Website Privacy Notice for the Nosihle Msomi Foundation

Introduction

This Privacy Notice explains how the Nosihle Msomi Foundation processes your personal information on our website at www.nomsofoundation.org in accordance with the requirements of the Protection of Personal Information Act, 4 of 2013 ("POPIA"). We are committed to protecting your privacy and ensure that your personal information is processed properly, lawfully, and transparently.

The Privacy Notice describes the type of personal information we collect, the purposes for which it is used, your rights regarding personal information about you, security measures and how you can review, object, and correct your personal information held by us.

We encourage all persons to read the Privacy Notice. By using our website or submitting personal information to the Nosihle Msomi Foundation by any other means, you acknowledge that you consent, understand, and agree to be bound by this Privacy Notice and the way the Nosihle Msomi Foundation processes personal information.

IF YOU DO NOT AGREE WITH ANY PART OF THIS PRIVACY NOTICE, PLEASE DO NOT USE ANY OF THE SERVICES.

If you would like to view our detailed Privacy Notice kindly request a copy from us at the details set out at the bottom of this notice.

What is Personal Information?

As per POPIA, ***"Personal Information"*** *means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-*

(a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
(b) Information relating to the education or the medical, financial, criminal or employment history of the person;
(c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
(d) The biometric information of the person;
(e) The personal opinions, views or preferences of the person;
(f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
(g) The views or opinions of another individual about the person; and
(h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

What Personal Information Do We Collect?

Personal information that we collect when you visit our website may include but not be limited to:

Contact Form	
Personal Information Collected	**Voluntary or Required**
Name and Surname	Required
Email Address	Required
Contact Number	Voluntary
Any Personal Information submitted as a query on our website	Required

The information is required to ensure we can provide you with effective service and to adequately deal with your requests.

When you browse our website, we may also collect information about your computer and your visits to the Website such as your IP address, geographical location, browser type, computing device for example tablet, personal computer, smartphone, the website you came from, length of visit and number of page views. We use this information to better understand how visitors use our website and how they can be improved to better meet your needs, as well as to gauge interest in our products and services and to improve our security measures. When you click on a link in an email or submit a web form such as to request more information or make an enquiry, we can link this data to your email address. We may also collect your IP address and browser user agent string to help in the detection of spam.

Generally, we do not process special personal information, however in the unlikely event that this information is processed, it will be processed in accordance with the legal requirements relating to such information.

This information will only be collected and processed:

- with your consent.
- if the processing is necessary for the establishment, exercise, or defence of a right or obligation in law.
- the processing is necessary to comply with an obligation of international public law.
- If any of the authorisations set out in s28 – s33 of POPIA exist.

We will always ensure that the processing of Special Personal Information is done in a way that does not adversely affect your privacy to a disproportionate extent.

We will not use or disclose Special Personal Information for purposes other than those for which it was collected unless we subsequently receive your consent to use it for another purposes.

Sources of Personal Information Collected by the Nosihle Msomi Foundation

Generally, the collection will occur when you submit a request on our website or email us. By providing your Personal Information to us, either through our submission form, or as an email or telephone enquiry, or through one of our social media channels, you will be deemed to have consented to your Personal Information being collected by us and used and disclosed in accordance with this Privacy Notice.

When you contact the Nosihle Msomi Foundation on behalf of another person or persons, you confirm that you have obtained the consent of such person or persons for us to process such information in terms of this Privacy Notice. You further confirm that you have made the other person or persons aware of this Privacy Notice.

You must let us know immediately if you become aware that your Personal Information has been provided to us without your consent or if you did not obtain the consent of another person or persons to provide us with their Personal Information.

We do not collect Personal Information from any other sources, except where it may be automatically collected as described in the section related to “Cookies”, and how it is used, if the information is considered Personal Information.

Why Do We Collect Your Personal Information?

Subject to the terms of this Privacy Notice, we will use your Personal Information only for the purposes for which it was collected and agreed with you.

We will only process your personal information for lawful purposes, and it may be used for the following purposes:

- to administer a service to you
- to respond to your enquiries and/or requests
- As part of a donation on our website

The Nosihle Msomi Foundation does not sell any Personal Information collected to any third parties.

We strive to maintain the quality, accuracy, and completeness of your Personal Information which we process. The quality of Personal Information degrades over time, and you can assist us by contacting us if there are any changes to your Personal Information or if you become aware that we have inaccurate Personal Information of you. We will not be held responsible for any losses arising from poor quality Personal Information which is inaccurate or incomplete, that is provided to us by yourself or person acting on your behalf.

Disclosure of Personal Information to Third Parties

In certain instances, we provide your Personal Information to third parties (for example when your donate to us, the payment is processed through a third-party service provider). We do not sell, rent, or trade any Personal Information to any third parties. We will only disclose your personal information to third parties as per the information set out in this Privacy Notice. Generally, this information if transferred to a third-party due to your request on the website or if it is necessary to provide you with a service.

We have notified all third parties to which we disclose your Personal Information either through signed data protection agreements or notification that we comply with the requirements of POPIA and expect them to treat your Personal Information with the level of security they would treat their own and in accordance with the requirements of POPIA (especially the requirements of Condition 7 – Security Safeguards).

We will not disclose any Personal Information without your consent unless we reasonably believe that the disclosure is required in terms of an obligation imposed by law, if it is necessary for the proper performance of a public law duty by a public body or to protect your legitimate interest or the legitimate interest of us or a third party (for example, to prevent a threat to your or another’s health and safety).

Transborder Flow of Personal Information

In certain instances, we may disclose your Personal Information to third parties that are based in foreign countries. The transfer of this information will only be completed if:

- the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection.
- You consent to such transfer.
- The transfer is necessary for the performance of a contract between you and us, or for the implementation of pre-contractual measures taken in response to a request from you.
- the transfer is necessary for the conclusion or performance of a contract concluded between us and the third party that is in your interest; or
- The transfer is for your benefit and
    - it is not reasonably practicable to obtain your consent to that transfer; and
    - if it were reasonably practicable to obtain such consent, you would be likely to give it.

Although we will take every precaution, it is possible that your Personal Information will be transferred to a third party in a foreign country that is in a jurisdiction where you will not be able to seek redress under POPIA and does not have an equivalent level of data protection as in your jurisdiction. We will not be held liable for how such third parties process your Personal Information.

Security

The Nosihle Msomi Foundation is committed to protecting the security of Personal Information. While no security measures can guarantee against compromise, we use a variety of security technologies and procedures to help protect data from unauthorised access, use, or disclosure. Although these measures are in place, the transmission of data over the internet is never completely secure and as such we cannot guarantee the security of data transmitted to or by the Nosihle Msomi Foundation.

We hold your personal information in:

- Computer systems

We have implemented and maintain appropriate technical and organisational measures to ensure a level of security appropriate to protect Personal Information and prevent:

- loss of, damage to or unauthorised destruction of Personal Information; and
- unlawful access to or processing of Personal Information.

The following specific security measures are in place:

- Antivirus software
- Firewalls
- Strong password policy and the need for regular password updates
- Data Access controls – access to personal information is limited to authorised personnel only

Retention of Data

The Nosihle Msomi Foundation will retain Personal Information only for as long as is necessary for the purposes set out in this Privacy Notice unless there is a valid technical, legal, or business reason for it to be deleted, destroyed or de-identified.

We may keep some of your Personal Information:

- For as long as it is required by law
- If it is reasonably needed for lawful purposes related to our functions and activities; or
- If it is reasonably required for evidentiary purposes

Social Media Integrations

Our website uses social media features and widgets. These are provided and operated by third parties and either hosted by a third party or hosted directly on our website.

These features may collect information such as the page you are visiting on our website, your IP address, and may set cookies to enable them to function correctly.

If you are logged into your account with the third party that provides the features, they may be able to link the information about your visit to and use of our website to the social media account you hold with them. They may also record your interactions with the features they provide on our website.

The third party may send us information in line with their policies and personal information you have chosen to make available to them, and we may share information with the third-party for the purposes of serving targeted to you via their social media platform.

Your interactions with the features are governed by the Privacy Policy of the third party providing them. If you wish to learn more about the data protection practices of third-party companies that provide these features, you must read their Privacy Policy.

Cookies, Device Data, and How it is Used

Cookies are small files that websites save to your hard disk or to your web browser's memory. A cookie contains limited information, usually a unique identifier and the name of the website. When you use our website, we may use them to track how many times you have visited the website, to track the number of visitors to the website, your activity within the website, unique identifiers associated with your device, to store data you provide and to store technical information related to interactions with the website. Our cookies can only be read by the Nosihle Msomi Foundation, they do not contain any code or viruses and they do not contain any Personal Information.

We may automatically collect the following information about your use of the website through cookies, web beacons, and other technologies:

- Domain name.
- Browser type and operating system.
- Web pages you view.
- Links you click.
- IP address.
- Length of time to visit the website.
- Referring URL or the webpage that led you to the website.

We may also use session cookies, which are deleted when you close your browser, to store your user identification, to facilitate your movement around the website and other information useful in administering the session.

You may modify your browser settings to decline cookies or to notify you when a cookie is being placed on your computer or device. If you choose not to accept cookies, you may not be able to experience all the features of our website.

Links to Other Websites

The Nosihle Msomi Foundation Services may contain links to other websites which are not operated by us. If a Data Subject clicks on a third-party link, they will be directed to that third party's site. We strongly advise Data Subject's to review the Privacy Policy of every site they visit.

The Nosihle Msomi Foundation has no control over and assume no responsibility for the content, privacy policies or practices of any third-party sites or services.

Processing the Information of Children

Generally, we do not process the information of children through interactions with our website.
If you are a competent person and are aware that your child or children have provided us with Personal Information, please contact us. If we become aware that we have collected or processed the Personal Information of children without verification or the consent of a competent person, we will take steps to delete or destroy the information.

Your Rights

<u>The Right to be Notified</u>

- You have the right to be notified when your Personal Information has been accessed or acquired by an unauthorised person.
- When this occurs, we will notify the Information Regulator and you of the breach as soon as reasonably possible after discovering the breach.
- This will be communicated to you in one of the following ways:
    - By mail (to last known address)
    - By email (to last known email address)
    - Placed in a prominent position on our website.
    - Published in the news or media.
    - As may be directed by the Information Regulator.

<u>The Right to Establish Whether We Hold Your Personal Information and to Request Access to Such Information</u>

- You have the right to be informed of whether we process Personal Information of you, receive a copy of such information and how we process your Personal Information.
- You can also request the above relating to any third parties.
- To do this, please use the contact details set out at the bottom of this Privacy Notice and specify what information you require.
- We will try and provide you with suitable means of accessing the requested information, where you are entitled to it.
- Note that you will be requested to provide identification before we can consider such requests.
- Requests for the Personal Information we hold will be done free of charge however a fee may apply for such information processed by third parties.
- There may be instances where we cannot grant access to your Personal Information. If we refuse access, we will give written reasons for the refusal.

The Right to Request Correction, Destruction or Deletion of Personal Information

- You may request us to correct or delete any information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained illegally.
- If you believe that any Personal Information that we hold about you is excessive or has been unlawfully obtained or that we are no longer authorised to retain it, you may ask us to destroy or delete it.
- If we do not agree that there are grounds for action, you may ask us to add a note to the personal information stating that you disagree with it.
- We will require a copy of your identification document to confirm your identity before we will release this information.
- Once this is completed, we will notify you of such.

The Right to Object to Processing in Certain Circumstances

- You may object at any time to the processing of your Personal Information in the prescribed form on reasonable grounds to your situation unless legislation prohibits such objection.
- You can object to the processing of your Personal Information for the purposes of direct marketing at any time.

The Right to Submit a Complaint to the Information Regulator

- Any person may submit a complaint to the Information Regulator alleging interference with the protection of the Personal Information of a data subject.
- Interference with the protection of Personal Information means:
    - Any breach of the 8 conditions for the lawful processing of personal information
    - Non-compliance with section 22 (notification of security compromise), 55 (duty of confidentiality), 69 (direct marketing), 70 (directories), 71 (automated decision making) or 72 (transborder flow of information)
    - A breach of the provisions of a code of conduct.

The Right to Institute Civil Proceedings

- You (or the Information Regulator at the request of yourself) may institute civil proceedings for damages against you for a breach which you deem to be interference with the protection of your Personal Information.

The Right to Restrict the Processing of Personal Information

We will restrict the processing of Personal Information in the following circumstances:

- You have contested the accuracy of personal information, for a period which enables us to verify the accuracy of the information,
- The processing is unlawful, and you oppose the destruction or deletion and request us to restrict it instead.
- You have requested us to transmit the personal data into another automated processing system.

All requests must be made in the prescribed manner and form. The various forms are available from the Information Regulator.

Complaints to the Information Regulator

If you would like to make a compliant to the Information Regulator about the processing of your Personal Information, complete Form 5 available on the website of the Information Regulator. The Information Regulator's details are as follows:

Physical Address	Woodmead North Office Park 54 Maxwell Drive Woodmead Johannesburg
Postal Address	Postal Address PO Box 31533 Braamfontein 2017
Complaints	popiacomplaints@inforegulator.org.za
General Information	enquiries@inforegulator.org.za

Changes to this Privacy Notice

We may occasionally update this Privacy Notice. When we do, we will revise the "last updated" date as set out below. You should revisit this page periodically to become aware of the most recent amendments.

This Privacy Notice was last updated on 20 November 2025.

Acknowledgement of the Terms of the Policy

Kindly note, that when you request a copy of the policy, we accept that:

- You have read the contents of the policy
- You have acknowledged that you understand the contents of the policy
- You do not have any issues with the contents of this policy
- You have no objections to your Personal Information being processed as set out in this policy

Contact Us

If you have questions regarding this Privacy Notice or our handling of Personal Information, please contact us as follows:

Information Officer:
Dr. Busisiwe B. Mbuyisa-Vilakazi
Email: Busi@nomsofoundation.org