

# **PRIVACY NOTICE & COOKIES**

## 1. PURPOSE OF THIS NOTICE AND TERMS USED

- 1.1 In order to do perform its mandate and carry put its various objectives, including business objectives, the **Gauteng Infrastructure Financing Agency**, including all Units as well as its trading partners (hereinafter referred to as “we”, ”us”, “Agency” or “the Agency”) in our capacity as a Responsible Party, will have to process Personal Information, and in doing so, will have to comply with a law known as the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as “POPIA”), which regulates and controls the processing of a legal entity’s and/or an individual’s Personal Information in South Africa, (hereinafter referred to as a “Data Subject”), which processing includes the collection, use, and transfer of a Data Subject’s Personal Information.
- 1.2 In order to comply with POPIA, a person processing another’s Personal Information must:
- 1.2.1 provide the owner of the Personal Information with a number of details pertaining to the processing of his/her/its Personal Information, before such information is processed; and
- 1.2.2 get permission or consent from the owner of such Personal Information, to process his/her/its Personal Information, **unless** such processing:
- is necessary to carry out actions for the **conclusion or performance of a contract** to which the owner of the Personal Information is a party;
  - is required in order to comply with an **obligation imposed by law**;
  - is for a **legitimate purpose or is necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests** of i) the owner of the Personal Information; ii) the person processing the Personal Information; or iii) that of a third-party to whom the Personal Information is supplied; or
  - is necessary for the proper performance of a **public law duty** by a public body or on behalf of a public body.
- 1.3 Where any person uses our Website, electronic applications, e-mail or electronic services, or social media sites and/or services, and messaging services such what’s app, we will have to process such person’s Personal Information.
- 1.4 In accordance with POPIA, and because your privacy is important to us, please take note of this Privacy Notice, as it describes how we process your Personal Information, including the receipt, collection, use, disclosure, sharing, retention and importantly the protection of your Personal Information.

- 1.5 This Privacy Notice also asks that you provide us with your consent to process your Personal Information, where this is required, which consent will be deemed to have been given by yourself, when you provide us with your Personal Information for processing.

## 2. APPLICATION OF THE PRIVACY NOTICE

- 2.1 This Privacy Notice applies to all Users who may access and use the following Agency areas :

- The GIFA Website : <https://gifa.co.za/> ,
- Any GIFA electronic applications or electronic services,
- The GIFA email,
- Any GIFA Agency social media sites and/or services, and messaging services,
- Any GIFA eServices,

(hereinafter collectively referred to as “**Website**”), including the following Users:

- 2.1.1 **Interactors:** persons who interact with us, via our website for the purposes of finding more about our offerings and infrastructure projects.
- 2.1.2 **Users of the Website:** persons who use our website whether in order to simply communicate with us, find out more about us, to make enquiries about us, or our offerings, infrastructure projects, other projects or partnerships or where persons want to do engage with us.
- 2.1.3 **Applicants:** persons who wish to apply to do business with us, who have applied to be involved in certain infrastructure projects, including persons or entities who are submitting enquiries or responses to requests for Proposals or tenders, (RFQ/T's);
- 2.1.4 **Infrastructure Project Stakeholders** such as Project Owners (Departments and Municipalities), Transaction Advisors, Financiers and Regulators, including for example, Provincial Treasury, and Gauteng provincial departments.
- 2.1.5 **Contractors, Vendors and Service Providers - potential or actual:** persons who are desirous of, or who do provide us with goods and services, including consultancy related services and who we interact and communicate with us via our website.
- 2.1.6 **Regulators and Public Bodies:** persons who we engage with in order to discharge legal and public duty obligations, including as an example SARS, National Treasury, Department of Labour, the Financial Sector Conduct Authority, The Information Regulator, etc.
- 2.1.7 **GIFA Institutions:** being bodies such as the SITA, Gauteng Department of eGovernment, Gauteng Provincial Treasury, Gauteng Office of the Premier and State Security Agency.

2.1.8 **Business partners:** whether in their capacity as an Operator or not, who provide services, goods and other benefits to us, our employees or to our Institutions Infrastructure Project Stakeholders, and service providers, such as medical aids, pension or provident funds, insurances, financial service providers, providers of administration related services, financial service providers, advertising, marketing or PR agencies, wellness, health and/or medical providers, auditors and attorneys who may visit our Website.

(Hereinafter referred to as “Users”)

### 3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION

3.1 Your Personal Information will be processed by us for the following purposes:

SUMMARY OF THE PURPOSE OF COLLECTION	Lawfulness  No Consent required
<p><b>Reason for Processing</b></p> <p>Gauteng Infrastructure Financing Agency (GIFA) has been mandated to ensure alternative funding for Gauteng’s strategic infrastructure projects.</p> <p>This mandate has advised the Agency's strategic goals, which can be summed up as follows:</p> <ul style="list-style-type: none"> <li>• Elevating infrastructure projects into bankable proposals;</li> <li>• Ensuring that the Gauteng Provincial Government (GPG) is the centre of excellence that applies various funding models for infrastructure financing solutions;</li> <li>• Establishing a network of investor partnerships;</li> <li>• Building investor confidence in the GPG initiated projects;</li> <li>• Ensuring efficient and economic contracting for infrastructure projects in a manner that realises the socio-economic benefits of the GPG;</li> </ul>	

To achieve this mandate GIFA will give support to public institutions in the Gauteng province by performing project preparation and facilitating innovative financing solutions, which will attract funding from various sources; providing a one-stop service aimed at converting project concepts to bankable proposals, but which activities will be done in collaboration with the various project owners and the Provincial Treasury.

To achieve this, the Agency must:

- oversee the development of feasibility solutions and delivery plans relating to strategic infrastructure projects within the Gauteng province;
- identify and develop strategic infrastructure projects to bankability state;
- attract a variety of funding sources through innovative funding mechanisms;
- manage and provide expertise in directing the sourcing of relevant projects and guiding their development, including conducting feasibility studies, to the point of bankability
- ensure value for money in providing improved service delivery and economic development in the province.

These activities will entail the following sub activities:

- Project Structuring
- Project Sourcing
- Conduct Feasibility Studies
- Release projects to the market
- Legal compliance on all types of contracts, municipal bylaws, PFMA, MFMA, PT and NT regulations.
- Project negotiations & BAFO
- Project Closure.

#### 4. WHAT PERSONAL INFORMATION DO WE COLLECT AND PROCESS?

When you use our Website, we will collect, without detracting from the generality thereof, the following Personal Information, which belongs to you:

SUMMARY OF THE TYPES OF PERSONAL INFORMATION COLLECTED	Lawfulness No Consent required
<ul style="list-style-type: none"> <li>• <b>General contact and account details</b>, including your name, including business name where applicable; contact details including address, e-mail address and telephone or cellular phone number; identity number or business registration number; name of employer;</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>device and browser information</b>, including device identification number and type; network and connection information (including Internet Service Provider (ISP) and</li> </ul>	

<p>Internet Protocol (IP) addresses), device and browser identifiers and information (including device, application, or browser type, version, plug-in type and version, operating system, user agent, language and time zone settings, and other technical information), advertising identifiers, cookie identifiers and information, and similar data;</p>
<ul style="list-style-type: none"> <li>• <b>device and browser information</b>, including device identification number and type; network and connection information (including Internet Service Provider (ISP) and Internet Protocol (IP) addresses), device and browser identifiers and information (including device, application, or browser type, version, plug-in type and version, operating system, user agent, language and time zone settings, and other technical information), advertising identifiers, cookie identifiers and information, and similar data;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>usage information and browsing history</b>, such as usage metrics (including usage rates, occurrences of technical errors, diagnostic reports, settings preferences, backup information, API calls, and other logs), content interactions (including searches, views, downloads, prints, shares, streams, and display or playback details), and user journey history (including clickstreams and page navigation, URLs, timestamps, content viewed or searched for, page response times, page interaction information (such as scrolling, clicks, and mouse-overs), and download errors), advertising interactions (including when and how you interact with marketing and advertising materials, click rates, purchases or next steps you may make after seeing an advertisement, and marketing preferences), and similar data;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>location data</b>, such as the location of your device, your household, and similar location data;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>demographic information</b>, such as country, preferred language, age and date of birth, marriage status, gender, physical characteristics, personal or household / familial financial status and metrics;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>opinions and preferences</b>;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>your image</b>, such as still pictures, video, voice, and other similar data;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>social media and online content</b>, such as information placed or posted in social media and online profiles, online posts, and similar data.</li> </ul>

## 5. HOW WE COLLECT INFORMATION

- 5.1 We collect the Personal Information detailed above about you and any other parties whose details you provide to us, when you use and access the Website, including for the following purposes:
- to make enquiries about the Agency or the Agency services and projects, its affiliates, service providers or business partners; Project Owners (Departments and Municipalities), Transaction Advisors, Financiers, and Regulators;
  - to use the Agency services which are available or accessible via our Website and to allow us to send you details regards any request or requirement which you have asked us for, including any confirmation of request or order;
  - to complete online forms, including call back requests;
  - to take part in surveys, to post content on our message boards, or to post any blogs;
  - to register to attend one of our events;
  - to look for, locate, read and/or download information or publications about us or the Agency services and projects, its affiliates, service providers or business partners; Project Owners (Departments and Municipalities), Transaction Advisors, Financiers, and Regulators;
  - to request or sign up for, or to view marketing material;
  - to obtain details of our terms, conditions, policies and procedures and to enforce and apply same;
  - to participate in any interactive areas that appear on our Website;
  - to interact with us, our affiliates, service providers, business partners, service providers, Project Owners (Departments and Municipalities), Transaction Advisors, Financiers, and Regulators or others;
  - to provide us with your contact details or updates to such details;
  - to send us an e-mail;
  - to click on a link in an e-mail or advertisement or communication received from us.
- 5.2 We will also collect your Personal Information where you only partially complete and/or abandon any information inputted into our Website including online forms and may use this information to contact you to remind you to complete any outstanding information and/or for marketing purposes.
- 5.4 We may enhance Personal Information we collect from you with information we obtain from third-parties that are entitled to share that information; for example, information from credit agencies, search information providers or public sources (e.g., for due diligence purposes), but in each case as permitted by applicable laws.

## 6. DETAILS DESCRIBING THE PURPOSE FOR THE COLLECTION AND USE OF YOUR INFORMATION, AND HOW WE USE IT

6.1 The Personal Information detailed under clause 4 above, which you provide to us is used for the following purposes:

- to **provide any information** to you that you have requested - **legitimate purpose**;
- to **provide you with any Agency information** that you have enquired about and/or requested - **legitimate and contractual purpose**;
- to provide you with details of our **terms, conditions, policies and procedures** and to enforce and apply same - **legitimate and contractual purpose**;
- to **provide, maintain, protect and improve** our Website, the Agency services and products - **legitimate purpose**;
- to **manage and administer the Agency** services - legitimate and contractual purpose;
- to manage our relationship with you (- **legitimate and contractual purpose**);
- to **deliver targeted communications to Users** (including in-product messaging) or information to you which may be useful to you, based on your use of the Website or the Agency services, - **legitimate purpose**;
- to **detect, prevent, investigate or remediate, crime, illegal or prohibited activities** or to otherwise protect our legal rights (including liaison with regulators and law enforcement agencies for these purposes) - **legitimate and lawful purpose**;
- to **monitor, measure, improve and protect our Content**, Website, services and provide an enhanced, personal, user experience for you - **legitimate purpose**;
- **manage and administer your use of our Website**, products and services - legitimate, lawful and contractual purpose;
- to undertake **internal testing** of our Website and services, to test and improve their security, provision and performance - **legitimate, lawful and contractual purpose**;
- to **monitor, carry out statistical analysis and benchmarking**, provided that in such circumstances it is on an aggregated basis which will not be linked back to you or any living individual - **legitimate, lawful and contractual purpose**;
- for **data analytics and benchmarking**, in order to carry out research and development to improve our Agency services, products and Website; **legitimate, lawful and contractual purpose** and



6.2 Our Website may contain technology (including Cookies) that enable us to:

- check specific information from your device or systems directly relevant to your use of the Website against our records, to make sure the Website are being used in accordance with our end-user agreements and to troubleshoot any problems - legitimate, lawful and contractual purpose;
- obtain information relating to any technical errors or other issues with our Website legitimate purpose;
- collect information about how you and users use the functions of the features of our Website - legitimate, lawful and contractual purpose; and
- gather statistical information about the operating system and environment from which you access our Website, applications or services legitimate, lawful and contractual purpose.

6.3 Where you are not happy with the types of processing, detailed under section 5.2 above, then you can opt out of this type of processing by managing your cookies and privacy settings within your browser or on our Website (where applicable).

6.4 We may monitor and record any communications which we hold with you when using the Website, for quality assurance purposes, for evidential purposes and in order to meet our legal and regulatory obligations generally.

6.5 For further detail about these cookies and how to manage them, please refer to our separate Cookie Policy housed on our Website.

## **7. SHARING YOUR INFORMATION**

7.1 We may share Personal Information for the purposes set out in this Privacy Notice with the following categories of recipients:

- with various teams within the GIFA namely the Project Development Unit, Structured Finance Unit, Communications Unit, SM&E and Human Resources. Structured Finance works closely with the Project Development team, providing financial advisory on GIFA projects from feasibility, procurement through to financial close. with various internal & external stakeholders. The information is shared for purposes of GIFA engagements with national, provincial and local government officials, external parties.
- any Agency employee, subsidiary, division or related company for the purposes set out in this Privacy Notice, (e.g., global information and customer relationship management; software and service compatibility and improvements; or to provide you with any information, applications, products or services that you have requested);

- our service providers and agents (including their sub-contractors) or third-parties which process information on our behalf (e.g., affiliates, medical service providers, internet service and platform providers, payment processing providers and those service providers or organisations who we engage to help us provide you with the Agency services or to send communications to you);
- Agency partners, including system implementers, resellers, value-added resellers, independent software vendors and developers that may help us to provide you with the Website, products, services and information you have requested or which we believe is of interest to you;
- third-parties used to facilitate payment transactions, for example clearing houses, clearing systems, financial institutions and transaction beneficiaries;
- third-parties where you have a relationship with that third-party and you have consented to us sending information to such party;
- third-parties for marketing purposes (e.g., our partners and other third-parties with whom we work and whose products or services we think will interest you in the operation of your business activities);
- various verification agencies, including credit reference and fraud prevention agencies;
- Regulators, in order to meet legal and regulatory obligations;
- law enforcement agencies so that they may detect or prevent crime or prosecute offenders;
- any third-party in the context of actual or threatened legal proceedings, provided we can do so lawfully (for example in response to a court order);
- any third-party in order to meet our legal and regulatory obligations, including statutory or regulatory reporting or the detection or prevention of unlawful acts;
- our own professional advisors, including attorneys and auditors for the purpose of seeking professional advice or to meet our audit or legal responsibilities;
- another organisation if we sell or buy (or negotiate to sell or buy) any business or assets;
- another organisation to whom we may transfer our agreement with you; and
- Government departments where reporting is mandatory under applicable law.

- 7.2 We may share non-personally identifiable information about the use of our Website, products or services publicly or with third-parties but this will not include information that can be used to identify you.
- 7.3 Where we share or disclose your Personal Information as described above, such sharing and or disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.
- 7.4 Where your Personal Information is transferred to a recipient in a country which is situated outside South Africa, your Personal Information will only be transferred to those recipients who are stated in countries which have similar data privacy laws in place or, in the absence of similar data privacy laws, where the recipient of the Personal Information concludes an agreement which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which in particular will be to a no lesser set of standards than those imposed by POPIA.
- 7.5 By using our Website, or by interacting with us in the ways described in this Privacy Notice, you consent to the transfer of your Personal Information to other parties in the circumstances set out in this Privacy Notice. If you do not want your information to be shared and/or transferred in such manner you should not use our Website.

## **8. THIRD-PARTY PLATFORMS**

Where our Website may contain links to third-party Website; if you follow these links, you will exit our Website and the use of these Website will be subject to the relevant platform owners' own privacy notices. Where you respond to communications, we post on third-party platforms such as Facebook, Google and Twitter, such Personal Information may be shared with those third-party platforms for the purposes of providing you with targeted advertising via the relevant third-party platform based on your provided profile / interests. **While these third-party Website are selected with care, the Agency cannot accept liability for the use of your Personal Information by these organisations. You can however control what advertisements you receive using the privacy settings housed on the relevant third-party's platform.**

## **9. LAWFUL REASONS FOR PROCESSING AND THE REQUIREMENT FOR CONSENT WHERE NO LAWFUL REASON CAN BE SHOWN**

- 9.1 In terms of POPIA, consent to process your Personal Information is not required where there is a lawful reason for such processing, including where:
- it is necessary to **carry out actions for the conclusion or performance of a contract** to which the owner is a party;
  - it is required in order to comply with an **obligation imposed by law**; or
  - it is for a **legitimate purpose** or is **necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests of i) the owner of the Personal Information; ii) the person processing the Personal**

**Information; or iii) that of a third-party** to whom the Personal Information is supplied; or

- it is necessary for the proper performance **of a public law duty** by a public body or on behalf of a public body.
- 9.2 Where a lawful reason cannot be met or shown for any specific processing detailed under this Privacy Notice, then your consent to such processing is required. Following this, where your consent is required for the processing of your Personal Information, the provision of the required Personal Information in such instances by you, to us, will be taken as your indication that we may process your Personal Information, which consent, you may at any time withdraw, in the prescribed manner and form, but which withdrawal may affect your ongoing ability to optimally use the Website and related Agency Goods and Services.

## **10. SECURITY AND STORAGE OF INFORMATION**

- 10.1 We will use our best endeavours to keep your Personal Information secure by taking appropriate technical and organisational measures against any unauthorised or unlawful processing and against any accidental loss, destruction or damage.
- 10.2 Whilst we will use our best endeavours as indicated above to protect your Personal Information, please note that no method of transmission over the Internet or method of electronic storage is 100% secure and that in light of this we cannot guarantee the security of your Personal Information which is transmitted via Website, or to other Website, applications and services via an internet or similar connection. Therefore, while we strive to use commercially acceptable measures designed to protect Personal Information, we cannot guarantee its absolute security.
- 10.3 Where we have given you, or you have chosen a password to access certain areas of our Website, please keep this password safe and do not share this password with anyone.
- 10.4 Once your Personal Information is no longer required due to the fact that the purpose for which the Personal Information is held has come to an end, such Personal Information will be retained in accordance with our Agency Records Retention Schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon and reserve the right to retain Personal Information for the periods that the Personal Information is needed to: (a) fulfil the purposes described in this Privacy Notice, (b) meet the timelines determined or recommended by regulators, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) comply with your requests.

## 11. YOUR RIGHTS

11.1 You as a Data Subject have certain rights, which are detailed below:

- **The right of access** - You may ask the Agency (free of charge) to confirm that we hold your Personal Information, or ask us to provide you with details, (at a fee) on how we have processed your Personal Information, which request must be done by following the process set out under the Agency PAIA Manual.
- **The right to rectification** - You have the right to ask us to update or rectify any inaccurate Personal Information which we hold of yours, which can be done by accessing the update / rectification request.
- **The right to object to and restrict further processing** - Where we do not need your consent to process your Personal Information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.
- **The right to withdraw consent** - Where you have provided us with consent to process your Personal Information, you have to right to subsequently withdraw your consent, which can be done by accessing the withdrawal of consent request.

These rights may be exercised by using the relevant forms housed on the Agency Website at: <https://gifa.co.za/legal-matters-privacy-3/>,

## 12. CHANGES TO THIS PRIVACY STATEMENT

12.1 As the Agency changes over time, this Processing Notice is expected to change as well.

12.2 the Agency reserves the right to amend the Processing Notice at any time, for any reason, and without notice to you other than the posting of the updated Processing Notice on the Agency Website.

12.3 We therefore request that you to visit our Website frequently in order to keep abreast with any changes.

## 13. COMPLIANTS OR QUERIES - CONTACT US

13.1 Any comments, questions or suggestions about this Processing Notice or our handling of your Personal Information should be emailed to our Information or Deputy Information officers, whose details are as follows:

Information Officer:

Mr Potsishi Hendriek Seabi in his capacity as Chief Executive Officer

Tel: 011 290 6600

email: [O.Seabi@gifa.co.za](mailto:O.Seabi@gifa.co.za)

Deputy Information Officer:  
Mrs Liesel Lombaard in her capacity as Chief Director PPP & Compliance  
Tel: 011 290 6600  
email: [l.lombaard@gifa.co.za](mailto:l.lombaard@gifa.co.za).

- 13.2 Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.
- 13.3 Our offices are open 9:00 am – 4.00 pm GMT, Monday to Friday.
- 13.4 Should you feel unsatisfied with our handling of your Personal Information, or about any complaint that you have made to us, you are entitled to escalate your complaint to the South African, Information Regulator who can be contacted at <<https://www.justice.gov.za/infoereg/>>.

#### **14. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT**

- 14.1 By visiting our Website and where applicable, by providing us with your Personal Information,
- you acknowledge that you understand why your Personal Information needs to be processed;
  - you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border;
  - where consent is required for any processing as reflected in this Processing notice, you agree that we may process this particular Personal Information.
- 14.2 Where you provide us with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person(s) to provide us with their Personal Information for processing.
- 14.3 The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.
- 14.4 Should any of the Personal Information concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.

**End**