

# ENGAGEMENTFIT PRIVACY AND DATA PROTECTION POLICY

Last updated on 11 April 2025

## 1. Introduction

1. Welcome to EngagementFit's Privacy and Data Protection Policy ("**Privacy Policy**"). EngagementFit respects your privacy and is committed to protecting your personal data.
2. This Privacy Policy will inform you as to how we look after and process your personal data when you provide it to us or when it is collected from you, for example by registering a Profile, signing up for newsletters, when you contract with us, your use of our various services or when you visit our Websites <https://engagementfit.com/> <https://engagementfitdrive.com> <https://thrive.engagementfit.com> (regardless of where you visit it from).
3. This Privacy Policy serves to tell you about your privacy rights and how the law protects you and your personal information when EngagementFit processes it.
4. Please ensure that you read all the provisions below, and our other EngagementFit rules and policies which may apply from time to time and are made available to you, to understand all your, and our, rights and duties. Some terms referred to below are not defined in order or may be defined in our other applicable rules and policies.

## 2. Important Information and Who We Are

1. Purpose of this Privacy Policy
  1. This Privacy Policy aims to give you information on how EngagementFit collects and processes your personal data through any form of your engagement with EngagementFit.
  2. This Privacy Policy complies with, and facilitates the obligations required by, the European Commission's *General Data Protection Regulation, 2016/679* ("**GDPR**") as well as the South African *Protection of Personal Information Act, of 2021* ("**POPIA**"), as amended.
  3. It is important that you 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 data about you so that you are fully aware of how and why we are using your data. This Privacy Policy supplements the other notices and is not intended to override them.
  4. **We do not intentionally process the personal information of minors, nor special categories of personal information. Users must not provide this type of information to us, where the provision of same will constitute an immediate and automatic breach of this Privacy Policy and Terms by the relevant user.**

## 2. **Controller and Processor**

1. EngagementFit is the data controller and is responsible for your personal data in instances where we decide the processing operations concerning your personal data. Sometimes we also operate as a processor of personal data on behalf of a third-party data controller, where that data controller's privacy terms will apply, but we will draw your attention to them, when applicable.
2. We have appointed a data representative at EngagementFit who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact the representative using the details set out below.

## 3. **Our Contact Details**

1. Our details are:
  - **Full name of legal entity:** My Pocket Coach Pty Ltd
  - **Name of data representative:** Gavin Lund
  - **Email address:** [support@engagementfit.com](mailto:support@engagementfit.com)
  - **Postal address:** 66 Troon Road, Greenside, Randburg, 2193, Gauteng, South Africa
  - **Telephone number:** +27732552370
2. You have the right to make a complaint at any time to your territories' specific information regulator office (such as the Information Regulator's Office of South Africa, or the UK Information Commissioner's Office, ([www.ico.org.uk](http://www.ico.org.uk))). We would, however, appreciate the chance to deal with your concerns before you approach any such regulator, so please contact us in the first instance.

## 4. **Changes to the Privacy Policy and your Duty to Inform us of Changes**

1. Historic versions are archived and can be obtained by contacting us.
2. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## 5. **Third-Party Links on Websites or otherwise**

1. Our Websites 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. We do not control these third-party websites and are not responsible for their privacy statements or terms. When you leave our Websites or engage with such third parties, we encourage you to read the distinct privacy policy of every third party you engage with.

### 3. The Data We Collect About You

1. Personal data, or personal information, means any information about an individual, both natural and juristic entities, from which that entity can be identified. It does not include data where the identity has been removed (anonymous data).
2. We may collect, use, store and transfer (“**process**”) different kinds of personal data about you which we have grouped together as follows:
  1. **Identity Data** including first name, last name, username or similar identifier, title, date of birth and gender;
  2. **Contact Data** including email address, social media contact details and telephone numbers;
  3. **Financial Data** including bank account details, third-party payment provider information and payment card details;
  4. **Transaction Data** including details about payments to and from you, contracts, contractual terms, contract fees, signups, subscriptions, invoices and other details of products and services you have obtained from us;
  5. **Social Media Data** including all information accessible on your publicly available profile such as images, photos, photo tags, likes, followers, comments, posts and stories;
  6. **Technical Data** including internet protocol address/es, your login data, browser type and version, time zone setting and location, cookies, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Website;
  7. **Profile Data** including your Website username and password and survey responses;
  8. **Biometric Data** including your age, gender, visual representation and physical, physiological or behavioural characteristics;
  9. **Usage Data** including information about how you use our organisation, Website, surveys, events and services; and
  10. **Marketing and Communications Data** including your preferences in receiving notices and marketing from us and our third parties and your communication preferences.
3. 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 data but is not considered personal data 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 data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Policy.

4. Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, 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 or allow your access to the Websites). In this case, we may have to cancel Website-access or services you have with us, but we will notify you if this is the case at the time.

#### **4. How Is Your Personal Data Collected?**

1. We use different methods to collect data from and about you, including through:
  1. **Direct interactions:** You may give us your Identity, Contact and Financial Data by filling in various EngagementFit forms, Website forms or by corresponding with us by phone, email or otherwise. This includes personal data you provide when you:
    1. use our Websites;
    2. complete assessments and forms;
    3. sign-up for newsletters;
    4. interact with us via social media;
    5. subscribe to our services or any publications;
    6. provide any services to us as a service provider or independent contractor on contract with us;
    7. request information to be sent to you;
    8. attend any EngagementFit event whether online or in person; or
    9. give us some feedback.
  2. **Automated technologies or interactions:** As you interact with our Websites, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We may collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
  3. **Third parties or publicly available sources:** We may receive personal data about you from various third parties and public sources as set out below:
    1. analytics providers such as Google Analytics based in USA;
    2. social media networks such as Facebook, LinkedIn, Youtube, Twitter, and Instagram etc. based in USA;
    3. survey data such as Survey Monkey, Google Forms etc. based in USA;

4. marketing platforms such as MailChimp, Google, etc. based in USA; and
5. search information providers such as Google based in USA.

## 5. How We Use Your Personal Data

1. We will only use your personal data when the law allows us to and for legitimate reasons, which you hereby expressly understand and consent to. Most commonly, we will use your personal data in the following circumstances:
  1. where we need to consult with you or perform on the engagement we are about to enter into or have entered into with you;
  2. where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; and/or
  3. where we need to comply with a legal or regulatory obligation.
2. Purposes for which we will use your personal data:
  1. We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are, where appropriate.
  2. Note that we may process your personal data 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 data where more than one ground has been set out in the table below.

**Note: For a list of the third-parties we use to process your personal information, please contact [support@engagementfit.com](mailto:support@engagementfit.com)**

PURPOSE / ACTIVITY	TYPE OF DATA	LAWFUL BASIS FOR PROCESSING
To engage with you after you have contacted us requesting an engagement	(a) Identity (b) Contact (c) Transaction (d) Marketing and Communications	(a) Express consent (b) Performance of a contract with you (c) Necessary for our legitimate interests (to keep our records updated and to study how users utilize our services) (d) Necessary for our legitimate interests (to develop our services and grow our organisation)

PURPOSE / ACTIVITY	TYPE OF DATA	LAWFUL BASIS FOR PROCESSING
To contract with you as a service provider to EngagementFit	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications (f) Social Media (g) Market Research	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how user utilize our services) (d) Necessary for our legitimate interests (to develop our services and grow our organisation) (e) Express consent
To allow you to use the Websites, or register you as a new Website user or participant in any EngagementFit event	(a) Identity (b) Contact	(a) Performance of a contract with you (b) Express consent
To process and service your payment for any services rendered by EngagementFit  To manage payments, fees and charges	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to make or receive necessary organisation payments) (c) Express consent
To manage our relationship with you which may include notifying you about changes to our terms or Privacy Policy or services	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how engagees use our services) (d) Express consent
To administer and protect our organisation and our Websites (including troubleshooting,	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our organisation, provision of

<b>PURPOSE / ACTIVITY</b>	<b>TYPE OF DATA</b>	<b>LAWFUL BASIS FOR PROCESSING</b>
data analysis, testing, system maintenance, support, reporting and hosting of data)	(d) Usage	administration and IT services, network security, to prevent fraud and in the context of an organisation restructuring exercise) (b) Necessary to comply with a legal obligation (c) Express consent
To market our own services to other organisations or External Third Parties	(a) Identity (b) Contact (c) Profile	(a) Necessary for our legitimate interests (for running our organisation, provision of services and marketing) (b) Express consent
To deliver relevant Website content and services to you and measure or understand the effectiveness of the information we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	(a) Necessary for our legitimate interests (to study how users utilize our services, to develop them, to grow our organisation and to inform our marketing strategy) (b) Express consent
To use data analytics to improve our Websites, services, user-relationships and experiences	(a) Technical (b) Usage	(a) Necessary for our legitimate interests (to define types of users for our services, to keep our Website updated and relevant, to develop our organisation and to inform our marketing strategy) (b) Express consent
To provide you with direct and user-specific marketing, make suggestions and recommendations to you about events or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	(a) Necessary for our legitimate interests (to develop our services and grow our organisation) (b) Express consent

### 3. Marketing

1. We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. To manifest your rights

attached to any marketing sent to you, please use the in-built prompts provided on those communications, or contact us.

#### **4. Promotional Services**

1. We may use your Identity, Contact, Technical, Usage 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 events, services and offers may be relevant for you (we call this marketing).
2. You will receive marketing communications from us if you have requested information from us, have participated in any EngagementFit service or event, or if you provided us with your details when registering for a promotion or event and, in each case, you have not opted-out of receiving that marketing.

#### **5. Third-Party Marketing**

1. Whilst we may use your personal data within our EngagementFit organisation group, we will get your express opt-in consent before we share your personal data publicly with any entity outside the EngagementFit group of organisations for public purposes.

#### **6. Opting-Out**

1. You can ask us or third parties to stop sending you marketing messages at any time by logging into the Website and checking or unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you, or by contacting us at any time.
2. Where you opt-out of receiving these marketing messages, this will not apply to personal data provided to us as a result of your use of the Websites, our services, or your participation in any EngagementFit event.

#### **7. Change of Purpose**

1. We will only use your personal data for the purposes for which we collected it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.
2. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
3. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **6. Disclosures of Your Personal Data**



1. We may have to share your personal data with the parties set out below for the purposes set out in the table above.
  1. Internal Third Parties as set out in the Glossary;
  2. External Third Parties as set out in the Glossary;
  3. Specific third parties listed in the table above; and/or
  4. Third parties to whom we may choose to sell, transfer, or merge parts of our organisation or our assets. Alternatively, we may seek to acquire other organisations or merge with them. If a change happens to our organisation, then the new owners may use your personal data in the same way as set out in this Privacy Policy.
2. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions and standards.

## **7. International Transfers**

1. We share your personal data within the EngagementFit group of organisations and affiliates, and this may involve transferring and processing your data in South Africa, the USA and or the European Union.
2. Whenever we transfer your personal data out of the country, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
  1. We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
  2. Where we use certain service providers, we may use specific contracts and/or data processing clauses approved by the European Commission which give personal data the same protection it has in Europe.
3. Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of South Africa.

## **8. Data Security**

1. We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed by using SSL secured communication lines and native security. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a legitimate need to know. They will only process your

personal data on our instructions and they are subject to a duty of confidentiality.

2. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **9. Data Retention**

1. We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purpose of satisfying any legal, accounting, or reporting requirements.
2. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data, any other South African applicable law requiring us to retain the data and whether we can achieve those purposes through other means, and the applicable legal requirements.
3. Details of retention periods for different aspects of your personal data are available from us by contacting us.
4. In some circumstances you can ask us to delete your data; see below for further information.
5. In some circumstances we may anonymise your personal data (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.

## **10. Your Legal Rights**

1. Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please contact us to find out more about, or manifest, these rights:
  1. request access to your personal data;
  2. request correction of your personal data;
  3. request erasure of your personal data;
  4. object to the processing of your personal data;
  5. request a restriction of processing your personal data;
  6. request transfer of your personal data; and/or
  7. right to withdraw consent.
2. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

3. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data 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.
  4. 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.
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## 11. Glossary

### 1. Lawful Basis

1. **Legitimate Interest** means the interest of our organisation in conducting and managing our organisation to enable us to give you the best service and the 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 data for our legitimate interests. We do not use your personal data 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 interests against any potential impact on you in respect of specific activities by contacting us.
2. **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.
3. **Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.
4. **Express consent** means the confirmed express consent you have provided to our processing of your personal data by actively accepting this Privacy Policy.

### 2. Third Parties

1. **Internal Third Parties** means other entities or parties in the EngagementFit group acting as joint controllers or processors and who are based in South Africa and provide IT and system administration services and undertake reporting.
2. **External Third Parties** means:

1. service providers acting as processors based in or outside of South Africa who provide IT and system administration services;
2. South African or other national governments and/or their respective authorities pursuant to our adherence with anti-corruption and crime-fighting legislation;
3. professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in or outside of South Africa who provide consultancy, banking, legal, insurance and accounting services as required; and/or
4. European Union regulators and other authorities acting as processors or joint controllers based in the United Kingdom or European Union who may require reporting of processing activities in certain circumstances.

### 3. Your legal rights

You have the right to:

1. **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
2. **Request correction** of the personal data 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.
3. **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no valid reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data 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 communicated to you, if applicable, at the time of your request.**
4. **Object to processing** of your personal data 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 data 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.

5. **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - if you want us to establish the data's accuracy;
  - where our use of the data is unlawful but you do not want us to erase it;
  - 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
  - you have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
6. **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform on a contract with you.
7. **Withdraw consent at any time** where we are relying on consent to process your personal data. 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 Website access or Services to you. We will advise you if this is the case at the time you withdraw your consent. **Please take note that regardless of your right to withdraw consent under the GDPR and POPIA, other South African legislation applies and may require that we continue to process your data in order to comply with anti-corruption, crime-fighting and/or other national legislation, which you expressly understand and agree to.**