



1. INTRODUCTION:

This privacy policy describes how ACS Training or Academy for Construction Skills (depicted as 'ACS', 'we', 'our' or 'us' further in this document) collects, uses and discloses information from you and about you when you visit and use www.conskills.co.za, www.acstraining.co.za, applications, registrations and our virtual learning platforms; as well as your ability to control certain uses of that information. It also describes certain data protection rights which may apply under applicable law, including a right to object to some of the processing which ACS carries out.

ACS respects your privacy and is committed to protecting it through our compliance with this privacy policy. By accessing or otherwise using the websites and registrations, you agree to the terms and conditions of this privacy policy, which (together with the terms and conditions for the students' /learners' website terms of use) constitutes ACS' terms of use and disclosure of your information - as data controller - in accordance with this privacy policy.

We regularly review our compliance with this privacy policy. When we receive a formal complaint, we make the best efforts to contact the person who made the complaint to attempt to resolve their concerns. If you have any concerns about the use of your information, or the contents of this privacy policy, please contact us.

2. COLLECTION OF INFORMATION:

INFORMATION YOU PROVIDE

ACS collects information from you when you choose to provide it to us. For example: we may collect your information when you submit a webform or email requesting information about one of our course offerings ("course"), otherwise, you provide information to us through the websites, or by contacting us directly. The information we collect may include personal information – name, address, email address, telephone number, race, gender, I.D number, prior educational information, work experience and the content of any communications that we exchange; as well as non-personal information. In some cases, we require your personal information in order to perform a contract/agreement or to comply with a legal obligation.

a) Information automatically collected

When you visit the websites or interact with emails that we send to you, we may passively collect information from you and store that information on our server logs, including your I.P. address, browser type, operating system, device identifier, device model, software version, or mobile/ISP carrier information. We, and our third-party partners, use Cookies and other technologies to collect information about your visit to the websites, such as the date and time of your visit, the information you searched to find the websites, your activity on the websites and your clicks on our ads.

“Cookies” are small files which may be stored on your computer during your use of the websites and contain data about your use of the websites. We may use session cookies (which expire when you close your browser) or persistent cookies (which stay on your computer until you delete them) to understand more about your activity on the websites or on other websites.

b) Tracking options

You may adjust your browser or operating system settings to limit this tracking or to decline Cookies. If you choose to limit tracking or decline cookies, however, you may be unable to access certain areas of the websites. Check the “Help” or “Settings” menu of your browser or operating system to learn how to change your tracking settings or Cookie preferences. Learn more about the use of Cookies or other tracking technologies and your choices regarding the use of information collected this way by certain service providers (as defined below). On your mobile device, you can adjust your privacy and advertising settings to limit tracking for advertising or to control whether you receive more relevant advertising. Note that our systems may not recognize Do-Not-Track headers or requests from some or all browsers.

c) Our combination of your information

We may combine the information we receive from and about you, via the websites and from other sources to help us tailor our communications to you and to improve the websites.

d) Failure to provide personal information

Failure to provide certain information may make it difficult or impossible for you to access some services through the websites (for example, to register for and complete courses). You should ensure that personal information submitted to us is accurate and up-to-date. For example, we need a current email address to communicate with you about the course in which you choose to enrol.

e) Children's privacy

We do not direct the website to (nor do we knowingly) collect any personal information from children under the age of 16.

3. HOW WE USE YOUR INFORMATION:

PURPOSES FOR COLLECTING AND PROCESSING PERSONAL INFORMATION

We process personal information under the following legal bases:

- To fulfill a contract or take steps linked to a contract, including:
 - Providing our services;
 - Verifying your identity;
 - Taking payments; and
 - Communicating with you.

- To conduct ACS' business and pursue our legitimate interests in marketing our business, ensuring that we conduct our business in line with our objectives, improving and developing our products and services, and keeping our records accurate and up-to-date.

This includes:

- Using your information to provide products and services you have requested and responding to any comments or complaints you may send us;
- Personalizing your experience on the websites and in any course in which you choose to enroll and to help us to better respond to your individual needs;

- Targeting advertising to groups of individuals with similar interests or characteristics through services offered by third party service providers, such as Facebook custom audiences or other similar business tools;
- Developing new products or services or conducting analyses to enhance current products and services;
- Reviewing the usage and operations of the websites and analyzing and improving the websites (we continually strive to improve the websites based on the information and feedback we receive from you);
- Contacting you for legitimate business purposes;
- Using personal information to invite individuals to take part in market research;
- Where consent is not required by applicable law, for direct marketing purposes; and
- Protecting the security and functionality of the website, including using personal information you provide to investigate any complaints received from you or from others about our websites or our products and services.

You may also have the right to object to our use of your personal information on the basis of our legitimate interests as described at the outset of this policy.

- To protect the security and functionality of the websites. This includes:
 - If you provide a credit or debit card as payment, using third parties to check the validity of the sort code or routing number, account number and card number you submit in order to prevent fraud (see *How We Disclose Your Data*);
 - Monitoring customer accounts to prevent, investigate and/or report fraud, misrepresentation, security incidents or crime, in accordance with applicable law.
- Where you give us consent. This includes:
 - Where consent is required by applicable law, sending you direct marketing in relation to our relevant products and services, or other products and services provided by ACS and its parent company.
 - On other occasions where we ask you for consent, using the data for the purpose which we explain at that time.

- For purposes which are required by law. This includes:
 - In response to requests by government or law enforcement authorities conducting an investigation;
 - Using personal information in connection with legal claims, compliance, regulatory and investigative purposes as necessary, including disclosure of such information in connection with legal process or litigation.

- For reasons not described in this privacy policy where the reason is compatible with the purpose for which we originally collected your information and where such use is lawful.

4. HOW WE DISCLOSE YOUR INFORMATION:

ACS shares your information with other entities or individuals in the following circumstances:

- a) **Education Partners:** We may share your information with the relevant service provider or institution with which we collaborate on courses (“Education Partner”) in order to process your information, track your participation in the course, and/or fulfill our contracted responsibilities to the Education Partner. Once we share your personal information with the Education Partner, ACS does not maintain control over the Education Partner’s use of your personal information. We also share de-identified, aggregate, pseudonymous or anonymous information with the Education Partner for their own research and analytics purposes. The Education Partner’s use of your information is subject to its privacy policy.

- b) **CETA:** To register your course or learnership, we are required to complete information for the CETA. The CETA’s use of your information is subject to its privacy policy.

- c) **Service Providers:** We share your information with third parties that provide business, professional, or technical support functions for us. In particular, we use third-party providers for website hosting, maintenance, marketing services, courier services, certification services, business operations, payment services, and identity verification services (“Service Providers”). These Service Providers are only given access to your information to the extent necessary to process your information and/or provide services to ACS, and they are prohibited from using or sharing your information for any other purposes.

Where permitted by law, ACS discloses limited information about you to Service Providers to serve relevant advertising on third party platforms to you or to other audiences.

- d) **Your employer:** We share your information with your employer, in the event that the employer is paying for your course (“Your Employer”). Information disclosed in this case shall include course performance information, unless otherwise expressly agreed in writing with ACS.

- e) **Legal matters; safety:** We access or share your information to satisfy any applicable law, regulation, legal process, or governmental request; in connection with an investigation on matters related to public safety; as permitted by law; or otherwise as required by law. We may disclose your information to protect the security of the course, the websites, servers, network systems and databases. We also may disclose your information as necessary if we believe that there has been a violation of our terms of use (including investigation of potential violations thereof), any other legal document or contract related to the websites, or the rights of any third party.

- f) **Fraud; security:** We access and disclose your information to detect, prevent, or otherwise address fraud, security or other technical issues.

- g) **Consent; other:** We share information with third parties when we have your consent, or otherwise as described to you at the point of collection.

- h) **Sale or transfer of business or assets:** ACS may sell or purchase assets during the normal course of our business. If another entity acquires us or any of our assets, information we have collected about you may be transferred to such entity. In addition, if any bankruptcy or reorganization proceeding is brought by or against us, such information may be considered an asset of ours and may be sold or transferred to third parties. Should such a sale or transfer occur, we will use reasonable efforts to try to require that the transferee use your information in a manner that is consistent with this privacy policy.

INFORMATION SECURITY AND DATA RETENTION:

We are committed to protecting the security of your information. We maintain what we believe to be appropriate physical, electronic and managerial procedures to safeguard and secure your information and to prevent unauthorized access, maintain accuracy and ensure appropriate use of your information. The accuracy, safety and security of your information also depends on you. Where we have given you or where you have chosen a password for access to certain parts of the websites, you are responsible for keeping this password confidential. We ask that you not share your password with anyone. Even though we do our best to protect your information, the transmission of information via the internet is not completely secure, and we cannot guarantee our security measures. We are not responsible for any unauthorized access to or acquisition of your information.

We retain your personal information for as long as we have a relationship with you. We also may retain your personal information for a longer period of time which enables us to:

- Maintain business records for analysis and/or audit purposes;
- Comply with record retention requirements under the law;
- Defend or bring any existing or potential legal claims;
- Address any complaints regarding the services;
- Enforce our commercial agreements; and
- Support our legitimate interests, as described in this privacy policy.

ACCESSING AND MANAGING YOUR PERSONAL INFORMATION:

If you are enrolled on a course, you may access and/or update your personal information through your user profile.

In some instances, you may be eligible to (a) ask us for a copy of your personal information; (b) correct, delete or restrict processing of your personal information; and (c) obtain the personal information you provide to us in a structured, machine readable format. In addition, you may have the right under applicable law to object to the processing of your personal information in some circumstances.

Your rights regarding your personal information may be limited, for example: if fulfilling your request would reveal personal information about another person or would infringe the rights of a third party (including our rights), or if you ask us to delete information which we are required by law to keep or have compelling legitimate interests in keeping.



We will inform you of the relevant exemption upon which we rely when responding to any request you make.

Our use of certain personal information is necessary for us to provide information to you about the course or to provide services to you through the websites or otherwise. If you choose not to provide this personal information or request that ACS deletes or restrict the processing of this personal information, you may not be able to participate in the course, and we may not be able to provide you with other services, including those provided through the websites or advertised about the course.

If you believe your rights regarding your personal information have been infringed upon, please contact us as set forth in the [Additional Information](#) section below.

ADDITIONAL INFORMATION:

EDUCATION RECORDS

You may have specific rights relating to the disclosure of any personal information that you provide to us and/or education records that we may create about you under the Family Education Rights & Privacy Act ("FERPA"). You also may have specific rights under FERPA related to accessing and/or updating your personal information. Certain information may be excluded from education records made available for inspection, within the bounds of the law and our confidentiality undertakings with third parties. You may also request amendment of education records that you believe are inaccurate, misleading or in violation of your rights.

THE CONSUMER'S DATA

Public forums; publicly available content:

Any information you may disclose through the websites, such as on message boards, in chat rooms, or on other public areas, such as on webinars that you may attend about the courses, may be viewed by others - such as your classmates and learning facilitators. Please exercise caution when disclosing personal information in these public areas.

If you do not want ACS to store metadata associated with your content, please remove the metadata before uploading your content.

THIRD-PARTY CONTENT

The websites may also offer you the ability to interact with content provided by third parties not affiliated with ACS. Third-Party Content linked to or embedded on the websites is governed by the privacy policies of those third parties. Your use of Third-Party Content is subject to each site's privacy policy, which may be different from ours. We have no control over the information that is collected, stored, or used by Third-Party Content. E.g., CETA website.

RECRUITMENT AND APPOINTMENT

The company may, from time to time, need to process various personal information about a job applicant in connection with the recruitment process. The company will ensure that when processing a job applicant's personal information, it will adhere to its obligations in accordance with the provisions of the Act.

In addition, and as a consequence of the employment relationship entered into between the company and its employees, the company will process various personal information about an employee in connection with the employment relationship. The company will ensure that in processing an employee's personal information, it will adhere to its obligations in accordance with the provisions of the act.

The company will take reasonably practicable steps to ensure that the job applicant or the employee understands the purpose for the processing of their personal information and that informed consent is obtained from the job applicant or the employee prior to processing any of their personal information.

Notwithstanding this, failure to obtain such consent will not preclude the company from processing the *personal information* in certain circumstances where it is permitted to do so in accordance with the provisions of the Act.

The company must collect personal information from the job applicant or the employee directly unless the information is derived from a public record or has been deliberately made public by the job applicant or the employee.

The company will take all reasonable steps to ensure that the job applicant's personal information will only be used for purposes connected to recruitment and marketing purposes related to recruitment and the employment relationship.



5. QUESTIONS OR CONCERNS ABOUT THIS PRIVACY POLICY:

You may direct any questions or concerns regarding this privacy policy to info@conskills.co.za. You may also have the right to file a complaint with South Africa's information regulator, if applicable.

