

PRIVACY POLICY

This privacy policy will regularly be updated to reflect the way we process your personal information or any changes in the applicable laws.

WHO WE ARE

1. Beachcomber Marketing (Pty) Ltd trading as Beachcomber Tours ("we" / "us" / "Beachcomber") operates the marketing arm of the Mauritian leisure group, New Mauritius Hotels (**Beachcomber Resorts & Hotels**).
2. For the purpose of this Privacy Policy, Beachcomber also includes **Beachcomber Resorts & Hotels**.
3. The party collecting the personal information or personal data is referred to as "the responsible party" for the purposes of POPIA.
4. Our contact detail is as follows:
Address: Beachcomber House, Tre Mondri Office Park, 2a Niblick Way, Somerset West, 7130
Phone number: +27 21 850 5300 | 0800 500 800
Email Address: gen@beachcomber.co.za

OUR PRIVACY STATEMENT

1. Beachcomber respects your privacy and is committed to protecting your personal information. This Privacy Policy will inform you as to how we protect the personal information we process and control relating to you ("personal information" for purposes of POPIA) and tell you about your privacy rights. We want to ensure you are aware of our practices for processing your personal information.
2. This privacy statement applies to personal information we collect and "process" (as defined in POPIA) about you, when you visit or make enquiries about resorts booked or to be booked with **Beachcomber**.
3. Our Privacy Policy can be viewed on all webpages of our **website**. Alternatively, you can download a PDF version of the policy **here**.

IMPORTANT: Please read this Privacy Policy together with any other privacy policy or fair processing notice we may provide on specific occasions when we are collecting or processing personal information about you so that you are fully aware of how and the purpose for which we are using your information. This Privacy Policy supplements the other notices and is not intended to override them.

4. The following sections provide further details on how we protect your personal information:

- For which purpose we collect your personal information and which legal basis
- Which categories of data we collect about you
- Do we use third-party links to websites and programmes
- How your personal information is collected
- How we use cookies
- How we use your personal information when you visit our resorts and hotels
- How we use personal information for marketing purposes
- What your rights are in respect of marketing communications
- Who the intended recipients of your personal information are
- How long will we use your personal information for
- Transfer of your personal information
- How we protect your personal information
- What rights do you have in respect of the processing of your personal information

1. FOR WHICH PURPOSE WE COLLECT YOUR PERSONAL INFORMATION AND WHICH LEGAL BASIS

1.1 We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1.1.1 where we need to perform the contract we are about to enter into or have entered into with you;

1.1.2 where it is necessary for our legitimate interest (or that of a third party) and your interests and fundamental rights do not override those interests; and

1.1.3 where we need to comply with a legal or regulatory obligation.

1.2 We will process your personal information for the purposes mentioned above based on your prior consent, to the extent such consent is mandatory under applicable laws.

IMPORTANT: Except for certain information that is required by law, your decision to provide any personal information to us is voluntary. You will therefore not be subject to adverse consequences if you do not wish to provide us with your personal information, or you fail to provide that data when requested. However, please note that if you do not provide certain information, we may not be able to accomplish some or all of the purposes outlined in this Privacy Policy, in particular, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services provided by Beachcomber). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

1.3 We will not use your personal information for purposes that are incompatible with the purposes for which we collected it, and of which you have been informed, unless it is required or authorised by law, or it is in your own vital interest (e.g. in case of a medical emergency) to do so.

- 1.4 We may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law. For example, in order to prevent fraud and other illegal activity, and for verification process of any online transaction or payment.
- 1.5 We use your personal information only where required for specific purposes. Information given in the document.

2. WHICH CATEGORIES OF DATA WE COLLECT ABOUT YOU

- 2.1 We collect personal information of Beachcomber employees, potential employees, customers, suppliers and service providers, shareholders and website users. If the data we collect is not listed in this Privacy Policy, we will give individuals (when required by law) appropriate notice of which other data will be collected and how we will be using them.
- 2.2 If you provide us with personal information of another person, other than a child, you are responsible for ensuring that such person is made aware of the information contained in this Privacy Policy and that the person has given you his/her consent for sharing the information with us.
- 2.3 The personal information we collect includes:
 - 1) **Identity Data** includes first name, maiden name, surname, username or similar identifier, marital status, title, date of birth and gender.
 - 2) **Contact Data** includes billing address, delivery address, email address and telephone numbers.
 - 3) **Financial Data** includes data necessary for processing payments and fraud prevention, including credit/debit card numbers, payment card details including security code numbers and other related billing information, bank account and payment card details.
 - 4) **Transaction Data** includes details about payments to and from you and other details of services you have purchased from us.
 - 5) **Technical Data** (if applicable) includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website.
 - 6) **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
 - 7) **Usage Data** includes information about how you use our website and services.
 - 8) **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- 2.4 We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- 2.5 We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal information but is not considered personal information in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal information so that it can directly or

indirectly identify you, we treat the combined data as personal information, which will be used in accordance with this Privacy Policy (please read this with clause 2.6 below).

2.6 We collect 'sensitive personal information' also known as **Special Categories of Personal Information** about you in accordance with data privacy law requirements. This includes scanned copies of your Passport/National Identity Card/Driver's Licence, your allergies, health conditions, current medication, any physical conditions that affect your mobility, biometric data such as your fingerprint pictures and CCTV footage.

IMPORTANT: This website is not intended for children and we do not knowingly collect data relating to a child under the age of 18. By law, parents or guardians of the child have the obligation to provide data related to the child. In this case, we shall make every reasonable effort to verify using any reasonable means (including but not limited to any written supporting evidence) that the express consent has been given or authorised.

2.7 The above-mentioned categories of personal information have been obtained either directly from you (for example, when you provide information to sign up for a newsletter or register to comment on a forum website) or indirectly (4.1.4).

IMPORTANT: It is important, and it is your duty to ensure that the personal information we hold about you is accurate and current. Please keep us **informed** if your personal information changes during your relationship with us.

3. DO WE USE THIRD-PARTY LINKS TO WEBSITES AND PROGRAMMES

3.1 The use of our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you.

3.2 We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy/statement of every website you visit.

4. HOW YOUR PERSONAL INFORMATION IS COLLECTED

4.1 We use different methods to collect data from and about you including through:

4.1.1 You may give us your personal information when you fill in forms or by corresponding with us by post, phone, email or otherwise. This includes personal information you provide when you:

- (i) make an accommodation and flight reservation to one of our resorts;
- (ii) create an account on our website;
- (iii) subscribe to publications;
- (iv) request brochures or newsletters to be sent to you; and
- (v) enter a competition, promotion or survey.

4.1.2 If you contact us, we may keep a record of that correspondence.

4.1.3 Any postings, comments or other content that you upload or post to our website.

4.1.4 Information obtained from certain third parties, for example, through our website's technology. Such third parties include our affiliates, public authorities, public websites and social media, suppliers and vendors. You are entitled to object against us collecting your personal information from such sources.

4.2 Automated technologies or interactions

As you interact with our websites, we may automatically collect Technical Data about your equipment, browsing actions and patterns, traffic data. We collect this personal information by using cookies, server logs and similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our [cookie policy](#) for further details.

4.3 Third parties or publicly available sources

We may receive personal information about you from a third party provided you have given your consent.

5. HOW WE USE COOKIES

5.1 If using our website, you can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies.

5.2 If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

5.3 For more information about the cookies we use, please click [here](#).

6. WHAT YOUR RIGHTS ARE IN RESPECT OF MARKETING COMMUNICATIONS

6.1 We will not process your personal information for direct marketing by ticking certain boxes on the forms we use to collect your personal information, such as forms used when you have requested information from us or purchased or made a booking with us or when you have entered a competition or registered for a promotion; or by utilizing opt-in mechanisms in emails we send to you.

6.2 If you have opted-in to receiving marketing materials, you will receive promotional offers from us. We may then use your Identity Data, Technical Data, Usage Data and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide, which services and offers may be relevant for you.

You have the right to withdraw your consent from receiving marketing communications from us at any time by utilising opt-out mechanisms in forms and emails we send to you. You can also object to the processing of your personal information for direct marketing purposes and exercise your right to have your personal information removed from our database at any time by contacting us. When you withdraw your consent or when you object to the processing of your personal information for direct marketing purposes, we shall stop processing your personal information for such direct marketing purposes.

7. WHO THE INTENDED RECIPIENTS OF YOUR PERSONAL INFORMATION ARE

7.1 We do not share your personal information with any company outside Beachcomber for marketing purposes, but should this be the case, we will get your express permission before we proceed.

7.2 In relation to the purposes for which we collected your personal information, we may have to share your personal information with:

7.2.1 Employees of Beachcomber Tours or any of our suppliers.

7.2.2 Employees of our internal audit functions.

7.2.3 Internal third parties such as our preferred service providers (IT systems suppliers and support, and other service providers) from whom we have obtained written compliance with the following:

(i) respect of the security of your personal information, and to treat it in accordance with the law;

(ii) not to use your personal information for their own purposes;

(iii) only to process your personal information for specified purposes and in accordance with our instructions; and

(iv) to delete and destroy your personal information and data once the purpose for which it has been obtained has been achieved.

7.3 We may be required to share your personal information with external third parties:

7.3.1 Our professional advisors who are our accountants, auditors, lawyers, insurers, bankers, and other outside professional advisors in Mauritius.

7.3.2 Any public or enforcement authority in South Africa, Mauritius or elsewhere, or in case of a court, administrative or governmental order to do so.

8. HOW LONG WILL WE USE YOUR PERSONAL INFORMATION FOR

8.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

8.2 To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

8.3 We wish to draw your attention to the fact that the legal prescription period in South Africa (i.e. the period during which one party may sue another party or be sued after the happening of an event) is 3 years for non-immovable-property-related matters. Depending on the nature of our relationship with you, we may, in this context, also choose to keep your personal information after our last transaction with you, we may retain key

and agreed aspects of your preferences such as ground floor, twin or single bed, etc. in order to facilitate future bookings for at least the legal prescription period in order to be able to defend or enforce our rights or for such number of years according to the applicable laws.

8.4 Please **contact us** for further details on retention periods for different aspects of your personal information.

8.5 In some circumstances, you can ask us to delete your personal information: see Request erasure (11.1.3) below for further information.

8.6 In some circumstances, we may anonymise your personal information (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

9. TRANSFER OF YOUR PERSONAL INFORMATION

9.1 When sharing your personal information within Beachcomber, whether this involves transferring your data outside the countries where Beachcomber operates, we ensure your personal information is protected as per the applicable law requirements.

9.2 Whenever we transfer your personal information, we ensure a similar degree of security and protection is afforded to it.

10. HOW WE PROTECT YOUR PERSONAL INFORMATION

10.1 We maintain organisational, physical and technical security measures:

- (i) to prevent your personal information from unauthorised access, alteration, disclosure, accidental loss, and destruction; and
- (ii) based on the nature of the personal information, to protect your personal information from the harm that may result in unauthorised access, alteration, disclosure, destruction of the data and its accidental loss.

10.2 In particular, our preventive and protective measures include:

- (i) the pseudonymisation and encryption of personal information; and
- (ii) the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services through our disaster recovery management procedure.

10.3 We limit access to your personal information to those employees, agents, and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

10.4 We maintain procedures to deal with any suspected personal information breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

10.5 If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact us using the details set out below.

10.6 Further security measures:

- We have carried out a data protection impact assessment which entailed a 'systematic and extensive evaluation of our processes and current safeguards'.
- This assessment addressed amongst others how and when we process your information and when such processing may present (internal and external) security risks including the origin, nature, likelihood (foreseeability) and severity (extent) of such risk.
- Based on the report by the experts who carried out this assessment, we have implemented 'appropriate, reasonable and organisational measures' to (1) **ensure** the integrity and confidentiality' of the Information; (2) 'prevent the loss of, damage to or unauthorised destruction or access to or processing' of your information; (3) **anticipate** and identify the aforesaid risks; (4) maintain, monitor and update these safeguards on an ongoing basis.
- These measures will meet the most stringent of 'generally accepted information security practices' and/or 'specific industry or professional rules and regulations'.
- These measures include amongst others encryption; controlling privileges of users; destroying your information when no longer required; regular audits; back-ups; and emergency incident strategies.
- We will carry out regular data protection impact assessments on an ongoing basis.

Primary Contact

Full name of legal entity: Beachcomber Marketing (Pty) Ltd

Email address: gen@beachcomber.co.za

IMPORTANT: You should understand that the open nature of the internet is such that information and personal information flows over networks connecting you to our systems without security measures and may be accessed and used by people other than those for whom the data is intended.

11. WHAT RIGHTS DO YOU HAVE IN RESPECT OF THE PROCESSING OF YOUR PERSONAL INFORMATION

11.1 You have the right to, in the circumstances and under the conditions, and subject to the exceptions, set out in applicable laws:

11.1.1 **Request access** to your personal information, commonly known as a "data subject access request". This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

11.1.2 **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

11.1.3 **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing, where we may have processed your information unlawfully or where we are required to erase your personal information to comply with local law. Note,

however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

11.1.4 **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

11.1.5 **Request restriction** of processing of your personal information. This enables you to ask us to suspend the processing of your personal information in the following scenarios: (1) if you want us to establish the data's accuracy; (2) where our use of the data is unlawful but you do not want us to erase it; (3) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (4) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

11.1.6 **Withdraw** consent at any time where we are relying on consent to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

11.2 **Right to lodge a complaint** at any time with the Information Regulator South Africa (IRSA) [here](#) or with ourselves, [Beachcomber](#), or with the Consumer Goods & Services Ombudsman ([CGSO](#)).

IMPORTANT:

- If you wish to exercise any of the rights set out above or need any clarification thereon, please [contact us](#).
- We would appreciate the chance to deal with your concerns before you approach the [IRSA](#), please [contact us](#) in the first instance.
- We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

11.3 Pursuant to the POPI Act, you have the right of portability that is the right to receive your personal information, which you have previously provided in a 'commonly use and machine readable format' and have the right to transmit that data to another responsible party, for so long as such rights do not violate any third party fundamental rights and freedom, and subject to such other exceptions set forth under the POPI Act.

IMPORTANT: We mentioned above that you are at all times in control of your Information. This control you can exercise by virtue of the rights afforded you in the Privacy Legislation. We respect and will honour these rights – these **RIGHTS** are:

- Subject to certain exceptions (see 'Exceptions' below) we always have to obtain your information from you personally.
- We are not allowed to process your information unless we have your 'informed, specific and voluntary consent'.
- We are obliged to advise you of the identity/ies and contact details of the party/ies who will be 'processing' your Information – we will provide you with such details: ours by referring you to 'Contact Us' and that of Third Parties in the documentation pertaining to the services and products to be provided in due course.
- Direct marketing (see below): we are obliged to obtain your consent and to advise you each time of your right to 'opt out'/'unsubscribe'.
- You are entitled to enquire at any time about the steps we've taken to ensure that our safeguards pertaining to the protection of your information meet the requirements of the Privacy Legislation (see 10.6).
- You can lodge complaints: (1) via **email**; (2) with our **Information Officer** and/or (3) with the **POPIA Information Regulator**.
- You are entitled and we are obliged to inform you when our security has been breached as soon as reasonably possible.

LIST OF SPECIFIC PURPOSE AND LEGAL BASES

Below are all the ways we plan to use your personal information, and the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. We may process your personal information for more than one lawful ground depending on the specific purpose for which we are using your data. Please **contact us**, if you need details about the specific legal ground we are relying on to process your personal information where more than one ground has been set out in the table below.

Purpose/Activity	Lawful basis for processing including basis of legitimate interest
To register you as a new client through our online booking system	Performance of a contract with you and ensuring a tailor-made experience at Beachcomber
To manage our relationship with you which will include (a) notifying you about changes to the Privacy Policy, (b) asking you to leave a review or take a survey	(a) Performance of a contract with you (b) Necessary to comply with a legal and regulatory obligation (c) Necessary for our legitimate interest, to keep our records updated and to study how customers use and appreciate our services
To enable you to partake in a prize draw, any raffle or competition or complete a survey To provide one of our brochures or sweepstakes entry forms To allow you to subscribe to promotional emails or newsletters To allow you to benefit of services provided by our preferred service providers of Beachcomber Tours	(a) Performance of a contract with you (b) Necessary for our legitimate interest (to study how customers use and appreciate our services, to develop them and grow our business)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Necessary for our legitimate interest (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal and regulatory obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	Necessary for our legitimate interest (to study how customers use our services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, services, marketing, customer relationships and experiences	Necessary for our legitimate interest (to define types of customers for services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	Necessary for our legitimate interest (to improve our service to you)
Marketing our products and services to you (unless you objected against such processing)	Justified on the basis of our legitimate interest for ensuring that we offer the best possible service to you
Allow you to make spontaneous CV applications for current or prospective job openings	Justified in order to take steps at the request of the data subject before entering into a contract
To promote investor relations	Justified on the basis of our legitimate interests to ensure that you remain connected with the affairs of the company

Glossary

Applicable laws means for the purpose of this Privacy Policy, the Protection of Personal Information Act, Act 4 of 2013.

Biometric data means any personal information relating to the physical, physiological or behavioural characteristics of an individual which allow his unique identification, including facial images or dactyloscopic data.

Consent means any freely given specific, informed and unambiguous indication of the wishes of a data subject, either by a statement or a clear affirmative action, by which he signifies his agreement to personal information relating to him being processed.

Comply with a legal or regulatory obligation means processing your personal information where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

Direct marketing means the communication of any advertising or marketing material which is directed to any particular individual.

Encryption means the process of transforming data into coded form.

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interest. We do not use your personal information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interest against any potential impact on you in respect of specific activities by **contacting us**.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Personal information means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

Processing means an operation or set of operations performed on personal information or sets of personal information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Pseudonymisation means the processing of personal information in such a manner that the personal information can no longer be attributed to a specific data subject without the use of additional information and the additional information is kept separately and is subject to technical and organisational measures to ensure that the personal information is not attributed.

Third party means a person or public body other than a data subject, a responsible party, a processor or a person who, under the direct authority of a responsible party or processor, who or which is authorised to process personal information.

Traffic data means any data relating to a communication by means of a computer system and generated by the system that forms part in the chain of communication, indicating the communication's origin, destination, route, time, date, size, duration, or type of underlying service.