

PRIVACY POLICY

for

TrustX (Pty) Ltd

[Registration Number: 2015/412145/07]

1. INTRODUCTION

TrustX (Pty) Ltd (“the Company”, “we”, “our”, “us”) is a registered reseller credit bureau operating under Section 43 of the National Credit Act, 2005 (NCA). We are committed to protecting the privacy, confidentiality, and security of personal and consumer credit information in accordance with:

- The National Credit Act (NCA),
- The Protection of Personal Information Act, 2013 (POPIA),
- The Promotion of Access to Information Act (PAIA), and

This Privacy Policy sets out how we collect, use, process, disclose, transfer, and protect your information

2. PRINCIPLES OF PROCESSING INFORMATION

We uphold the following principles:

- Lawfulness, fairness, and transparency.
- Collection for specified, explicit, and lawful purposes.
- Data minimisation (*only relevant and necessary information is processed*).
- Accuracy and timely updates.
- Integrity and confidentiality through secure processing

3. COLLECTION OF PERSONAL INFORMATION

We may collect personal information when you:

- Register as a client, member, or user of our services.
- Request a credit report or verification service.
- Apply for employment with us.
- Interact with our website or digital platforms.

4. TYPES OF PERSONAL INFORMATION COLLECTED

Depending on the service, we may collect:

Individuals

- Full names, ID or passport number, Date of Birth.
- Contact details (*address, phone, email*).
- Employment/occupation details.
- Marital status and tax number.

Businesses

- Business registration details.
- Trading name, VAT number, contact person.
- Business addresses and contact information.
- Director information and operational details.

We do not collect special categories of information (such as political affiliation, union membership, or health/biometric data) unless explicitly required by law and subject to additional safeguards under POPIA.

5. PURPOSE OF PROCESSING

Your personal and credit information may be processed for:

- Identity and credit verification: confirming the identity of individuals and businesses.
- Providing credit reports and bureau services: enabling lawful access to credit data.
- Compliance with contractual and legal obligations: including obligations under the NCA, POPIA, PAIA, and other applicable laws.
- Communication: sending notifications, updates, or service-related correspondence.
- Research, auditing, and statistical analysis (*aggregated form only*): for product improvement and market insights without exposing individual identities.
- Fraud prevention, risk management, and protection of legitimate business interests.
- Tracing and collections: supporting members and clients in locating individuals or businesses and recovering lawful debts.
- Verification of qualifications, employment, or business information (*where applicable to service scope*).
- Regulatory reporting and oversight: responding to lawful requests from the NCR, Information Regulator, or other authorities.
- System security and monitoring: ensuring integrity, confidentiality, and availability of data.
- Customer support and dispute resolution: handling inquiries, corrections, or complaints regarding personal or credit information.

6. PROCESSING WITHOUT CONSENT

While we generally require and rely on the consent of consumers or data subjects to process personal and credit information, there are limited circumstances under which we are permitted or obligated to process such information without consent.

These circumstances are strictly governed by applicable law and contractual frameworks.

We may process information without consent in the following situations:

6.1 Legal and Regulatory Requirements

- Where required or authorised by legislation such as the National Credit Act (NCA), Protection of Personal Information Act (POPIA), Promotion of Access to Information Act (PAIA), or other applicable laws.
- When we are obligated to retain, disclose, or process information in line with legal reporting, audit, or compliance obligations.

6.2 Law Enforcement and Regulatory Authorities

- When requested by the South African Police Service (SAPS), the National Credit Regulator (NCR), the Information Regulator, or other authorised government bodies in the exercise of their legal duties.
- To comply with subpoenas, court orders, or other lawful processes.

6.3 Public Interest and Fraud Prevention

- Where it is necessary to protect the public interest, safeguard national security, or assist in the prevention, detection, or investigation of fraud, crime, or unlawful conduct.
- To protect the rights, property, or safety of the Company, our members, clients, or the broader public.

6.4 Contractual and Operational Necessity

- Where we act as an Operator on behalf of our members (the Responsible Parties), and are contractually obligated to process consumer credit information for:
 - Verification, tracing, or collections.
 - Reporting defaults to primary registered credit bureaus.
 - Assisting members with debt recovery and remedial actions.
- In such cases, the responsibility for obtaining and documenting the consumer's consent rests with the member, and we act solely within the scope of the mandate granted.

6.5 Protection of Legitimate Business Interests

- Where processing is necessary to enforce agreements, manage disputes, or protect against legal liability.
- To ensure the integrity and security of our systems, databases, and credit information infrastructure.

7. ACTING AS AN OPERATOR

In certain circumstances, TrustX does not act as the Responsible Party (*i.e., the entity determining the purpose and means of processing*).

Instead, we act as an Operator on behalf of our members, clients, or subscribers, who remain the Responsible Parties in terms of the Protection of Personal Information Act (POPIA).

When acting as an Operator:

7.1 Nature of Processing

We may process personal or consumer credit information strictly in accordance with the instructions and mandate provided by the Responsible Party. This includes, but is not limited to:

- Reporting defaults to registered credit bureaus.
- Assisting members with debt collection processes, including the transmission of consumer information to authorised debt collectors.
- Facilitating remedial actions in cases of non-payment, such as tracing consumers or initiating follow-up communications.
- Providing verification or tracing services using information supplied by members.
- Maintaining and transmitting records to ensure compliance with regulatory requirements under the NCA and POPIA.

7.2 Responsibility for Consent

- The obligation to obtain and document the lawful basis for processing (including consumer consent) rests with the Responsible Party.
- We rely on the Responsible Party to ensure that all personal or consumer credit information provided to us has been collected lawfully and with the required consent, where applicable.
- We do not independently verify or seek consumer consent when acting purely as an Operator.

7.3 Security and Confidentiality

- As an Operator, we are statutorily and contractually bound to apply appropriate technical and organisational measures to secure the personal information we process.
- We implement safeguards to prevent unauthorised access, loss, or misuse, in line with Section 19 of POPIA.
- Access to such information is restricted to authorised employees or service providers with a legitimate business need.

7.4 Limitations of Processing

- We will not process personal or credit information for any purpose beyond the scope of the Responsible Party's instructions.
- We will not retain, disclose, or sell such information for our own use.
- Data will only be retained for the period specified by the Responsible Party or as required by law.

7.5 Accountability

- As Operator, we provide audit trails and system logs to demonstrate compliance with contractual and legal obligations.
- We co-operate with Responsible Parties, regulators, and consumers in the event of a query, complaint, or data subject access request relating to information processed under this mandate.

8. TRANSFER OF PERSONAL INFORMATION

We recognise that personal and consumer credit information must be handled with the highest level of care, particularly when transferred between parties.

8.1 Local Transfers within South Africa

Personal information may only be transferred to third parties within South Africa where:

- The transfer is necessary to deliver our services (e.g., to credit bureaus, debt collectors, attorneys, auditors, or regulators).
- The recipient is contractually bound to maintain confidentiality and comply with POPIA.
- The transfer is required to enforce contractual rights or support debt collection processes.
- Disclosure is mandated by law, court order, or regulatory directive (e.g., NCR, Information Regulator, SAPS, or SARS).

8.2 Cross-Border Transfers

We will not transfer personal or consumer credit information outside the Republic of South Africa unless:

- Adequate protection measures are in place in line with Section 72 of POPIA, ensuring that the receiving jurisdiction or party is subject to similar data protection safeguards.
- The transfer is necessary for the performance of a contract with the consumer, client, or Responsible Party.
- The consumer or data subject has provided explicit consent.
- The transfer is required for international payments, verifications, or services where no equivalent local service exists.

8.3 Safeguards Applied to Transfers

- All transfers are subject to encryption, secure transmission protocols, and role-based access controls.
- Contracts with third parties include strict provisions on confidentiality, lawful processing, and data security.
- We conduct due diligence on service providers and partners before sharing information.

8.4 No Unauthorised Sharing

- We will never sell, lease, or trade your personal or credit information to unauthorised third parties.
- Information is only shared in alignment with this Privacy Policy, applicable laws, and our contractual obligations

9. RETENTION OF PERSONAL AND CREDIT INFORMATION

We retain personal and consumer credit information only for as long as it is necessary to fulfil the lawful purpose for which it was collected, or as required by applicable laws and regulations.

9.1 General Retention Principles

- Personal information will not be retained longer than is necessary to achieve the specific purpose for which it was collected.
- Once the lawful purpose has been fulfilled, information will either be securely destroyed, erased, or de-identified so that it cannot be re-identified in the future.
- Retention periods are reviewed regularly to ensure ongoing compliance with Section 14 of POPIA.

9.2 Consumer Credit Information

- In line with the National Credit Act (NCA) and the National Credit Regulations, consumer credit information is never stored on our systems beyond 72 hours.
- This is because consumer credit data is continuously updated at the primary registered credit bureaus and storing it longer would risk outdated or inaccurate records.
- After the 72-hour window, data is automatically purged from our systems, with only access logs and audit records retained for compliance purposes.

9.3 Other Personal Information

- Information related to client relationships, contracts, financial records, and communications may be retained for periods prescribed under tax, audit, or labour laws (e.g., 5 years for accounting/tax records in terms of the Companies Act).
- Employment-related records are retained for periods required under the Basic Conditions of Employment Act (BCEA) and labour legislation.

9.4 Secure Destruction and De-identification

- Where information is no longer required, we ensure secure disposal by means such as permanent deletion, secure shredding, or de-identification.
- De-identified information may be retained indefinitely for statistical, research, or historical purposes, provided it cannot reasonably be re-linked to an individual.

10. SECURITY OF INFORMATION

We take the security of personal and consumer credit information seriously. To protect data from loss, misuse, unauthorised access, disclosure, alteration, or destruction, we implement a range of technical, administrative, and physical safeguards, including:

10.1 Technical Safeguards

- Encrypted storage and secure servers for data hosting.
- Secure transmission protocols (e.g., SSL/TLS) for data transfers.
- Regular use of anti-virus, anti-malware, and intrusion detection/prevention systems.
- Firewalls and continuous monitoring of systems to detect suspicious activity.



10.2 Access Controls

- Role-based access control ensuring that only authorised personnel can access sensitive information.
- Multi-factor authentication and strong password policies.
- Regular reviews of user access rights to prevent unauthorised usage.

10.3 Administrative Measures

- Confidentiality agreements signed by all staff, contractors, and service providers with access to personal information.
- Regular staff awareness and POPIA compliance training.
- Documented policies for incident response and breach management.

10.4 Physical Safeguards

- Restricted access to offices, servers, and storage facilities.
- CCTV and access control for sensitive areas.
- Secure disposal and shredding of paper-based records.

10.5 Continuous Improvement

- Regular audits and penetration testing by qualified IT specialists.
- Adoption of recognised industry best practices for information security.
- Ongoing monitoring of threats and updates to our security measures as technology evolves.

10.6 Identity Verification

- Before granting access to personal or consumer credit records, we perform strict identity verification checks to ensure requests are lawful, valid, and made by authorised parties.

11. DISPUTE RESOLUTION

- You have the right to access, correct, or object to the processing of your information.
- Credit report disputes must be directed to the relevant primary credit bureau.
- POPIA-related complaints may be submitted to our Information Officer or escalated to the Information Regulator

12. CONSUMER CREDIT INFORMATION

12.1 Collection of Consumer Credit Information

- As a reseller credit bureau, TrustX provides access to consumer credit information in partnership with registered primary credit bureaus in South Africa.
- We do not create or independently collect consumer credit information. Instead, reports are sourced directly from the primary bureaus' databases.

12.2 Types of Information Included

- Reports may contain, as permitted under the National Credit Act (NCA) and its Regulations:
- Identification details: full name, surname, ID or passport number, date of birth, addresses, and contact details.
- Payment history: account conduct and repayment behaviour with credit or service providers.
- Enquiries: records of which credit or service providers have accessed the consumer's credit report.
- Public records: court judgments, sequestration or rehabilitation orders, administration orders, and other records permitted by law.
- Default information: details of defaults reported by credit or service providers.
- Other NCA-permitted data: any additional categories of information defined under Section 70(1)(a)–(d) of the NCA.

12.3 Use of Consumer Credit Information

The purpose of acquiring consumer credit reports is strictly limited to:

- Identity and credit verification.
- Assessment of creditworthiness.
- Fraud prevention and risk management.
- Supporting tracing and collections processes.
- Compliance with regulatory and contractual obligations.
- Fraud prevention and risk management

12.4 No Manipulation of Data

- As a reseller credit bureau, we do not amend, interpret, manipulate, or add to consumer credit data.
- The only modification made is the inclusion of TrustX branding, which is applied with the full knowledge and approval of the primary credit bureaus.

12.5 Retention of Credit Data

- Consumer credit information accessed through our systems is not permanently stored.
- In line with NCR requirements, we retain such reports for no longer than 72 hours, after which they are purged from our systems.
- Ongoing records of access logs and audit trails are maintained to ensure compliance.

As a reseller bureau, we do not manipulate or alter credit data. Reports are provided as received from the primary credit bureau, with our branding applied.

13. CONSENT

13.1 Responsibility for Obtaining Consent

- TrustX acts as a reseller credit bureau and does not obtain consent directly from consumers to access their credit information.
- Consent is obtained directly by our members, clients, or subscribers (the Responsible Parties) from their customers, in line with the National Credit Act (NCA) and Protection of Personal Information Act (POPIA).
- Members are contractually bound to confirm that all necessary consents and legal authorisations have been obtained before requesting any consumer credit information via our platform.

13.2 Scope of Consent

- Consent must be informed, voluntary, and specific, covering:
 - The purpose for which the credit report is being accessed (e.g., credit application, tracing, verification, debt collection).
 - The categories of information to be accessed.
 - The identity of the party accessing the information (our member).
- Proof of such consent may be requested from members at any time for compliance or audit purposes.

13.3 Withdrawal of Consent

- Consumers have the right to withdraw their consent at any time by notifying the Responsible Party (our member).
- Upon withdrawal of consent, the Responsible Party must cease requesting further credit reports, unless another lawful ground for processing applies.
- We will co-operate with members, credit bureaus, and regulators to ensure withdrawal of consent is respected and enforced.

13.4 Other Lawful Grounds for Processing

- In limited circumstances, processing of consumer credit information may occur without consent, such as:
 - Compliance with legal obligations under the NCA, POPIA, PAIA, or other applicable laws.
 - Requests from regulators, law enforcement, or courts.
 - Fraud prevention, risk management, or protection of legitimate business interests etc.



14. FREE CREDIT REPORT

14.1 Your Right Under the NCA

- In terms of Section 72(1)(c) of the National Credit Act, 2005 (NCA), every consumer is entitled to receive one free copy of their credit report every 12 months from each registered credit bureau in South Africa.
- This right allows you to check your credit record, ensure accuracy, and dispute any incorrect or outdated information.

14.2 How to Access Your Free Report

- As a reseller credit bureau, TrustX is not permitted to issue free statutory credit reports directly.
- To exercise your right, you must contact the relevant primary credit bureau(s) directly.

14.3 Contact Details of Registered Primary Credit Bureaus

Consumers may request their free annual credit report from the following NCR-registered credit bureaus:

- TransUnion - www.mytransunion.co.za | Tel: 0861 482 482
- Experian - www.experian.co.za | Tel: 0861 105 665
- XDS (Xpert Decision Systems) - www.xds.co.za | Tel: 011 645 9100
- Compuscan / Experian Microfinance - www.compu-scan.co.za
- Consumer Profile Bureau (CPB) - www.consumerprofilebureau.com | Tel : 0861 555 888
- VeriCred Credit Bureau (VCB) - www.vccb.co.za | Tel: 087 150 3601
- Splendi - www.splendi.co.za | Tel: 087 803 4798

14.4 Additional Reports

- If you request more than one credit report from a bureau within a 12-month period, the bureau may charge a reasonable fee as approved by the National Credit Regulator (NCR).

15. Website Usage & Cookies

When you use our website, we may collect usage information such as IP address, browser type, pages visited, and transaction activity. This is used to:

- Improve site performance.
- Personalise your experience.
- Enhance security.
- Support analytics and advertising (*where applicable*).

Cookies may be used but can be disabled in your browser settings.

16. Third Party Links & Payments

16.1 Third-Party Websites and Services

- Our website or communications may contain links to third-party websites, applications, or services, including but not limited to payment gateways, verification services, or partner platforms.
- These third-party services operate independently from TrustX and are subject to their own privacy policies and practices.
- We are not responsible or liable for how such third parties collect, use, or disclose your personal information.

16.2 Payment Processing

- Where you choose to make payments through a third-party payment gateway (e.g., for subscription or service fees), the processing of your financial information (such as card details or bank account numbers) will be handled directly by the payment provider.
- We do not store, retain, or have access to your full payment details.
- Payment providers used by TrustX are required to be PCI-DSS compliant and must implement adequate security safeguards.

16.3 Due Diligence on Service Providers

- Before engaging third-party service providers, we take reasonable steps to ensure that they meet industry-standard information security and POPIA compliance requirements.
- Third-party providers are contractually obliged to protect any personal information they process on our behalf.

16.4 Your Responsibility

- We encourage you to review the privacy policies and terms of use of any third-party service before providing personal information or completing a transaction.
- Using such third-party services is at your own discretion and subject to their applicable terms.

17. Your Rights

17.1 Access Your Information

- Request confirmation of whether we hold personal information about you.
- Request a copy of such information in an accessible format (subject to identity verification).

17.2 Correction or Deletion

- Request correction or updating of inaccurate, incomplete, or outdated information.
- Request deletion of information that is excessive, irrelevant, misleading, or unlawfully obtained.



17.3 Objection to Processing

- Object to the processing of your personal information where such processing is not required by law, regulation, or contract.
- Object to processing for purposes of direct marketing.

17.4 Withdrawal of Consent

- Withdraw consent previously given for processing your personal information, unless another lawful ground for processing applies (e.g., NCA requirements).

17.5 Credit Information Rights (NCA)

- Request a free credit report once every 12 months from each registered primary credit bureau.
- Dispute inaccurate information contained in a credit report with the relevant credit bureau.
- Be notified if adverse information (*such as a default*) is submitted against your name.

17.6 Complaint and Redress

- Submit complaints relating to personal information directly to our Information Officer.
- Escalate unresolved complaints to the Information Regulator of South Africa.

Information Regulator Contact Details:

Website: <https://www.inforegulator.org.za>

18. Contact Information

Information Officer

TrustX (Pty) Ltd

Email: info@trustx.co.za

Phone: 011 5688322

Address: Bedfordview Corporate Park, 4 Skeen Boulevard, Bedfordview, 2001