

Privacy Policy

1. Introduction

We are committed to and respect your privacy. We are Auction Marketplaces (Pty) Ltd (Registration number: 2020/688165/07), including Auto Mart Auctions, Truck & Trailer Auctions, and AgriMag Auctions. This policy describes how we collect, use, disclose, store, and protect your personal information. We may amend this policy at any time by posting the amended version here and on our other sites, and applications.

Where we refer to “process”, it means how we collect, use, store, make available, destroy, update, disclose, or otherwise deal with your personal information. As a general rule we will only process your personal information if this is required to deliver or offer a service, provide a product or carry out a transaction.

We may combine your personal information and use the combined personal information for any of the purposes stated in this Privacy Policy.

In this document any reference to “we” or “us” or “our” includes Our Company and any of its subsidiaries.

If you use our services, goods, products, and service channels you agree that we may process your personal information as explained under this Privacy Policy. Sometimes you may provide us with consent to process your personal information. Read it carefully because it may limit your rights.

As an organisation this Privacy Policy will apply to the processing of personal information by any member of our company across any of our subsidiaries and associated entities. If we process personal information for another party under a contract or a mandate, the other party’s privacy policy will apply to the processing.

2. Application

This policy applies to you when you visit and use any of the Auction sites, application, service, instant messaging services, administrative tools, or order our goods or services as a customer either as a natural person or a business (collectively “Services”), regardless of how you access or use them.

If you use any of our Portals or Services, you are regarded as a customer and thus agrees to any subsequent messages from the Portal or Services that are required for it to function and provide you with the services and functionality it renders. As a customer, you are naturally opted in for these messages on an opt-out basis.

You are contracting with Auction Marketplaces (the data controller) and its service providers (the data processors - available on request) who are responsible for the collection, use, disclosure, retention, and protection of your personal information in accordance with the Protection of Personal Information Act 4 of 2013 (POPIA), as well as any applicable acts. Auction Marketplaces may transfer data to other members of the Junk Mail corporate family and we may process and retain your personal information on our servers and elsewhere in the world where our data centres or service providers are located.

3. Personal Information

What is personal information?

Personal information refers to any information that identifies you or specifically relates to you. Personal information includes, but is not limited to, the following information about you:

- your marital status (like married, single, divorced).
- your national origin.
- your age.
- your language; birth; education.
- your financial history (like your income, third party payments made on your behalf and the like)
- your identifying number (like an employee number, identity number or passport number).
- your e-mail address; physical address (like residential address, work address or your physical location); telephone number.
- your biometric information (like fingerprints, your signature or voice).
- your race; gender; sex; pregnancy; ethnic origin; social origin; colour; sexual orientation.
- your physical health; mental health; well-being; disability; religion; belief; conscience; culture.
- your medical history (like your HIV / AIDS status); criminal history; employment history.
- your personal views, preferences, and opinions.
- your confidential correspondence; and / or
- another's views or opinions about you and your name also constitute your personal information.
- Personal information includes special personal information, as explained below.

When will we process your personal information?

We will only process your personal information for lawful purposes relating to our business if the following applies:

- if you have consented thereto.
- if a person legally authorised by you, the law, or a court, has consented thereto.
- if it is necessary to conclude or perform under a contract, we have with you.
- if the law requires or permits it.
- if it is required to protect or pursue your, our or a third party's legitimate interest.

What is special personal information?

Special personal information is personal information about the following:

- your race (like where a company submits reports to the Department of Labour where the statistical information must be recorded).
- your ethnic origin.
- your trade union membership.
- your health (like where you apply for an insurance policy).
- your biometric information (like to verify your identity); and / or your criminal behaviour and alleged commission of an offence.

When will we process your special personal information?

We may process your special personal information in the following circumstances:

- if you have consented to the processing.
- if the information is being used for any Human resource or payroll requirement.
- if the processing is needed to create, use, or protect a right or obligation in law.
- if the processing is for statistical or research purposes and all legal conditions are met.
- if the special personal information was made public by you.
- if the processing is required by law.
- if racial information is processed, and the processing is required to identify you; and / or if health information is processed, and the processing is to determine your insurance risk, or to comply with an insurance policy or to enforce an insurance right or obligation.

When and from where we obtain personal information about you

- We collect personal information from the payroll or HR departments of our clients when they capture financial and non-financial information.
- We collect personal information from 3rd parties that are directly integrated with our software platform.
- We collect information about you based on your use of our products, services, or service channels.
- We collect information about you based on how you engage or interact with us such as via our support desk, emails, letters, telephone calls and surveys.

If the law requires us to do so, we will ask for your consent before collecting personal information about you from third parties.

The third parties from whom we may collect your personal information include, but are not limited to, the following:

- Partners of our company for any of the purposes identified in this Privacy Policy.
- your spouse, dependents, partners, employer, and other similar sources.
- people you have authorised to share your personal information, like a person that makes a travel booking on your behalf or a medical practitioner for insurance purposes.
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements.
- payment processing services providers, merchants, banks, and other persons that assist with the processing of your payment instructions, like EFT transaction partners.
- insurers, brokers, other financial institutions, or other organisations that assist with insurance and assurance underwriting, the providing of insurance and assurance policies and products, the assessment of insurance and assurance claims and other related purposes.
- law enforcement and fraud prevention agencies and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombudsman, governmental departments, local and international tax authorities.
- trustees, Executors or Curators appointed by a court of law.
- our service providers, agents and sub-contractors like couriers and other persons we use to offer and provide products and services to you.
- courts of law or tribunals.
- participating partners, whether retail or online, in our customer loyalty reward programmes.
- our joint venture partners; and / or

Reasons we need to process your personal information.

- We will process your personal information for the following reasons:
 - to provide you with products, goods, and services
 - to market our products, goods, and services to you.
 - to respond to your enquiries and complaints.
 - to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions, and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests.
 - to conduct market and behavioural research, including scoring and analysis to determine if you qualify for products and services or to determine your credit or insurance risk.
 - to develop, test and improve products and services for you.
 - for historical, statistical and research purposes, like market segmentation.
 - to process payment instruments.
 - to create, manufacture and print payment issues (like a payslip)
 - to enable us to deliver goods, documents, or notices to you.
 - for security, identity verification and to check the accuracy of your personal information.
 - to communicate with you and carry out your instructions and requests.
 - for customer satisfaction surveys, promotional offerings.
 - insurance and assurance underwriting and administration.
 - to process or consider or assess insurance or assurance claims.
 - to provide insurance and assurance policies and products and related services.
 - to enable you to take part in customer loyalty reward programmes, to determine your qualification for participation, earning of reward points, determining your rewards level, monitoring your buying behaviour with our rewards partners to allocate the correct points or inform you of appropriate products, goods, and services you may be interested in or to inform our reward partners about your purchasing behaviour.
 - to enable you to take part in and make use of value-added products and services.
 - to assess our lending and insurance risks; and / or
 - for any other related purposes.

How we use your personal information for marketing

- We will use your personal information to market financial, insurance, investments and other related banking products and services to you.
- We may also market non-banking or non-financial products, goods, or services to you.
- We will do this in person, by post, telephone, or electronic channels such as SMS, email, and fax.
- If you are not our customer, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.
- In all cases you can request us to stop sending marketing communications to you at any time.

When how and with whom we share your personal information

In general, we will only share your personal information if any one or more of the following apply:

- if you have consented to this.
- if it is necessary to conclude or perform under a contract, we have with you;
- if the law requires it; and / or

- if it's necessary to protect or pursue your, our or a third party's legitimate interest.

FICA requirements for our Auctions

The Financial Intelligence Centre Act, 38 of 2001 (as amended) is an anti-money laundering act. The aim of the act is to combat money laundering and imposes certain duties on certain organisations in order to prevent and combat money laundering. As part of compliance with the aim this legislation seeks to achieve, the Auctioneer will require the following FICA Documentation from Sellers prior to the Goods being taken into auction to be sold on the Auction Platform, and from Buyers when they register to bid in the auction:

Natural Person — Private Seller/buyer

- SA ID document (Foreigners must provide Passport)
- Proof of residential address, not older than 3 months (e.g. utility bill)
- Seller/buyer to provide affidavit and marriage certificate if proof of residence is in spouse's or another person's name

Company

- CIPC Business Registration Papers
- Proof of business address of company e.g Utility bill not older than 3 months
- ID documents of company Directors
- Confirmation of residential address and contact details of company Directors
- Resolution to specify who is authorised to act on behalf of the company
- ID document(s) of person(s) authorised to act on behalf of the company
- Confirmation of residential address and contact details of person(s) acting on behalf of the company
- Confirmation of Company's Shareholding / Share Certificate
- Business Registration Number Certificate (BRNC)

Close Corporation (CC)

- CIPC Business Registration Papers
- Proof of business address of Close Corporation e.g. utility bill not older than 3 months
- ID document(s) of Member(s)
- Proof of residential address, not older than 3 months (e.g. Utility bill), and contact details of member(s)
- Resolution to specify who is authorised to act on behalf of Close Corporation
- ID document(s) of person(s) acting on behalf of Close Corporation
- Confirmation of residential address and contact details of person(s) acting on behalf of Close Corporation
- Business Registration Number Certificate (BRNC)

Trust(s)

- Letters of authority signed by the Master of the High Court
- Trust Deed or other Founding documents
- Resolution to specify who is authorised to act on behalf of Trust
- ID document(s) of person(s) acting on behalf of Trust

- Confirmation of residential address and contact details of person(s) acting on behalf of Trust
- ID documents of all trustees and beneficiaries
- Proof of residential address and contact details of all trustees and beneficiaries
- ID document of the Founder of the Trust
- Proof of residential address and contact details of the Founder of the Trust
- Business Registration Number Certificate (BRNC)

This personal information can be collected by various means and sources:

- automatically when you visit and use our Portals and Services
- on registration or submission
- submitted information on a web form
- responses to marketing via email, SMS, and social media platforms
- feed/import adverts to our Portals
- calling a call tracking number
- respond to an advert via WhatsApp
- update or add information to your account
- cookies, web beacons, unique identifiers, and similar technologies
- participation in community discussions, chats, and surveys
- dispute resolution or when you otherwise correspond with us
- through an order
- provided voluntarily
- excludes anonymous, de-identified, statistical, and public information.

3.2. Your obligations. You may only send us your own personal information or someone else's personal information if you have their permission to do so.

3.3. In order to enter into our [Terms of service](#), some of your personal information is necessary while other personal information is voluntary, but all may all be necessary in order to use our Services, such as posting an ad, responding to an ad, and registering.

4. Acceptance and changes

4.1. Acceptance. You may not make use of any of our Portals or Services if you do not accept our [Terms of service](#) or [Privacy Policy](#).

4.2. Changes. We may change this policy at any time and will notify you of the changes on our Portals, through our Services, or by email. The changed policy applies to you if you continue using our Portals or our Services following the notification.

5. Collection and distribution

5.1. Automatically. We collect your Internet usage information automatically when you visit our website, including your IP address, browser details, and usage information, which we may use to display our Portals or Services correctly, track your activities on it, or for other necessary purposes.

5.2. On registration or submission. We may ask you to provide us with certain identifying information when you register on or otherwise submit information through our Portals or Services for the first time.

5.3. Submitted information on a web form. You will need to provide information while completing and submitting any form on our Platforms or Services.

5.4. Respond to marketing on email, SMS, and social media platforms. We may collect and process your data when you interact with marketing activities like responding to an email, filling in a lead form on Facebook, responding to an SMS.

5.5. Feed/import adverts to our Portals. We may collect and process certain information from feeds, APIs or other imports to enable a more automated way of advertising and managing adverts to the benefit of the advertiser.

5.6. Call a call tracking number. We will collect, process, and record calls made to call tracking numbers displayed on our Portals or through our Services for quality, training, marketing, and security purposes.

5.7. Respond to an advert via WhatsApp. We will collect and process your mobile number associated with WhatsApp when you respond to an advert that has WhatsApp enabled as a means of contact. We will also collect your contact number when you save our WhatsApp number on your phone and send us a message through this channel.

5.8. Update or add information to your account. We will collect and process the newly submitted information related to your profile and account to keep our records up to date.

5.9. Cookies, web beacons, unique identifiers, and similar technologies. We may collect and process information about the pages you view, the links you click, and other actions you take while using our Portals or Services. Click here to view our Cookie Policy or here to [manage your Cookie preferences](#).

5.10. Participate in community discussions, chats, and surveys. We may collect information when you discuss, chat or complete surveys about or through our Portals and Services.

5.11. Dispute resolution or when you otherwise correspond with us. We may collect information when you contact us on any of our Portals or through our Services and from any form or source of device or application.

5.12. Through an order. We ask you to provide us personal information when you order free or premium usage of our Portals or Services.

5.13. Provided voluntarily. We may ask you to provide us with certain optional information on a voluntary basis.

5.14. Consent to collection. We will get your consent to collect your personal information in accordance with the POPI act and other applicable laws when you provide us with it.

5.15. Purpose for collection. We may process information that you provide to us to be able to provide you with effective and relevant services and marketing and for the purposes that you indicated. Processing includes gathering your personal information, disclosing it, and combining it with other personal information.

6. Distribution of information across borders

We will only transfer your personal information to third parties in another country in any one or more of the following circumstances:

- where your personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient.

- where the transfer is necessary to enter into or perform under a contract with you, or a contract with a third party that is in your interest.
- where you have consented to the transfer; and / or
- where it is not reasonably practical to obtain your consent, the transfer is in your interest.

This transfer will happen within the requirements and safeguards of the law. Where possible, the party processing your personal information in the other country will agree to apply the same level of protection as available by law in your country or if the other country's laws provide better protection the other country's laws would be agreed to and applied.

An example of us transferring your personal information to another country is where foreign payments take place if you purchase goods or services in a foreign country.

TAKE NOTE: We are a global organisation your personal information may be shared within all our company entities in other countries and processed in those countries.

7. Use

7.1. Scope. We respect your privacy and have implemented the POPI Act to the best of our understanding and knowledge. We will never share your personal and/or contact information with anyone without your consent or if ordered by law. Your personal information is used to provide and improve our Portals and Services, provide you with a personalised experience, provide you customer service and help, provide you with personalised advertising and marketing, contact you about your account and our Services, and to detect, prevent, mitigate, and investigate fraudulent or illegal activities.

7.2. Processing. We may process your personal information to fulfil our obligations to you and our customers. Your information will be used to personalise recommendations and information we send you regarding news, events, promotions, special offers, marketing, and third-party content. We also process the personal information we collect from you for a range of different business purposes that includes improving our Portals and Services, compiling statistics and reports, and to enforce our [Terms of Service](#), this Privacy Policy, and other policies or any agreement or contract we have with you.

7.3. Cookies.

A cookie is a small piece of data sent from our websites or applications to your computer or device hard drive or Internet browser where it is saved. The cookie contains information to personalise your experience on our websites or applications and may improve your experience on the websites or applications. The cookie will also identify your device, like the computer or smart phone.

By using our websites or applications you agree that cookies may be forwarded from the relevant website or application to your computer or device. The cookie will enable us to know that you have visited the website or application before and will identify you. We may also use the cookie to prevent fraud and for analytics.

Your internet browser generally accepts them automatically, but you can often change this setting or delete them manually. However, we will not be able to provide you with access to certain aspects of our Portals and Services where cookies are necessary if you do so. We have no access to or control over any cookies that our business partners use on our Portals and they have their own privacy policies that govern them.

7.4. Messages. We aim to only contact you or send you messages and marketing when we determine them to be of interest to you. We may use your identifying information to send you administrative information and messages about our Portals, Services, updates, and your interests. We may also, from time to time, send you promotional messages or marketing from third parties, but you may choose to opt-out of them, or we will first send you one message asking you to opt-in and will not continue to send you promotional messages or marketing unless you have done so. We don't sell or share your personal information with third-party services for marketing purposes. We may contact you via email, telephone, SMS/text messages, postal mail, social media platforms, instant messaging systems, and via push notifications (collectively "Marketing Channels").

7.5. Targeted content. We may use your personal information to provide you with targeted content on our Portals and through our Services and Marketing Channels in a completely automated process. We aim to deliver targeted marketing, service updates, and promotional offers about third-party services based on your communication subscription/preferences.

7.6. Manage subscription/preferences. You have the right to withdraw your consent at any time. Visit our POPIA information page for a quick-and-easy guide on how to request this or click here to read our PAIA manual.

8. Disclosure

8.1. Sharing. We do not sell, rent, or otherwise disclose your personal information to third parties for their marketing and advertising purposes without your consent. We may share your personal information with third parties for the purposes of fulfilling our obligations to you, including with:

- other companies or divisions within our group
- our contractors who help provide part of our goods or services, or
- third parties as required by applicable law.

8.2. Honour this policy. We will require anyone that we share your personal information with to honour this policy whenever possible in terms of applicable law.

8.3. Mandatory disclosure. We may disclose personal information to third parties if required for legal reasons, such as to regulators as required by law or governmental audit, law enforcement as required by a subpoena or court order, or third parties as required by applicable law.

8.4. Marketing purposes. We may disclose aggregate statistical information that we have derived from your and other people's personal information to our advertisers or business partners.

8.5. Personnel. We may need to disclose personal information to our personnel to do their jobs, but will not do so unnecessarily.

8.6. Change of ownership. We may assign our rights to the personal information we process to our new owners if our ownership changes for any reason.

8.7. Disclosure. We attempt to minimise the amount of personal information we disclose to what is directly relevant and necessary to accomplish the specified purpose.

9. Storage

9.1. Accuracy. We will do our best to keep your personal information that we collect accurate, complete, and up to date. It is also your responsibility to keep us informed of any changes to your information, including contact information or advertised items or positions.

9.2. Participation. We may ask you to update your personal information from time to time or give you a way to review it, but will take steps to verify your identity to prevent unauthorised access when doing so.

9.3. Security . We will take appropriate and reasonable technical and organisational steps to protect your personal information according to industry best practices. Our security measures (including physical, technological, and procedural safeguards) will be appropriate and reasonable. This includes the following:

- keeping our systems secure (like monitoring access and usage);
- storing our records securely.
- controlling the access to our buildings, systems and/or records; and
- safely destroying or deleting records.
- Ensure compliance with international ISO security standards.
- You can also protect your personal information. Please visit the website of the relevant business you have established a business relationship with for more information.

10. Retention

We will keep your personal information for as long as:

- the law requires us to keep it.
- a contract between you and us requires us to keep it.
- you have consented for us keeping it.
- we are required to keep it to achieve the purposes listed in this Privacy Policy.
- we require it for statistical or research purposes.
- a code of conduct requires us to keep it; and / or
- we require it for our lawful business purposes.

Take note: We may keep your personal information even if you no longer have a relationship with us, for the historical data that may be required by your employer or employee.

11. General

11.1. Updating or removing. You may update or remove your personal information through our website or application or by contacting us. Visit our POPIA information page for a quick-and-easy guide on how to request this or click here to read our PAIA manual.

11.2. Limitation. We are not responsible for anyone else's privacy policies or practices.

11.3. Enquiries. Please [contact us](#) if you have any questions about this privacy policy or how we handle your personal information.

12. Complaints Procedure

12.1. Procedure. We have set out some guidelines to ensure that we can effectively respond to complaints. It explains what we would require from you in order to provide feedback and take appropriate action. [Link to complaints procedure.](#)

12.2. Contact us. If you feel that any law related to your personal information has been incorrectly interpreted and implemented by us, please [contact us](#) immediately.

12.3. Your right to file a complaint with the Information Regulator remains unaffected.

13. Duties and rights

13.1. You must provide proof of identity when enforcing the rights below.

13.2. You must inform us when your personal information changes.

13.3. Please refer to our Promotion of Access to Information Act 2 of 2000 Manual (PAIA Manual) for further information on how you can give effect to the rights listed below. Download the PAIA Manual.

13.4. You have the right to request access to the personal information we have about you by contacting us. This includes requesting:

- confirmation that we hold your personal information.
- a copy or description of the record containing your personal information; and
- the identity or categories of third parties who have had access to your personal information.

13.5. We will attend to requests for access to personal information within a reasonable time. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about third parties. We will inform you of the fee before attending to your request.

13.6. Please note that the law may limit your right to access information.

13.7. You have the right to request us to correct or delete the personal information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or we are no longer authorised to keep it. You must inform us of your request in writing. Please refer to our PAIA Manual for further information in this regard, like the process you should follow to give effect to this right. It may take up to 15 business days for the change to reflect on our systems. We may request documents from you to verify the change in personal information.

13.8. A specific agreement that you have entered into with us may determine how you must change your personal information provided at the time when you entered into the specific agreement. Please adhere to these requirements. If the law requires us to keep the personal information, it will not be deleted upon your request. The deletion of certain personal information may lead to the termination of your business relationship with us.

13.9. You may object on reasonable grounds to the processing of your personal information.

13.10. We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law; you have provided consent to the processing and our processing done according to your consent or the processing is necessary to conclude or perform under a contract with you.

13.11. Where you have provided your consent for the processing of your personal information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you. We may proceed to process your personal information even if you have withdrawn your consent if the law permits or requires it. It may take up to 15 business days for the change to reflect on our systems, during this time we may still process your personal information. You must inform us of any objection in writing. Please refer to our PAIA Manual for further information in this regard, like the process you should follow to give effect to this right.

13.12. You have a right to file a complaint with us or any Regulator with jurisdiction about an alleged contravention of the protection of your personal information by us. We will address your complaint as far as possible.