

## This Direct Marketing Policy applies to African Oxygen Limited and its subsidiaries

### Introduction

Data Protection legislation and regulations (including without limitation the South African Protection of Personal Information Act, 2013 ("POPIA") and the EU General Data Protection Regulation (EU Regulation 2016/679 ("GDPR"), and all regulations thereunder) apply to actions taken by an organisation using Direct Marketing to communicate services and product offerings to new and existing customers.

### Definitions

- **Data Subject:** Person to whom the personal information relates – natural or juristic person.
- **Personal Information:** Information relating to an identifiable, living, natural, and where applicable, an identifiable, existing juristic person.
- **Processing:** Anything done with personal information (as outlined above) including collection, storage, modification, destruction, etc.

### What is Direct Marketing according to POPIA?

Direct marketing in terms of POPIA is the activity where a Data Subject is approached in person or by mail or electronic communication for the direct or indirect purpose of:

- promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject;
- or*
- requesting the Data Subject to make a donation of any kind for any reason.

Electronic communication includes any text, voice, sound or image message (includes automatic calling machines, fax, SMS or email) sent to a recipient and, without consent, is prohibited irrespective of whether the recipient receives the message or not.

### Departments in scope of Direct Marketing:

- All outbound Sales functions, (e.g., Strategic Sales, Light Industries, Healthcare, In-House Sales, Retail)
- Corporate and Marketing Communications
- Product Managers
- E-Commerce
- CSC (all teams) (electronic communications e.g., with invoices, order confirmations, quotations, promotional communications)
- CES; and
- Cryospeed.

### Direct Marketing Consent

Consent in terms of Direct Marketing under POPIA is specific in that the Data Subject:

- subject to some conditions, is a customer of the responsible party; and/or
- must have given their consent to the processing.

Direct Marketing is only allowed to a customer who:

- provided the contact details of the Data Subject in the context of the sale of products or services;

approach employees of Afrox and its subsidiaries for the purpose of receiving direct marketing of our similar products or services (refer to section: **Similar Products and Services**);

- have been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to use of their electronic details:
  - at the time when the information was collected; and
  - on the occasion of each communication with the Data Subject for the purpose of marketing if the Data Subject has not initially refused consent.

It is the responsibility of employees of Afrox and its subsidiaries to give the customer the option to choose to opt-out of Direct Marketing at the time they sign a contract or account application; **and** on every Direct Marketing communication Afrox and its subsidiaries send electronically.

Where the Data Subject is **not** a customer, Afrox and its subsidiaries may only approach them **once** to request consent. If the customer has previously withheld consent no further approaches may be made for consent.

At all times Afrox and its subsidiaries' employees must confirm if a customer opted **in** before engaging with the customer in Direct Marketing (refer to Record keeping Direct Marketing Consent). All communication to customers must include a link a customer can follow to **unsubscribe** from Direct Marketing.

### Similar Products and Services

Afrox and its subsidiaries provide engineering services and a focused range of Atmospheric Gases, welding and safety products and LPG to customers, through excellence in operations, customer service, product delivery, and investment in infrastructure and employees and technology for the benefit of all stakeholders. Offering customers products or services with-in this offering will be considered as similar products and services.

### Scope of Customers:

New Account Applications: The customer will have the option to give or decline consent to Direct Marketing during the account applications process, which is also an acceptance of the Afrox General Terms and Conditions of Supply. This will be considered as the agreement to supply or offer services to the customer, unless otherwise agreed in a written agreement between the customer and Afrox. These customers must be given the option to opt-out on each Direct Marketing communication.

Existing registered customers (Non-Contracted): Customers who registered and opened an account with Afrox during the *New Account Application* process, and who has traded with Afrox in the last three years, will be in scope for Direct Marketing. These customers must be given the option to opt-out on each Direct Marketing communication.

Existing registered customers (Contracted): Customers who entered into a long-term agreement with Afrox (normally 3 -5 years with the exception to onsite plants, which could be up to 10 years). All contracts must stipulate the customer's acceptance of Direct Marketing as part of the agreement since Direct Marketing is required to perform the duties as stipulated in the agreement.

Dormant Customers: These are customers who opened an account with Afrox but did not trade, interact or otherwise give Direct Marketing consent to Afrox in the last three years. All customers in this category should be excluded from Direct Marketing unless the customer registers as a new customer via our *New Account Application* process.

New Prospect Customers: These are customers who did not previously have an account with Afrox and are considered not to be *Dormant Customers*. A one-off request must be offered when *New Prospect Customers* require any form of Direct Marketing material from Afrox. In this case the *New Prospect Customer (Data Subject)* needs to complete the mandatory **Form 4** document for Direct Marketing. The completed **Form 4** document will be kept by Afrox for record purposes. The customer may choose to opt-in or opt-out. Customers who require further Direct Marketing services from Afrox must accept the **Direct Marketing Conditions on Form 4**. The customer must be guided to follow the *New Account Application* process and Direct Marketing consent must be obtained during the first interaction. This consent must be uploaded in the CRM database under the prospective customer details until the new account is opened.

### Record keeping Direct Marketing Consent

The Afox ERP (currently SAP) system will be the main source of record keeping and will confirm if Direct Marketing Consent was obtained from a customer (including for “New Prospect Customers”)

### Unsubscribe from Direct Marketing

Customers may choose to opt-out of Direct Marketing communications at any time.

To unsubscribe, follow the instructions on the following link:

<https://selfservice.afrox.co.za/UserInterface/EmailOptOut.aspx>

### Contact Details

Any questions or complaints can be addressed to the African Oxygen Limited Data Privacy Office [afrox.data.privacy@afrox.linde.com](mailto:afrox.data.privacy@afrox.linde.com).

### Policy Updates

This Direct Marketing Policy may be updated from time to time.

Refer to the Afox Cookies Policy which deals with Cookies collected from Afox Sites.

January 2020

FORM 4

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 6]

TO: African Oxygen Limited  
Grayston Office Park, Building 7  
128 Peter Road, Sandown  
Sandton, 2196  
(Name of Data Subject)

FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact number(s): \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

\_\_\_\_\_

.....

Signature of designated person

Date: \_\_\_\_\_

PART B

I, \_\_\_\_\_ (full names of Data Subject) hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES: Afrox provides engineering services and a focused range of Atmospheric Gases, welding and safety products and LPG to valued customers, through excellence in operations, customer service, product delivery, and investment in infrastructure, employees and technology for the benefit of all stakeholders. Offering customers and product or services with-in this offering, will be considered as similar products and services.

SPECIFY METHOD OF COMMUNICATION:

FAX: \_\_\_\_\_

E - MAIL: \_\_\_\_\_

SMS: \_\_\_\_\_

OTHERS (SPECIFY): Communications with Afrox Sales team.

OTHERS (SPECIFY): \_\_\_\_\_

Signed at ..... this ..... day of .....20.....

.....

Signature of Data Subject