

MULILO PRIVACY POLICY

Introduction

Welcome to the Mulilo Group privacy policy. The Mulilo Group (“**Mulilo**”) comprises of the legal affiliates listed under Annexure No 1.

Mulilo (also referred to as “we”, “us” or “our” in this policy) respects your privacy and is committed to protecting your personal information.

This privacy policy explains:

- How we obtain, use and disclose your personal information, in accordance with the requirements of the Protection of Personal Information Act 4 of 2013 (**POPIA**);
- How we protect your personal information; and
- Your privacy rights under POPIA.

Please also use the Glossary at the end of this privacy policy to understand the meaning of some of the terms used in this privacy policy.

1. Important information and who we are

Purpose of this privacy policy

This privacy policy aims to give you information on how Mulilo collects and processes your personal information when you personally, or for a juristic entity:

- visit our website or any other website that is owned or operated by us;
- engage with us on prospective contracts or other commercial arrangements with us or for other business purposes; and
- conclude a contract with us (for example, where you act as a customer, supplier, reseller, agent, etc).

The above circumstances do not relate to children and we do not knowingly process personal information relating to children.

Responsible party

This privacy policy is issued on behalf of the Mulilo Group so when we refer to “Mulilo”, “we”, “us” or “our” in this privacy policy, we are referring to the relevant company within the Mulilo Group which is responsible for processing your information in respect of the circumstances to which this privacy policy applies.

We have appointed an information officer 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 Information Officer using the details set out below.

Contact details

If you have any questions about this privacy policy or our privacy practices, please contact our Information Officer in the following ways:

Full name of legal entity: Russell Bedford

Email address: russell@mulilo.com

Postal address: Top Floor, Golf Park, 4 Raapenberg Road, Mowbray, Cape Town, 7700

Telephone number: 021 – 685 3240

You have the right to make a complaint at any time to the Information Regulator, the South African regulatory authority for personal information protection issues (<https://infoeregulator.org.za/>) (**Information Regulator**). We would however, appreciate the opportunity to deal with your concerns before you approach the Information Regulator so please contact us in the first instance.

Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review.

It is important 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.

Third-party links

Our website (or any other website that is owned or operated by us) 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 information about you. We do not control these third-party websites and are not responsible for their privacy statements. We make no representations or warranties about the privacy practices of any third-party website and do not accept any responsibility for the privacy practices of, or content displayed on,

these third-party websites. Third-party website providers are responsible for informing you about their own privacy practices. We encourage you to read the privacy policy of every website you visit.

2. The personal information we collect about you

Personal information means information about a natural or juristic person from which that person can be identified. It does not include information where it is no longer possible to link the information back to a data subject (de-identified information).

We may collect, use, store and transfer different kinds of personal information which we have grouped together as follows (this list does not intend to be an exhaustive list but rather a suggestion of the types of personal information which may be processed):

- **Identity Information** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender, company registration number, tax number, and may also include due diligence (know-your-client) information.
- **Contact Information** includes billing address, delivery address, email address and telephone numbers.
- **Financial Information** includes bank account and payment card details, financial status.
- **Transaction Information** includes details about payments to and from you and other details of products and services you have purchased from us, and includes details about invoicing and other payment arrangements that may apply to our relationship with you.
- **Technical Information** includes internet protocol (IP) address, your login information, 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 this website.
- **Profile Information** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Information** includes information about how you use our website, products and services.
- **Marketing and Communications Information** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Information** such as statistical or demographic information for any purpose. Aggregated Information could be derived from your personal information but is not considered personal information in law as this information will **not** directly or indirectly reveal your identity.

The categories of information included in this privacy notice are examples only and are not intended to be an exhaustive list.

We may collect this personal information in various ways, such as but not limited to, receipt of information directly from you, the entering into formal contracts, from verbal or written correspondence with you, meetings, third-party engagement or publicly available information.

Special personal information

We do not collect any **special personal information** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric information).

If you fail to provide personal information

Where we need to collect personal information by law, or under the terms of a contract we have with you, and you fail to provide that information 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 goods or services). In this case, we may not be able to proceed with a particular engagement we have or intend to have with you (this may include cancelling a product or service you have with us), but we will notify you if this is the case at the time.

3. How is your personal information collected?

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

- **Direct interactions.** You may give us your Identity, Contact and Financial Information by filling in forms or by corresponding with us by post, phone, e-mail or otherwise. This includes personal information you provide when you:
 - engage with us in respect of a potential contract or commercial engagement;
 - correspond with us (whether by email, post, SMS, fax);
 - subscribe to our newsletters or publications;
 - request marketing to be sent to you;
 - survey; or
 - give us feedback or contact us.
- **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Information about your equipment, browsing actions and patterns. We collect this personal information by using cookies, server logs and other similar technologies. We may also receive Technical Information about you if you visit other websites employing our cookies. Please see below section dealing with Cookies.
- **Third parties or publicly available sources.** We will receive personal information about you from various third parties and public sources as set out below:
 - Technical Information from the following parties:
 - (i) analytics providers (such as Google based outside the Republic);
 - (ii) advertising networks; and
 - (iii) search information providers (such as Google or Bing).

- Contact, Financial and Transaction Information from providers of technical, payment and delivery services.
- Identity and Contact Information from data brokers or aggregators.
- Identity and Contact Information from publicly available sources.

4. How we use your personal information

We will only use your personal information as the law allows. Most commonly, we will use your personal information in the following circumstances:

- Where we have obtained your consent to process your personal information for the specific purposes described to you. Where you have provided such consent, you have the right to withdraw consent at any time by contacting us unless the information is processed in relation to an ongoing transaction or relationship and you may not be able to access these services if you withdraw consent.
- Where we need to perform the contract we are about to enter into or have entered into.
- Where we need to comply with a legal obligation.
- Where applicable law or the Information Regulator has explicitly authorised us to do so.

- 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.

Purposes for which we will use your personal information

We have set out below, in a table format, a description of all the ways we plan to use your personal information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal information for more than one lawful basis depending on the specific purpose for which we are using your information. Please contact us if you need further details regarding the purposes for which we process your personal information.

Purpose/Activity	Type of personal information	Lawful basis for processing including basis of legitimate interest
A. Using our goods and services		
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(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 recover debts due to us)
To enable us to perform our obligations to you in terms of a written contract	(a) Identity Information	Performance of a contract with you
B. Website		
To administer and protect our business, this website (and any other website owned or operated by us) and our Services (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity Information (b) Contact Information (c) Technical Information	(a) Necessary for our legitimate interests (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 obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity Information (b) Contact Information (c) Profile Information (d) Usage Information (e) Marketing and Communications Information (f) Technical Information	Necessary for our legitimate interests (to study how customers use our products/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	(a) Technical Information (b) Usage Information	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
C. Contracts and other commercial engagements with our vendors or other third parties		

<p>To enable us to negotiate a potential contract or commercial engagement with you</p>	<p>(a) Identity Information (b) Contact Information</p>	<p>(a) Conclusion of a contract with you (b) Necessary for our legitimate interests (to perform due diligence checks on potential vendors) (c) Necessary to comply with a legal obligation (for example, our obligations under the <i>Financial Intelligence Centre Act, 2001</i> or the <i>Value-Added Tax Act, 1991</i>)</p>
<p>To enable us to perform our obligations to you in terms of a written contract, and/or to enable us to receive services you may be providing to us in terms of a written contract</p>	<p>(a) Identity Information (b) Contact Information (c) Financial Information</p>	<p>(a) Performance of a contract with you (b) Necessary for our legitimate interests (for example, to perform audits to ensure that our counterparties are complying with their obligations under the contract) Necessary to comply with a legal obligation (for example, our obligations under the <i>Financial Intelligence Centre Act, 2001</i> or the <i>Value-Added Tax Act, 1991</i>)</p>
<p>D. General</p>		
<p>To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey</p>	<p>(a) Identity (b) Contact (c) Profile (d) Marketing and Communications</p>	<p>(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 customers use our products/services)</p>
<p>To enable you to partake in a prize draw, competition or complete a survey</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications</p>	<p>(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)</p>

To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile (f) Marketing and Communications	Necessary for our legitimate interests (to develop our products/services and grow our business)
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Marketing (if applicable to our relationship with you)

We strive to provide you with choices regarding certain personal information uses, particularly around marketing and advertising.

We may use your Identity, Contact, Technical, Usage and Profile Information 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 products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us and you have not opted out of receiving that marketing.

We will get your express opt-in consent before we share your personal information with any third party for marketing purposes.

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.

Where you opt out of receiving these marketing messages, this will not apply to personal information provided to us as a result of a product/service purchase, warranty registration, product/service experience or other transactions.

Change of purpose

We will only use your personal information 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.

If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that 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.

5. Disclosures of your personal information

We may share your personal information with the parties set out below for the purposes set out in the table *Purposes for which we will use your personal information* above (see section 4 of this privacy policy).

- Internal third parties namely: our employees or affiliates
- External third parties namely:
 - Third parties in relation to the performance of any contract or business with you, or to whom we subcontract to provide our services like software developers and other IT vendors. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information for specified purposes and in accordance with our instructions.
 - Third parties, to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal information in the same way as set out in this privacy policy.
 - Legal advisers and insurers where necessary to investigate, exercise or defend claims and other professional advisers.
 - Auditors where necessary to ensure proper functioning of the Mulilo Group business.
 - Law enforcement bodies, where necessary to facilitate the prevention or detection of crime or the apprehension or prosecution of offenders.
 - Public authorities, regulators and government bodies, where necessary for us to comply with our legal and regulatory obligations (for example, the Information Regulator), and in some cases contractual obligations
 - Any other juristic or natural person for any authorised purpose with your express consent.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law.

Cross-border transfers of personal information

We share your personal information within the Mulilo Group. This will involve transferring your information outside the Republic of South Africa.

6. Security

We have put in place appropriate security measures to prevent your personal information from being lost, damaged, destroyed in an unauthorised way or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, agents, contractors 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.

We have put in place procedures to deal with any suspected data breach (that is, where we have reasonable grounds to believe that personal information is accessed or acquired by an unauthorised person), and will notify you and any applicable regulator of a breach where we are legally required to do so.

7. Our retention of your personal information

How long will you use my personal information for?

We will only retain your personal information for as long as reasonably necessary to fulfil the purposes we collected it for or subsequently processed, unless: the retention of the information is required or authorised by any legal or regulatory requirements; we reasonably require the information for lawful purposes relating to one of our functions or activities (for example in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you); the retention of the information is required by a contract entered into between us; or you consent to such retention of information.

We may also retain your personal information for a longer period for historical, statistical or research purposes only where we have implemented appropriate safeguards against your information being used for any other purpose (for example, by anonymising the information so that it can no longer be associated with you). 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, regulatory or other requirements.

In some circumstances you can ask us to delete your information: see "*Your legal rights*" below for further information.

8. Your legal rights

Under certain circumstances, you have the following rights under applicable privacy laws in relation to your personal information:

- **Notification of security compromises.** Where reasonable grounds exist for us to believe that your personal information has been accessed or acquired by an unauthorised person, you have the right to be notified.
- **Request access to your personal information.** You have the right to confirm, free of charge, whether or not we hold any of your personal information, and to the extent that we do hold your information, to request a copy or description of that record for a prescribed fee **or** free of charge. Please view our PAIA Manual which sets out how you can request access to your information. You will be required to provide adequate proof of your identity so that we can confirm your identity and ensure your right to access your personal information. We may need to request other specific information from you to help us process your request. 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.

- **Request correction of your personal information.** You have the right to request us to correct or delete your personal information which we have in our possession, where it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.
- **Request destruction or deletion of your personal information.** You have the right to ask us to delete or remove your 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 (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with the law. Note, however, that we may not always be able to comply with your request of destruction or deletion for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal information.** You have the right to object to our 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. 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 right to object to processing.
- **Request restriction of processing your personal information.** This enables you to ask us to suspend the processing of your personal information in the following scenarios:
 - If you want us to establish the information's accuracy.
 - Where we no longer need the information for the purpose for which the information was initially collected but we need it for purposes of proof.
 - Where our use of the information is unlawful but you do not want us to erase it.
 - If you want us to transmit your personal information into another automated processing system.
- **Withdraw consent.** You have the right to withdraw your 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 products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- **Submit a complaint to the Regulator.** You have the right to submit a complaint to the Information Regulator regarding an alleged interference with the protection of your personal information.
- **Institute civil proceedings.** You have the right to institute civil proceedings regarding the alleged interference with the protection of your personal information.

If you wish to exercise any of the rights set out above, please contact us.

Time limit to respond

We try to respond to all legitimate requests as soon as is reasonably possible. Where your request is particularly complex or you have made a number of requests, we may take some time in process the request/s. In this case, we will notify you and keep you updated.

9. Glossary

Information Regulator means South Africa's Information Regulator established in terms of section 39 of the *Protection of Personal Information Act, 2013*;

personal information means all information relating to individuals that is processed in terms of this privacy policy, and where applicable, information relating to an identifiable, existing juristic person; and includes Identity Information, Contact Information, Financial Information, Transaction Information, Technical Information, Profile Information, Usage Information, Marketing and Communications Information, and Special Personal Information;

POPIA means the *Protection of Personal Information Act, 2013* and its regulations;

process means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information,

and **processing** and **processed** have corresponding meanings;

responsible party means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information; and for the purposes of this privacy policy is the Mulilo Group

ANNEXURE NO. 1

Legal Entities forming part of the Mulilo Group (as at 01 May 2023)

1. Mulilo Energy Holdings Pty Ltd (RF) (2015/408815/07)
2. Mulilo Group Holdings Pty Ltd (2013/032172/07)
3. Mulilo Renewable Project Developments Pty Ltd (2013/016542/07)
4. Mulilo Renewable Energy Pty Ltd (2008/010114/07)
5. Mulilo Solar Enterprises Pty Ltd (2012/204629/07)
6. Mulilo Wind Enterprises Pty Ltd (2013/019181/07)
7. Mulilo Sonnedix Solar Enterprises Pty Ltd (2013/020359/07)
8. Mulilo Economic Development Advisory Services Pty Ltd (2015/070382/07)
9. Mulilo Asset Management Pty Ltd (2020/183686/07)
10. Mulilo Operations and Maintenance Pty Ltd (2020/183683/07)
11. Solar Management and Services Pty Ltd (2013/148241/007)

The Mulilo Group is subject to regular changes to accommodate on-going operational requirements. Updates will be implemented on a periodic basis. Mulilo cannot therefore guarantee the accuracy of this document.