing agreements that we may implement, this Privacy Policy and the Consent Document;
- 5) Where we are required by Applicable Law and by the appropriate authorities to do so; or
- 6) With anyone else as provided for in terms of your explicit prior consent to do so.

Any Processors or other third-party service providers will be required to contractually comply with the principles and objectives of any Pathway Cycles policies, including this Privacy Policy, as well as the requirements of the POPI Act and other Applicable Law and will be required to sign a data processing agreement to confirm that Information will not be collected, used, shared, stored or otherwise for any Purpose other than those instructed by Pathway Cycles.

SELF-DIRECTED SHARING AND DISCLOSURE:

We may provide you with the ability to engage with other Users and share your Information through Our Site and social media channels.

You may choose which Information to share in this manner and may include your Sensitive Personal Information. Sharing Information in terms of this clause is voluntary and you control what you share. Please do not post any Information that you do not want publicly accessible.

INFORMATION DISCLOSURE AS REQUIRED BY LAW:

Under some circumstances, we may need to disclose certain information when required by law, subpoena, or other legal process or if we believe that disclosure is reasonably necessary.

These details that we may share in terms of this clause may include your Sensitive Personal Information. You understand and accept that Pathway Cycles will only share these details if we are compelled by law to do so, or in good faith believe that such disclosure is necessary in such cases, but this disclosure is not limited to:

- 1) Investigation, prevention or action regarding suspected or actual illegal activities or to assist government enforcement agencies;
- 2) Enforce the Pathway Cycles Terms of Service;
- 3) Respond to claims or allegations made by third parties against Pathway Cycles; or
- 4) Protect the rights, property or safety of Pathway Cycles and the public.

Unless prohibited by law or court order, and where time permits, we will let you know when we must share any Information in terms of this clause. We will verify demands as genuine and challenge demands if we feel the request is not appropriate.

CROSS-BORDER TRANSFERS OF INFORMATION:

We may make Our Site and Services available to Users globally and similarly, make use of service providers in jurisdictions outside the Republic of South Africa. Therefore, your Information may be transferred outside of the Republic of South Africa to Processors for various Processing Purposes.

Where we transfer Information to countries outside the Republic of South Africa, the Processors who Process the Information will be required to enter into a data processing agreement setting out how they may Process the Information and further requiring them to comply with the Protection of Personal Information Act, as well as other relevant Applicable Laws to protect your individual rights. We require all Processors to have appropriate technical and security safeguards and measures to protect that Information.

PROCESSING YOUR INFORMATION

Providing Personal Information other than Registration, Contact, Bank and Location Information is voluntary. You can access and control your Personal Information through your account contact, or set your browser settings to determine how we track your web behaviour and you can opt-out of direct marketing.

YOUR RIGHTS:

Subject to Applicable Law, you may have certain rights regarding the Processing of your Information, including:

- the right not to provide your Information to us (exercising this right may result in us not being able to provide you with the full benefits of Our Site and/or Services);
- objecting to the Processing of your Information;
- requesting access to, or copies of, your Information, along with information about the nature, Processing and disclosure of your Information;
- requesting that your Information be corrected and/or updated;
- requesting erasure of or restriction of Processing of your Information (this right may be limited on certain legal grounds as discussed in this Privacy Policy);
- the right to have your Information transferred to another Controller, to the extent applicable;
- withdrawing consent that was given to us for Processing your Information (exercising this right does not affect the lawfulness of any Processing performed prior to the date on which we receive notice of such withdrawal, and does not prevent the Processing of your Information based on any other available legal bases); and
- the right to lodge complaints with a Protection Authority regarding the Processing of your Information by us or on our behalf.

To exercise one or more of the rights described in this Privacy Policy, or to ask a question about these rights or any other provision of this Policy, or about our Processing of your Personal Information, please contact info@pathwaycycles.com.

NOTE: Before we can give effect to these rights, we will contact you to verify your identity and discuss your needs fully before completing your request within thirty (30) calendar days from the date of our validation process. Any request to access your Information might be limited and/or subject to a reasonable fee in terms of Applicable Law where the request is manifestly unfounded or excessive.

RETENTION OF INFORMATION:

Upon closure, all Information will be deleted from your account and the Pathway Cycles database with the following exceptions:

- 1) Personal Information and/or Self-Reported Information for which you have provided explicit consent to use in Pathway Cycles Research and/or Research and Development (R&D) will not be removed from ongoing or completed studies that use such Information unless you expressly revoke your consent in respect of such Information being used for those Purposes. We will, however, inform any recipient of your Information for Pathway Cycles Research or Research and Development (R&D) that you have closed your account and not use the Information in any new Pathway Cycles Research and/or Research and Development (R&D) after your account is closed. We will keep a record of any Processors that will retain your information for this Purpose;
- 2) Electronic Consent Documents (for example: scanned paper forms or online consent history) will be retained indefinitely under strict access control on our database to maintain the record that our Service was completed with your permission. Paper Consent Documents will be securely destroyed five (5) years from the date of account closure;
- 3) We must keep Information relating to orders for Services and payment history for accounting purposes for seven (7) years to meet prescribed requirements; and
- 4) Any Information required to meet legal or regulatory obligations in terms of Applicable Law as necessary.

All Processors will be instructed to delete any Personal Information stored by them with the exceptions as mentioned above.

OTHER

SECURITY

While we cannot guarantee that unauthorized access, disclosure, misuse or loss of Information will never occur, Pathway Cycles strives to align to ISO/IEC 27001:2013 Information Security Management System Standard and frequently reviews and implements physical, technical, and administrative measures to prevent information security incidents and to maintain the confidentiality, integrity and availability of Information.

All connections to Our Site and our mobile applications are encrypted using Secure Socket Layer (SSL) technology and internal systems protected with anti-virus and firewall software.

Only authorised personnel of Pathway Cycles and contracted third parties have access to Information that is necessary for them to perform their jobs or services.

You must keep your account credentials (where applicable) secure and not share them with anyone. Your password (where applicable) for your account will be used only for online login (where applicable). We will not ask for your password under any other circumstances. Please inform Pathway Cycles immediately of any unauthorized use of your account/authorised contact number/email address. Should you wish to reset or change your password or authorised signatory, you can do so by contacting us at info@pathwaycycles.com.

Sharing Self-Reported Information through surveys, or other features on Our Site, is voluntary and done at your sole risk. Pathway Cycles cannot take responsibility for Information that you release or that you request us to release publicly.

In the event of a security incident, Pathway Cycles' internal procedures and those prescribed by the Protection of Personal Information Act will be followed. You will be notified of any material impacts or direct consequences to you as a User without undue delay.

BUSINESS TRANSITIONS

If Pathway Cycles or an entity of Pathway Cycles is bought, sold, transferred, spun-out or merged with another entity, you will be given notice and your Information will be transferred to such entity, along with the other assets of Pathway Cycles. In this case, your Information would remain subject to this Privacy Policy until such a time as a replacement privacy policy is issued. If you do not agree to any new policies and terms published or to the transfer of your Information in terms of this clause, you have the right to terminate your relationship with us, close your account and request that your Information be deleted (in so far as your right to deletion is not limited).

PRIVACY POLICY CHANGES:

This Privacy Policy may be amended from time to time as necessary and/or required by Applicable Law. Any material changes to the Privacy Policy will be notified either via Our Site or Services, by notice posted to Users or by email to existing Users if appropriate.

If you do not agree to any changes, you may request to discontinue your use of the Pathway Cycles Services and Our Site. Previous versions of this Privacy Policy are available on request by emailing info@pathwaycycles.com.

IMPORTANT CONTACTS

If you have questions regarding how Pathway Cycles handles your Information, or to request access to or deletion of your Information held by Pathway Cycles, please email us for Attention: Data Protection Officer at info@pathwaycycles.com.

If you are dissatisfied with how Pathway Cycles handles your Information or would like to provide any other feedback relating to your experience with us, then please contact admin@pathwaycycles.com.

In terms of Applicable Laws, you have the right to lodge a complaint about how we handle your Information with your relevant regulatory authority in terms of the applicable law that applies to you.

Configuration:

Created By	Warrick Ross	
Reviewed By	Genevieve Oliver	
Approved By	Warrick Ross	
Revision History		
Number	Details	Date
Draft 0	New Policy Established	01/07/2021
Draft 0.1	Sent for Review	05/07/2021
Draft 1.0	Reviewed and agreed no further changes – Genevieve Olivier	05/07/2021
Draft 1.0	Approved by Warrick Ross	05/07/2021