



Malachi Debt Solutions (PTY) LTD
Doone House
379 Anton Lembede Street
4th Floor Suite 401D
Durban
4001

Tel: 031 301 9258
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Our Privacy Statement

Definitions:

- We, us and our** refer to Malachi Debt Solutions (Pty) Ltd, a company registered under the company laws of the Republic of South Africa, registration number, 2015/261446/07. The principle place of business is situated at Doone House 379, Suite 401D, Anton Lembede Street, Durban, 4001. Malachi Debt Solutions (Pty) Ltd is a registered debt counselling firm, registered with NCRDC2698.
- You and your** refer to you as the debt review client in your personal capacity, as well as your spouse, where applicable, in their personal capacity.
- Your personal information** refers to personal information about you, your spouse (if married in community of property) and your single or joint estate and debt obligations and other financial information pertaining to the debt counselling process.
- Process information** means the automated or manual activity of collecting, recording, organising, storing, updating, distributing and removing or deleting personal information.
- Competent person** means anyone who is legally competent to consent to any action or decision being taken for any matter concerning him/ herself or their spouse (if married in community of property)

Purpose of this Privacy Statement

When you engage with us, you trust us with personal information about yourself, your spouse (if married in community of property). We are committed to protect your right to privacy. We will take all reasonable steps to keep the personal information safe and confidential. The purpose of this Privacy Statement is to set out how we collect, use, share and otherwise process personal information, in line with the Protection of Personal Information Act. (“POPIA”)

Indemnification

Each party accepts responsibility to the extent that the processing activities of personal information fall under the control of that party and agrees to indemnify the other party against any loss or damage direct, or indirect, that a party should suffer because of any unauthorised use of information, but only if the processing of that information is controlled by that party.

Acceptance is voluntary

You have the right to object to the processing of the personal information. It is voluntary to accept these terms and conditions. However, we require your acceptance to provide you with our services. We will only collect and process personal information for valid and lawful reasons. The acceptance of these terms and conditions and the permission given to process the personal information will continue after death.

We keep personal information confidential

We will keep personal information confidential. You may have given us this information yourself, or we may have collected it from other sources such as credit bureaus or your credit providers. If you share your information with any third party, we will not be responsible for any loss that you may suffer.

Authority to act for other people

You warrant that when you give us personal information about third parties, you have received their permission to share their information with you. You understand that when you include your spouse (married in community of property) in the debt review application, we will process their information as well as part of the debt review process. We will furthermore process their information for the purposes set out in this Privacy Statement.

Purpose for processing your personal information

You agree that we may process your personal information for the following purposes:

1. To assess your financial situation and then determine whether you are a candidate for the debt review process.
2. To obtain more financial information from your credit providers in order to complete the debt review process. These credit providers will be listed by you on your debt review application form.
3. To send the information to the IPDA, which is a registered third party to the debt review process, or to Maximus, which is an Operator.
4. To provide your personal information to an attorney who needs the information to deliver the service of obtaining a debt review court order on your behalf, either at the National Credit Tribunal, or a magistrate's court within 15km from your home or work address.
5. Malachi Debt Solutions (Pty) Ltd processes banking details of debt review clients in order to load debit orders at the IPDA for monthly debt review payments.

Sharing personal information with third parties

To provide your personal information to the following third parties as part of the debt review process:

1. The IPDA "Intuitive Payment Distribution Agency" for the purposes of distributing your monthly instalments to your credit providers. The IPDA is registered as a payment distribution agency with the NCR.
2. Maximus, which is the program used by the IPDA to distribute the instalments

3. Your listed credit providers in order to obtain your financial information
4. Our appointed attorney, or an attorney appointed by yourself, who will obtain a court order on your behalf from the NCT or a court within 15 km from your home or work address.
5. Credit bureaus, in order to obtain information, as well as complete the Clearance process on your behalf.

By agreeing to this, you confirm that you have given permission for your personal and financial information to be shared to the above mentioned third parties.

You also agree to indemnify us against any loss or damage, direct or indirect, that you or your spouse might suffer because of the unauthorised use of this information by any of the third parties mentioned above.

If a third party asks us for your personal information, we will share it with them only if:

- You have already given your consent for the disclosure of this information to that particular third party.
- Third parties that we contract with to provide debt review services to you.
- Any person or organisation that has a legal right to access the information, for example regulators.

Right to communicate electronically

We have the right to communicate electronically with you about any aspects of your debt review application and process.

Duty to keep you informed

We have a duty to keep you informed about the progress of your application, as well as any changes to your payment plan or anything else relating to the debt review process which might affect you.

The following are laws that require us to collect and keep your personal information:

- The Electronic Communications and Transaction Act (ECT)
- The Financial Intelligence Centre Act (FICA)
- The Financial Advisory and Intermediary Services Act (FAIS)
- The National Credit Act (NCA)
- The Consumer Protection Act (CPA)

Changing this privacy statement

We may change this privacy statement at any time. The most updated version will always be available on our website, www.malachi.co.za, or at our offices.

Concerns

If you believe that we have used your information contrary to the Privacy Statement, you must first attempt to resolve the matter with us. If you are not satisfied after this process, you have the right to lodge a complaint with the Information Regulator, under POPIA.

The contact details are:

The Information Regulator (South Africa)

33 Hoofd Street

Forum III, 3rd Floor Braampark

PO Box 31533

Braamfontein

Johannesburg, 2017

Complaints e-mail – complaints.IR@justice.gov.za

