

CUBISOL INVESTMENTS 3 (PTY) LTD trading as OCEAN EDGE FITNESS

PRIVACY POLICY

1 INTRODUCTION

- 1.1 Cubisol Investments 3 (Pty) Ltd trading as Ocean Edge Fitness (“**Ocean Edge Fitness**”) respects its client’s and the users of the Ocean Edge Fitness website (“**User**”) privacy and is committed to protecting it. Ocean Edge Fitness has a legal duty to protect any personal information or data collected from the User.
- 1.2 This Privacy Policy applies to the Ocean Edge Fitness website and platforms (“**www.oceanedgefitness.co.za / www.oceanedge.co.za**”) and governs data collection and usage by Ocean Edge Fitness. By accessing and using the Website, the User agrees to be bound by the Privacy Policy set out herein.

2 COLLECTION OF PERSONAL INFORMATION

- 2.1 The User agrees that Ocean Edge Fitness may collect, store and use the following information –
- 2.1.1 information about the User’s computer and about the User’s visits to and use of the Website (including but not limited to the User’s internet protocol address, geographical location, browser type, referral source, length of visit and number of page views);
 - 2.1.2 information that the User provides for the purpose of becoming a gym member, including but not limited to, name, contact number, identification number, email address, physical address and bank account details;
 - 2.1.3 any health related information provided by the User;
 - 2.1.4 photographs of the User for purposes of their membership access;
 - 2.1.5 CCTV footage, which is used solely for health and security reasons;
 - 2.1.6 any other information that the User chooses to input on the Website; and
 - 2.1.7 information that other users share about the User.
- 2.2 The aforementioned information is used by Ocean Edge Fitness to facilitate the operation of the services offered by Ocean Edge Fitness, to maintain the quality of such services, and to provide general statistics in respect of the use of the Website.
- 2.3 This Policy does not apply to any disclosure of information made by the User on any public forum available on the Website.

3 PROCESSING OF PERSONAL INFORMATION

- 3.1 Ocean Edge Fitness shall –
- 3.1.1 only process personal information in accordance with the applicable laws and in terms of this Privacy Policy;

- 3.1.2 not disclose or otherwise make available the personal information to any third party (including sub-contractors and staff) other than authorised personnel or third parties who require access to such personal information strictly in order for Ocean Edge Fitness to operate the Website or to provide services to the User, unless the User has provided its prior written permission to do so to Ocean Edge Fitness;
- 3.1.3 ensure that all persons that have access to the personal information are bound by appropriate and legally binding confidentiality and non-use obligations in relation to the personal information; and
- 3.1.4 take appropriate, reasonable, technical, and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure, or access.

4 USE OF PERSONAL INFORMATION

- 4.1 Personal information submitted on the Website or by any other communication will be used for the purposes specified herein.
- 4.2 The User hereby consents to the use of his/her personal information to allow Ocean Edge Fitness to –
 - 4.2.1 administer the Website;
 - 4.2.2 improve User experience by personalising the Website;
 - 4.2.3 carry out obligations arising from any contracts entered into between the User and Ocean Edge Fitness;
 - 4.2.4 allow participation in interactive features of the services provided (i.e. forum or poll taking or voting (when available));
 - 4.2.5 notify the User about changes to the services provided;
 - 4.2.6 send the User email notifications as requested by the User;
 - 4.2.7 provide the User with information, products and services relating to the information, products or services of Ocean Edge Fitness, where the User has opted in for receiving marketing communication. **The User is entitled to inform Ocean Edge Fitness at any time if the User does not wish to receive marketing communication any longer;**
 - 4.2.8 provide third parties with statistical information about the Website users, which information will not include personal information;
 - 4.2.9 deal with enquiries and complaints made by or about a User relating to the Website or content thereon or any services offered by Ocean Edge Fitness to the User; and

- 4.2.10 use the information for such other things as may be required by Ocean Edge Fitness, or may be ancillary to, the administration of the Website or the provision of its services.
- 4.3 Ocean Edge Fitness does not knowingly collect personal information from individuals under the age of 16 without the permission of their parent or legal guardian. As a parent or legal guardian, please do not allow your children to submit personal information without your permission.
- 4.4 Ocean Edge Fitness shall not share information about the User unless Ocean Edge Fitness, in accordance with clause 5 –
 - 4.4.1 has received permission from the User; or
 - 4.4.2 has removed the User's personal information from it.
- 4.5 Ocean Edge Fitness stores personal information and other data for as long as it is necessary to provide products and services to the User and others, including those described above. Personal information will be destroyed once it has become obsolete, unless Ocean Edge Fitness is required to retain it in terms of any applicable laws.

5 DISCLOSURE OF PERSONAL INFORMATION

- 5.1 Ocean Edge Fitness may disclose information about the User to any of its employees, officers, agents, suppliers, or subcontractors insofar as reasonably necessary for the purposes as set out herein.
- 5.2 In addition, Ocean Edge Fitness may disclose information about the User –
 - 5.2.1 to the extent required to do so by law;
 - 5.2.2 in connection with any legal proceedings or prospective legal proceedings;
 - 5.2.3 in order to establish, exercise or defend its legal rights; and
 - 5.2.4 to the purchaser (or prospective purchaser) of any business or asset, which Ocean Edge Fitness contemplates selling, to the extent required.
- 5.3 Occasionally third parties may provide information processing services to Ocean Edge Fitness. In those circumstances (should Ocean Edge Fitness deem it necessary) those third parties shall be required to enter into a non-disclosure agreement or any other agreement with reference to the protection of personal information on no less stringent terms than those found herein, and to process and protect a User's personal information in accordance with Ocean Edge Fitness's instructions.

6 USE OF COOKIES

- 6.1 Cookies may be used by Ocean Edge Fitness to understand the Users better. Cookies allow Ocean Edge Fitness to understand who has seen which pages and advertisements, in order to determine how frequently particular pages are visited, and to determine the most popular areas of the Website. Depending on the type of cookies used, cookies also allow Ocean Edge

Fitness to make the Website more user friendly, for example, permanent cookies allow the User's password to be saved so that the User does not have to re-enter it every time the User visits the Website.

- 6.2 The User is entitled to adjust its browser so that cookies are not accepted. Should the User do this, he/she will still be able to browse the Website, but certain functions may not be available.
- 6.3 Cookies do not contain personal information. Ocean Edge Fitness does not exchange cookies with any third party websites or external data suppliers.
- 6.4 Ocean Edge Fitness shall only keep cookies for the duration of the User's visit to the Website, except where the User elects to save login information.

7 SECURITY OF PERSONAL INFORMATION

- 7.1 Ocean Edge Fitness is legally obliged to provide adequate protection mechanisms for the User's personal information which it collects. Ocean Edge Fitness maintains physical, electronic and procedural safeguards in connection with the collection, storage and disclosure of the User's personal information.
- 7.2 Ocean Edge Fitness will accept no liability for any unauthorised interception of any information, where the User provides sensitive login information or passwords to third parties, or otherwise where the unauthorised interception has occurred due to the fault or negligence of the User.

8 LINKED SITES

- 8.1 The Website may contain links to other websites that are not controlled or maintained by Ocean Edge Fitness.
- 8.2 While Ocean Edge Fitness attempts to include only links to those sites which are in good taste and safe for Users, the User agrees that Ocean Edge Fitness will not be responsible for the content, advertising, privacy policies, products, services, or other materials on or available from such linked websites.
- 8.3 The use of linked websites is at the User's own risk. Ocean Edge Fitness encourages all Users to read the terms of use of such other websites. Any inclusion of such links on Ocean Edge Fitness's Website does however not imply Ocean Edge Fitness's endorsement of the linked site nor the content thereof.
- 8.4 Ocean Edge Fitness reserves the right to disable links from third party sites to Ocean Edge Fitness' Website, and *vice versa*.

9 POLICY AMENDMENTS

Ocean Edge Fitness may update this Privacy Policy from time-to-time by posting a new version on the Website. Ocean Edge Fitness shall inform the User of any such changes, and ensure that the latest version is uploaded to the Website at all times.

10 USER'S RIGHTS

- 10.1 Ocean Edge Fitness shall provide the User with (free of charge) confirmation whether or not it holds personal information about the User and with further details regarding the personal information so held (if applicable). If the User is concerned that any of the information so held is incorrect, please contact Ocean Edge Fitness immediately. **The User is further entitled to request that any such information be deleted or the use thereof restricted.**
- 10.2 The User is entitled to instruct Ocean Edge Fitness to cease utilising the User's personal information for direct marketing purposes, notwithstanding the User previously opting in for such information, or in any further manner by emailing Ocean Edge Fitness at any time to the following email address: info@oceanedge.co.za.

11 CONTACT

If the User has any questions about the treatment of his/her personal information, please contact Ocean Edge Fitness by using the email address provided in clause 10.2 above.

12 COMPLAINTS

Users may use the email address provided in clause 10.2 to lodge applicable complaints or concerns in respect of this Privacy Policy.

13 APPLICABLE AND GOVERNING LAW

This Privacy Policy shall be governed by and interpreted in accordance with the laws of the Republic of South Africa, which shall have exclusive jurisdiction over any disputes.

We recommend that the User prints out a copy of this Privacy Policy for future reference.