

Privacy Policy

Last Updated: March 2023

M&M Containers wants to help you maintain your privacy while using the internet. M&M Containers is transparent about the information we collect and handle. If you do not agree with this policy, please do not use our websites and related services.

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1. INTRODUCTION

- 1.1. **Mark and Megan Containers (Pty) Ltd**, trading as M&M Containers, is a private company registered per the laws of the Republic of South Africa with registration number 2017/182403/07 (“**M&M Containers**”, “**we**”, “**us**”, “**our**”). Our registered office is 18 O’Connor Road, Westville, KwaZulu-Natal, 3629.
- 1.2. We operate our website (www.mmcontainers.co.za) (“**our Site**”).
- 1.3. **We will not sell your information nor hand it over to others to target you with advertising. However, please note that our work and your use of our Site have privacy implications.**
- 1.4. All capitalized words used in this policy have the meanings assigned to them in **Annexure A**.
- 1.5. By providing us with your personal data, you:
 - agree to this Privacy Policy and authorise us to process your personal data as set out in this policy; and
 - authorise us, and our Service Providers to Process your personal data for the purposes stated in this policy.

2. CONTACT US

Our Information Officer handles questions concerning this Privacy Policy, your data protection rights, access to information rights and any complaints.

- Information Officer: Ms C Jakins
- Email Address: cath.jakins@mmcontainers.co.za

3. OUR SERVICES

- 3.1. M&M Containers offers the following products and services in the pursuit of our business (“**our Services**”):
 - Selling used and converted shipping containers;
 - Leasing and sub-leasing used and converted shipping containers;
 - Facilitation of conversions to used shipping containers (at times);
 - Facilitation of transport and handling of used and converted shipping containers.

4. WHO DOES THIS PRIVACY POLICY COVER

- 4.1. This Privacy Policy explains how we protect and use your personal data.
- 4.2. This Policy applies to all external parties with whom we interact, including but not limited to:
 - users of our Site or Services;

- sales and leasing customers;
 - suppliers and contractors.
- 4.3. This Policy must be read with our Site terms and conditions which we may occasionally update as well as and any other documents, agreements or “just-in-time-notices” that describe how we, in specific circumstances, process personal data about you. If there is any conflict, the terms of the specific document will supersede and prevail over this policy.

5. WHAT DATA DO WE COLLECT, AND HOW DO WE COLLECT IT?

We will collect, acquire, receive, record, organise, collate, store, update, change, retrieve, read, process, analyse, use and share your personal data in the manner as set out in this Privacy Policy. When we perform one or more of these actions, we are **"processing"** your personal data.

We obtain personal data about you when you use our Services. We need certain types of information to provide these Services to you. If you do not provide us with such information, or ask us to delete it, you may no longer be able to access our Site or use part of or all of our Services.

5.1. Data you provide directly to us

We collect a variety of personal data that you supply directly to us. For example, we collect data from you when you:

- Complete online forms on our Site;
- Purchase, use or enquire about our products or Services.

The types of personal data we collect will depend upon the Services you use, how you use them, and the data you choose to provide. The types of data we collect directly from you include:

- Your name, email address, contact number, and workplace;
- Location and personal views when completing either our “Contact Us” or “Request a Quote” online forms;
- Data about purchases or other transactions with us;
- User-generated content you post in public online forums on our Sites or social media pages;
- Any other personal data you choose to directly provide to us in connection with your use of the Site and Services.

5.2. Data we collect through passive (automated) means

We collect certain data about your use of the Sites and the devices you use to access the Sites. We and our Service Providers such as WordPress and Google may use a variety of technologies, including cookies and similar tools, to help in collecting this data.

When you use our M&M Containers Site:

- We collect certain data about how you use our Site and the device that you use to access them. This includes your IP address, geographical location, device information (such as your hardware model, mobile network information, unique device identifiers) browser type, referral source, length of visit to the Site, number of page reviews, the search queries you make on the Site and similar information. This data is collected by Google Analytics on our behalf and by some of our Site applications using cookies.

5.3. Data we collect from social media

When you “like” or “follow” us on Facebook, Instagram, Twitter, or other social media sites, we may collect some data from you including your name, email address, handle and any comments or content you post relevant to us. We also collect your data if you sign up for one of our promotions or submit data to us through social media sites.

5.4. Data we collect from other third parties

We may also receive personal data about you from the following sources (including public parties):

- our information technology, cookie management, marketing and analytics providers, such as Google Analytics or WordPress;
- other Responsible Parties where we act as outsourced processors (“**Operators**”) or joint Responsible Parties in performing our Services, including:
 - banks, financial institutions and payment processors (like PayPal) in connection with payments;
 - our press and media partners in connection with authors, publications and journalist activities;
 - law enforcement.

When we collect your personal data from third parties it is either because you have given us express consent to do so, your consent was implied by your actions, or because you provided consent, either explicit or implicit, to the third party that provided this data to us.

6. SPECIAL PERSONAL DATA

If you provide us with more sensitive information this is known as Special (“**Sensitive**”) data and may include details about a person’s racial or ethnic origin, political opinions, religious, philosophical or similar beliefs, trade union membership, genetics, biometrics, health, or about criminal offences or proceedings.

This type of data will be treated differently, we will explain why we are collecting it and it will only be used with your explicit consent or as required by law.

7. WHY WE USE YOUR PERSONAL INFORMATION

7.1. Consent

Based on your consent, as an adult (over 18), we will collect, store, use and transfer personal data such as your name and email address as described in this policy and the relevant consent form to:

- look at the way you use our Site, so that we can improve the Services that we offer (for example, by personalising our communications with you) and to make sure you have the best experience on our Site;
- send out information about products, services, or anything else that we feel might be of interest or use to you;
- make use of cookies on your Site to distinguish users and improve your experience on our Site.

You may withdraw your consent at any time after giving it – please refer to *Section 16: Your Data Protection Rights* for ways to withdraw your consent.

7.2. Contract

We process your personal data if it is necessary to enter into or perform under a contract that we have with you as a customer, supplier, or to provide a solution to you. This includes:

- to provide customers with our Services, and solutions they have requested;
- processing, collecting and administering payments for our Services rendered;
- to communicate with you about the Services, your use of the Services, or your inquiries related to the Services and send you communications on behalf of our Service Providers or suppliers we use to carry out the Services to meet your needs;
- to respond to customer enquiries and complaints (This typically requires the use of certain contact data and data regarding the reason for your enquiry (e.g. order status, technical issue, campaign or product question, or complaint));
- to meet our record-keeping obligations;
- to enforce and collect on any agreement when a customer or supplier is in default or breach of the terms and conditions of an agreement, such as to institute legal proceedings against a customer or supplier;
- transferring limited and necessary personal data to our contracted service providers (such as local data centres) in performing our obligations to you;
- for security and identity verification, and to check the accuracy of customer, supporter or supplier personal data; and
- for any other related and lawful purposes brought to your attention.

7.3. By law

We process customer and supplier personal data if the law requires or permits it. This includes:

- verifying your identity and status as an adult to comply with legislative, regulatory, professional, risk and compliance requirements;
- to fulfil reporting requirements and data requests;
- to meet our record-keeping obligations; and
- for any other related and lawful purposes brought to your attention.

7.4. Legitimate interests

We process personal data when it is necessary to pursue your legitimate interests or our legitimate interests. This includes:

- answer any requests or questions you might have;
- provide you with information about the things we create or do;
- confirm and register your pledge to your chosen campaign or cause;
- keep count of how many supporters we have for each of our campaigns;
- use secure and effective third party technology platforms to administer and manage our email marketing and communications;
- detect, prevent, manage and protect against fraud, security breaches, misuse, and other prohibited or illegal activity, claims and other liabilities;
- maintain the safety, security and integrity of our Sites, our Services, products, databases, networks and other technology assets;
- protect our rights in any litigation that may involve you;
- do general due diligence and risk assessments;
- enforce and defend other legal claims;
- manage business continuity incidents and emergencies;
- analyse and gather metrics to better understand how customers and supporters use our Services and Site, and to evaluate and improve our Services (such as content creation, product offerings and quality management); and
- achieve purposes otherwise described to you when collecting your data.

7.5. Third-party collection

When we collect your personal data from third parties it is because such third parties have:

- authorised or instructed us to do so; and
- have represented to us (either express or implied) that:
 - their instructions are lawful;
 - they are allowed to disclose such personal data to us; and

- they have obtained your consent or justified the legitimate interest pursued, and have provided all privacy notices to you as a data subject.

We use your personal data only for the purpose for which it was originally collected by the relevant Responsible Party and strictly following their instructions and authorisation.

- **Combined data:**

For the purposes discussed in this Policy, we may combine the data that we collect through the Services with data that we receive from other sources, and use and share such combined data in compliance with this Policy.

- **Further processing limitation:**

We will not collect additional categories of personal data or use the data we collected for materially different, unrelated, or incompatible purposes without providing you notice.

8. DISCLOSURE OF PERSONAL DATA

8.1. We may provide access to and disclose your personal data for legitimate purposes, following applicable law and subject to applicable regulatory requirements regarding confidentiality and appropriate data protection measures. **We do not sell personal data for commercial gain.**

8.2. We may disclose your personal data in the following ways:

- **Our Service Providers:**

We provide access to or share your data with Service Providers who use the data to perform services on our behalf, and whose help we require to conduct our business operations and that:

- have agreed to be bound by this Privacy Policy and our Data Protection Policies or by similar terms offering a similar or higher level of protection;
- where this personal data is necessary for the performance of their obligations to or on behalf of M&M Containers (e.g., file storage, payroll, payment gateways, server hosts, email marketing management platform, videoconferencing, and cybersecurity); and
- based on our instructions, are not authorised by us to use or disclose the data except as strictly necessary to perform the services on our behalf as instructed or to comply with legal or professional requirements.

We will only authorise the processing of any personal data by a third party acting as a subcontractor (Operator) on our behalf by, among others, entering into agreements with those third parties governing our relationship with them and highlighting instructions, confidentiality, security and non-disclosure obligations.

For example, these include parties who facilitate transactions – such as payment processors, financial institutions and transaction beneficiaries.

- **Protection of M&M Containers and others:**

By accepting our Privacy Policy, you acknowledge and agree that we may access, retain and disclose the data we collect and maintain about you if required to do so by law or, in good faith, believe that such access, retention or disclosure is reasonably necessary to:

- comply with legal process (e.g. a subpoena or court order);
- enforce our applicable terms and conditions, this Privacy Policy, or other contracts with you, including investigating any potential violations to such terms and policies;
- respond to claims that any content violates the rights of third parties or laws;
- respond to your requests for customer service; and/or
- to mitigate any actual or perceived risk, or to protect the rights, property or personal safety of Blood Lions, customers, supporters, users, employees, service providers, and the public. This includes exchanging data with other companies and organizations for fraud protection, and similar purposes.

○ **Business transfers:**

We may buy, merge, partner with or be acquired by other companies. In such transactions, (including in contemplation of such transactions) Customer, supporter and supplier data may be among the transferred assets. If a portion or all of our assets are sold or transferred to a third party, such data (including your email address) would likely be one of the transferred business assets. If such transfer is subject to mandatory restrictions under applicable laws, we will comply with such restrictions.

○ **Consent:**

We may also disclose your data in other ways you direct us to and when we have your consent to do so.

○ **Public forums, social media, testimonials and reviews:**

Certain features of our Services make it possible for you to share comments publicly with other users online. Any data that you submit through such features is not confidential, and we may use it for any purpose (including in testimonials or other marketing materials). For example, if you publicly submit a review or post your opinion on our Site, on Google, or a social media platform, we may display your review or opinion (along with the name provided, if any) on our Site and on third-party websites, including social media platforms. Any data you post openly in this way will be available to the public at large and potentially accessible through third-party search engines.

Therefore, please take care when using these features.

○ **By law with government departments and regulatory bodies:**

With governmental agencies, and other regulatory or self-regulatory bodies, if required to do so by law or there is a reasonable belief that such is necessary for:

- compliance with the law or with any legal process; or

- the protection and defence of the rights, property or safety of Blood Lions, our customers, supporters, users, employees, contractors, suppliers, service providers, or any third party.

9. COMPULSORY PERSONAL DATA AND CONSEQUENCES OF NOT SHARING WITH US

Where we must process certain personal data by law, or in terms of a contract that we have entered with you, and you fail to provide such personal data when requested to do so, we may be unable to perform in terms of the contract in place or are trying to enter into with you. In such a case, we may have to terminate the contract and/or relationship with you, upon due notice to you, which termination shall be done in accordance with the terms of that contract and any applicable legislation.

10. WILL WE USE YOUR DATA TO MAKE AUTOMATED DECISIONS ABOUT YOU?

We do not use your personal data to make any automated decisions about you.

11. STORAGE AND TRANSFER OF PERSONAL INFORMATION

- 11.1. We store your personal data locally and have also engaged reputable and trusted organisations as outsourced Operators to securely store your data. Our servers and cloud storage run in secure premises located in South Africa and abroad. In each case, we maintain a high level of security to prevent unauthorised access.
- 11.2. We reserve the right to transfer to and/or store your personal data on servers in a jurisdiction other than where it was collected, or outside of South Africa in a jurisdiction that may not have comparable data protection legislation; Provided that if the location does not have substantially similar laws to those of South Africa, we will take reasonably practicable steps, including the imposing of suitable contractual terms and undertake a due diligence to ensure that your personal data is adequately protected in that jurisdiction.

12. SECURITY AND INTEGRITY

- 12.1. We will take appropriate and reasonable technical and organisational steps to protect all personal data held by us in line with industry practices, including protection against accidental or unlawful destruction, accidental loss or alteration, and unauthorised disclosure or access. This includes the following:
 - keeping systems secure (such as monitoring access and usage);
 - storing records securely;
 - controlling the access to our premises, systems and records;
 - safely destroying or deleting records;
 - encrypting and/or password protecting sensitive data;

- protecting our servers using firewalls and limiting access to information on a strictly need to know basis;
 - testing the security of our Sites and IT systems;
 - when processing payment card details, our payment gateways comply with the applicable Payment Card Industry Data Security Standard (PCI-DSS standard); and
 - periodically reviewing our collection, storage and processing practices, including physical and digital security measures.
- 12.2. **However, no data transmission over the internet or electronic/physical storage can be guaranteed to be 100% secure. As such, you acknowledge and accept that we cannot guarantee the security of your data transmitted to, through, or on our Site or via the internet and that any such transmission is at your own risk.** However, we are subject to POPIA which we comply with.
- 12.3. We will let you and the relevant regulatory authorities know of any data breaches where we are legally required to do so and within the prescribed time.
- 12.4. Where we have given you (or where you have chosen) a password that enables you to access the Services or Sites, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

13. RETENTION AND DELETION

- 13.1. We will only retain your personal data for as long as it is necessary to fulfil the purposes explicitly set out in this policy.
- 13.2. The length of time for which we retain data depends on the purposes for which we collect and use it or as required to comply with applicable laws.
- 13.3. If there are no other lawful grounds for us to continue processing your personal data, we will destroy such data using secure methods.

14. MAINTENANCE, CORRECTIONS AND ACCESS

- 14.1. Where we act as a Responsible Party, we are required to take all necessary steps to ensure that your personal data is accurate, complete, not misleading and up to date.
- 14.2. Anyone about we maintain personal data may request to inspect and, if appropriate, correct the personal data held by us. **It is your responsibility to inform us should your personal data be incorrect, incomplete, misleading or out-of-date by contacting us.** We may require additional data from the requesting party to confirm the legitimate basis for the request and your identity and authority to do so. Upon receipt and verification of the corrected personal data, we will adjust our data or records accordingly.
- 14.3. A request for correction/deletion of personal data or destruction/deletion of a record of personal data must be submitted using the prescribed Form 2 which is available on the Information Regulator's website.

15. DATA MINIMISATION

- 15.1. We will have service level agreements with any third parties who wish to send us personal data (either in our capacity as a Responsible Party or Operator). These state that only relevant and necessary data is to be provided as it relates to the processing activity we are carrying out.
- 15.2. We have destruction procedures in place where a data subject or third party provides us with personal data that is surplus to our requirements.

16. YOUR DATA PROTECTION RIGHTS

- 16.1. Data protection laws grant you with, among others, the following rights:
- **Request access to your personal data** – You may ask us free of charge to confirm that we hold your personal data, or ask us to provide you with details, at a fee, how we have processed your data, which can be done by submitting [PAIA Form 2](#) to us;
 - **Request the correction of your personal data** – to ensure any incomplete or inaccurate personal data is corrected by submitting [PAIA Form 2](#) to us;
 - **Request erasure of your personal data** – where there is no lawful basis for the retention or continued processing of your personal data by submitting [PAIA Form 2](#) to us;
 - **Object to the processing of your personal data for a legitimate interest (or those of a third party)** – under certain conditions where you feel it impacts your fundamental rights and freedoms by submitting [POPI Form 1](#) to us;
 - **Request restriction of processing of your personal data** – to restrict or suspend the processing of your personal data to limited circumstances submitting [POPI Form 1](#) to us;
 - **Withdraw consent given in respect of the processing of your personal data at any time** – withdrawal of consent will not affect the lawfulness of any processing carried out before your withdrawal notice. It may also not affect the continued processing of your personal data in instances where your consent is not required. To withdraw your consent:
 - For email communications – by clicking “unsubscribe” on the email communication sent by us, or by emailing the address provided in *Section 2 – Contact Us* above.
 - For other purposes – by emailing our Information Officer stating that you “withdraw your consent for M&M Containers to process your personal data”.
- 16.2. Parents can exercise the above rights on behalf of their children (under 18 years).
- 16.3. If an above request/ objection is to be made, please use the contact details provided in *Section 2 – Contact Us* above and we will revert within 30 calendar days. The relevant forms to be completed in exercising your rights are also available on the Information Regulator’s website.

17. ELECTRONIC DIRECT MARKETING

- 17.1. We would like to send you information about products, services, updates, or anything else that we feel might be of interest or use to you.
- 17.2. We may send marketing materials to our customers' email addresses (including individuals who enquire about our Services with or through us as permitted by POPIA), provided that:
- your name and contact details were obtained in the context of the sale of our products or Services (including any inquiries, requests or bookings concerning our products and Services)
 - we contact you to market our similar products or Services; and
 - you may opt-out at any time and free of charge on any of our marketing communications by clicking unsubscribe on any email sent to you or by emailing our information officer.
- 17.3. If you are not our customer, we may send marketing materials to you where you give us your express "opt-in" consent (either digitally or in-person) to send you marketing materials through your preferred electronic channels of communication, provided that we shall keep a record of your consent and you may opt-out any time and free of charge on any of our subsequent marketing communications.
- 17.4. Once you have chosen to opt-out, we may send you written confirmation of receipt of your opt-out request (which may be in electronic form), and we will thereafter not send any further direct marketing communication to you. However, you may continue to receive communication from us on matters of a regulatory nature, which are not marketing related.

18. THIRD PARTY SUB-PROCESSORS/ OPERATORS

- 18.1. We use external processors ("**Operators**") for certain processing activities and to assist in the delivery of Services. We reserve the right to change our Operators at any time without further notice to you, but we will ensure our Operators are bound by this Privacy Policy and our Data Protection Policy or similar terms providing the same or higher level of protection. Such external processing activities include, but are not limited to:
- IT systems and infrastructure;
 - debt collection services;
 - human resources;
 - payroll;
 - posting and email infrastructure;
 - record keeping infrastructure;
 - credit reference agencies;
 - server hosts and data centres; and
 - direct marketing / mailing platforms and services.

- 18.2. We conduct due diligence procedures in respect of our external Operators prior to forming a business relationship. We obtain company documents and references to ensure the Operator is adequate, appropriate and effective for the task we employ them for.

19. WEBSITE FORMS

19.1. For the M&M Containers Site –

- We use an electronic forms provider based in the United States who is subject to adequate data protection laws, namely the General Data Protection Regulation 2016/679. We also have a contractual relationship with them to protect your data. We will make a copy of this contract available on request.
- When you fill out a form, the data that you submit will be forwarded to their secure servers in the United States and will be collated onto an account administered and accessed by us locally.
- Your data will remain within their secure database for as long as we continue to use their services or until you specifically request removal by emailing us. We consider them to be a third-party Operator.

20. WHEN YOU PROVIDE US WITH INFORMATION ABOUT OTHERS

If you provide us with personal data about someone else, you are responsible for ensuring that you comply with any obligation and consent obligations under applicable data protection laws in relation to such disclosure. You must ensure that you have provided the required notices and have obtained the individual's consent to provide us with this personal data and that you explain to them how we collect, use, disclose and retain their personal data, or otherwise direct them to read this Policy.

21. COOKIES

- 21.1. We may place small text files called “cookies” on your device when you visit our Sites. Cookies do not hold personal data, but they do contain a personal identifier allowing us to affiliate your personal data with a certain device. Cookies serve useful purposes for you, including:

- remembering who you are as a User of our Site to remember any preferences you may have selected on our Site, such as saving your username and password, or settings (“**functional cookies**”);
- allowing our Site to perform their essential functions. Without these cookies, some parts of our Site would stop working (“**essential cookies**”). For example, data on error messages displayed to Users will be collected and the developer team will assess and solve it;
- monitoring how our Site are performing, and how you interact with it to understand how to improve our Site or Services (“**site analytics**”).

- 21.2. See our Cookie Statement for more information on our use of cookies.

- 21.3. Your internet browser may accept cookies automatically and you can delete cookies manually. However, no longer accepting cookies or deleting them may prevent you from accessing certain aspects of our Site where cookies are necessary.
- 21.4. As cookies are stored in the web browser used to access our Site, to disable cookies Users need to change the settings on that browser.
- 21.5. Many websites use cookies and more information is available at: www.allaboutcookies.org.

22. PRIVACY POLICIES OF OTHER WEBSITES

Our Site may contain links to other websites, apps, tools, widgets and plug-ins that are run by third parties. If you visit a third-party website or social media site, you should read that website/ social media's privacy notice, terms and conditions, and their other policies. This Policy will no longer apply. We are not responsible for the policies and practices of third parties and social media sites. Any personal data you give to those organizations is dealt with under their privacy notice, terms and conditions, and other policies.

23. GOVERNING LAW

- 23.1. This Privacy Policy is governed by South African law.
- 23.2. If any provision of this Policy is determined to be illegal, void or unenforceable due to applicable law or by order of court, it shall be deemed to be deleted and the continuation in full force and effect of the remaining provisions shall not be prejudiced.

24. CHANGES TO THIS POLICY

We may amend this Privacy Policy from time-to-time and we will take reasonably practicable steps to inform you when changes are made. Without limiting the way we may inform you, we may notify you by email, or by posting an updated notice on our Site.

25. QUERIES, COMPLAINTS AND INFORMATION REGULATOR

- 25.1. If you have any questions or complaints about your privacy rights or this Privacy Policy, please address your concerns to our Information Officer (see details under *Section 2 – Contact Us*). If you feel our attempts at resolving the matter have been inadequate, you may lodge a complaint with the South African Information Regulator through their website, www.inforegulator.org.za.
- 25.2. If you are located outside of South Africa, you may contact the appropriate regulatory authority in your country of domicile.

ANNEXURE A – DEFINITIONS

“M&M Containers” / “we” / “us” / “our”	Mark and Megan Containers (Pty) Ltd, trading as M&M Containers (Pty) Ltd.
“M&M Containers Site” / “our Site”	www.mmcontainers.co.za .
“Operator”	Any person or entity that Processes personal data on behalf of a Responsible Party.
“personal data”	Information or data relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to information relating to: • Education or the medical, financial, criminal or employment history of the person; • Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; and • Other types of information listed as ‘personal information’ in POPIA.
“POPIA”	Protection of Personal Information Act 4 of 2013.
“Responsible Party”	The entity that decides how and why personal data is processed. Responsible Parties may instruct Operators to processes personal data on their behalf.
“Service Provider”	Third party providers of various services with whom we engage, including, but not limited to, providers of information technology, communication, file storage, data storage, copying, printing, couriers, accounting or auditing services, counsel, investigators, attorneys, professional advisors, and our insurers.
“Special Personal Information”	Personal data about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life or orientation, any actual or alleged criminal offences or penalties, or any other data that may be deemed to be sensitive under applicable law.
“Cookies”	Cookie technology consists of trace elements of data that is stored on the user's electronic devices, and which does not hold personal data but contains personal identifiers allowing for affiliations to be made between the personal data and certain devices.
“You”	Being you as the user, customer, or supplier (as applicable).