



COMPLIANCE SOLUTIONS FOR FINANCIAL  
INSTITUTIONS

Financial Compliance Solutions (Pty) Ltd.  
2018/522520/07  
Unit 120 Rosen Office Park  
Invicta Road, Midrand  
010 900 0994  
[info@fcsolutions.co.za](mailto:info@fcsolutions.co.za)  
<https://www.fcsolutions.co.za>

## Privacy Policy

This agreement applies to you, the User of this Website (including all FCS Services) and Financial Compliance Solutions (Pty) Ltd (hereinafter referred to as "FCS"). If you do not agree to be bound by this Privacy Policy, stop using the Website immediately.

FCS Data Privacy Policy and Information Security controls Implemented

### DEFINITIONS

1.1 In this Policy, the following terms shall bear the following meanings:

1.2 "Access to FCS Services" means, firstly, access to the but not limited to natural person / legal entity screening services / checks granted by FCS to a FCS User who has concluded a Service Agreement with FCS. Access includes access to FIC screening, AML screening, ID verification data and Financial Intelligence services / data providing possible personal information as part of the service / data;

1.3 "Applicable Law" means: (i) any statute, directive, order, enactment, regulation, by-law, ordinance, or subordinate legislation in force from time to time; (ii) any binding court order or judgement; (iii) any applicable industry code, guidance, policy, or standard enforceable by law; and (iv) any applicable direction, statement of practice, guidance, policy, rule, or order that is set out by a regulator (including the Regulator) that is binding on FCS;

1.4 "Data Subject" means any natural persons in respect of whom Personal Information relates and/or in respect of whom Personal Information is obtained, Processed, and stored on the FCS Technology platform and any other data processing services rendered;

1.5 "FCS" means FCS (Pty) Ltd, Registration Number 2025/143573/07;

1.6 "FCS Personnel" means all employees appointed by FCS as employer in terms of an FCS Employment Agreement and where each FCS Employment Agreement contains and specifies all requirements to be met by both FCS and the FCS Personnel to comply with Applicable Law;



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1.7 “Qualified Security Assessor” means an appointed entity who, on an annual basis, assists FCS in obtaining an audit report on its Information Security Controls;

1.8 “FCS Service Agreement” means the Agreement concluded between FCS and a FCS Services User;

1.9 “FCS User” means an individual or entity who has concluded a FCS Service Agreement with FCS and through which Agreement the FCS User as a client of FCS has access to natural person / legal entity screening services / checks;

1.10 “FIC” means the Financial Intelligence Centre that governs Accountable Institutions listed in Schedule 1 of the FIC Act by monitoring and enforcing compliance with the AML regulations as laid out by the FICA Act;

1.11 “Operator” means FCS as Operator described in section 20 of POPIA;

1.12 “Personal Information” shall have the meaning ascribed thereto in Chapter 1 of POPIA;

1.13 “Processing” or “Processed” shall have the meaning ascribed to it in Chapter 1 of POPIA;

1.14 “POPIA” means the Protection of Personal Information Act 4 of 2013, as amended;

1.15 “Policy” means this document reflecting and containing the FCS Data Privacy Policy and associated Security Standards and other arrangements implemented. This Policy amplifies any Agreement where FCS is a Contracting Party to such FCS Service Agreement;

1.16 “Regulator” means the appropriate Information Regulator as defined under POPIA or in the context of the FIC Act, the NCR as in the context of the NCA or the South African Reserve Bank (“SARB”) through the Financial Services Conduct Authority (“FSCA”) and the Prudential Authority (“PA”). The PA is a regulatory body instituted by the SARB for supervision of banks, building societies, credit unions, insurers and major investment firms. The FSCA was established by the Financial Sector Regulation Act 9 of 2017 (the FSR Act) and has a Memorandum of understanding with the SARB to promote and enhance the integrity of the financial sector, protect users and customers, promote and maintain financial



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stability. The FSCA has a memorandum of understanding with the FIC as set out in the FSR Act to ensure holistic oversight of money-laundering and terror-financing risks;

1.17 "Responsible Person" means the applicable Responsible Person as set out in section 20 of POPIA and in terms of this Policy, either the FCS User or FCS, as the case may be;

1.18 "Security Standards" means, due to the requirements of the Regulator Minimum Information Security Standard and the FSCA Joint Standard 2 of 2024 - Cybersecurity and Cyber Resilience Requirements for Financial Institutions;

1.19 "Services" means the Access to FCS Services as set out in this Policy.

## FCS USER CLIENT AS RESPONSIBLE PERSON

2.1 The FCS business operations is providing of Financial Intelligence services / information to its clients.

2.2 FCS through providing its services must obtain personal information of natural persons / legal entities through Identification number, Passport information or Business registration number of the Data Subject.

2.3 Where FCS renders Services to a FCS User, there is no direct interaction between FCS and the Data Subject as a client of the FCS User. As such, the FCS User is the Responsible Person regarding the Personal Information as set out in POPIA and the FCS User must meet and comply with all requirements set out in POPIA.

2.4 As application in this Policy, FCS acts as Operator as described in section 20 of POPIA.



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## FCS AS RESPONSIBLE PERSON

3.1 During the conclusion of the FCS Service Agreement, FCS obtains Personal Information of the FCS User through the supply of Information in the application form, signing of, and the consent and authority supplied by the FCS User to FCS to debit

the bank account specified by the FCS User, allowing and mandating FCS to recoup service charges payable to FCS.

3.2 During the supply of Financial Intelligence services of the FCS Service Agreement between FCS and the FCS User, FCS obtains Personal Information of the natural person / legal entity (client of FCS User) as Data Subject. The Personal Information is obtained through the Agreement, the issue and the supply of the Financial Intelligence services, and the FCS User consents to the supply of Personal Information of the Data Subject for FCS to provide the Financial Intelligence services.

3.3 Where clauses 3.1 and 3.2 of this Policy applies, FCS acts as the Responsible Person as described in section 20 of POPIA.

## OBLIGATIONS OF FCS WITH RESPECT TO PROCESSING OF PERSONAL INFORMATION

4.1 treat the Personal Information as strictly confidential in accordance with the provisions of this Policy;

4.2 only Process Personal Information in accordance with Applicable Laws, in terms of this Policy and in accordance with any reasonable instructions, requirements, or specific directions of the FCS User or Data Subject; subject thereto that the FCS User's instructions or the Data Subject's requirements or specific directions will not compromise the FCS Information Security controls;

4.3 not disclose or otherwise make available the Personal Information to any third party other than the FIC or regulators who require access to such Personal Information strictly for



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FCS to carry out its obligations under this Policy and applicable legislation, and where no permission is required from the FCS User or Data Subject to part with information to a Regulator.

4.4 ensure that all FCS Personnel having access to the Personal Information are bound by appropriate and legally binding confidentiality and non-use obligations in relation to the Personal Information on substantially the same terms and conditions as set forth in this Policy;

4.5 take appropriate, reasonable, technical, and organisational measures to ensure that the integrity of the Personal Information in its possession or under its control is secure and that such Personal Information is protected against unauthorised or unlawful Processing, accidental loss, destruction or damage, alteration, disclosure, or access by having regard to:

4.5.1 any requirement set forth in Applicable Law; stipulated in industry rules or in codes of conduct or by a professional body; and/or

4.5.2 generally accepted information security practices and procedures which apply to: (i) FCS's business; and (ii) to the FCS User, as may be appropriate to discharge its obligations in terms of this Policy;

4.6 take appropriate, reasonable, technical, and organisational measures to ensure that the Personal Information in its possession or under its control remains immediately available to the FCS User as and when it may be required;

4.7 comply with the specific requirements regarding Personal Information as may be set forth in an instruction relating to the Services or any other specific directions or requirements of the FCS User regarding Personal Information;

4.8 take all necessary steps to:

4.8.1 implement and maintain appropriate safeguards against the risks identified by FCS and/or the Qualified Security Assessor;



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4.8.2 regularly verify that the safeguards that FCS has in place have been effectively implemented or updated as required by Security Standards or as requested by the Qualified Security Assessor; and

4.8.3 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards or as requested by the Qualified Security Assessor.

4.9 agree to reasonable amendments to this clause from time to time, to the extent that data protection legislation or Applicable Laws generally require such amendments for the benefit of Data Subjects.

## NOTIFICATION OF PERSONAL INFORMATION SECURITY BREACH

5.1 FCS shall:

5.1.1 at its own cost, take all necessary steps as well as steps directed by the regulator, to prevent and/or mitigate the continuation of the compromise, the repetition of a similar compromise, and mitigate the extent of the loss occasioned by the compromise of Personal Information;

5.1.2 implement all measures reasonably necessary to restore the integrity of FCS's information system(s);

5.1.3 If required by law, notify the South African Police Service and/or the National Intelligence Agency and co-operate with the South African Police Service and/or the National Intelligence Agency in the investigation of the cause of the compromise and the prosecution of person(s) who may have gained or attempted to gain unauthorised access to, or acquired Personal Information from, FCS.

5.1.4 Notify the Regulator and/or the V User and/or the affected Data Subjects. Any such notification shall be in a form prescribed by the Regulator.



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## CO-OPERATION WITH THE FCS USER AND A DATA SUBJECT

### 6.1 FCS shall:

6.1.1 assist the FCS User in complying with any requests for access to Personal Information received from the FCS User or from a Data Subject whose Personal Information was obtained through this Policy;

6.1.2 under instruction and authority of the FCS User, and at no extra cost to the FCS User, provide the FCS User with all assistance required for the FCS User to discharge its duties relating to a requirement by the Regulator in instances where unauthorised access was gained to the FCS centralised environment. It is, however, recorded that all Personal Information received from the FCS User relating to Data Subjects are displayed in the FCS software and are accessible by the FCS User's Personnel. The requirement for FCS to assist the FCS User to discharge a requirement by the Regulator at no extra cost is not applicable when the compromise occurred due to the FCS User's Personnel;

6.1.3 Upon request from the FCS User or a Data Subject, promptly return or destroy all Personal Information in the possession or control of FCS, subject to any specific retention, destruction, reporting and purging requirements by the regulator on FCS; and

6.1.4 not Process the Personal Information other than in accordance with this Policy.

## LAWFUL PROCESSING OF PERSONAL INFORMATION

7.1 In addition to, and without limiting any other provision of this Policy, FCS agrees that it:

7.1.1 shall only Process the Personal Information of Data Subjects provided to it by the FCS User, provided to it by the FCS User's Personnel, or provided to it by a Data Subject to allow FCS to perform its obligations as set out in this Policy and to provide the Services;



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7.1.2 shall not carry out any related or further Processing activities for any other reason whatsoever without the expressed written consent of the FCS User or the Data Subject.

7.2 In addition to, and without limiting any other provision of this Policy, the FCS User agrees that it and the FCS User's Personnel:

7.2.1 shall only Process the Personal Information of Data Subjects provided to it to allow for the products and services offered by the FCS User to the Data Subject; and

7.2.2 if required to collect information from Data Subjects in terms of the Policy, to do so in a manner that does not infringe the privacy of the Data Subject, in accordance with any Applicable Law governing the collection of Personal Information from the Data Subject; and

7.2.3 shall immediately notify FCS in writing of the FCS User becoming aware of or having reasonable grounds to believe that the Personal Information of a Data Subject stored on the FCS Centralised Environment has been accessed or acquired by an unauthorised person using their assigned log-on credentials through the FCS Financial Intelligence services and to take all appropriate steps to cancel such access to FCS Services in order to limit Personal Information being compromised; and

7.2.4 ensure that all FCS User's Personnel who have access to the Personal Information are bound by appropriate and legally binding confidentiality and non-use obligations in relation to the Personal Information on substantially the same Terms and Conditions as set forth in this Policy.

## DISCLOSURE REQUIRED BY LAW, REGULATION OR COURT ORDER

8.1 If FCS is required to disclose any Personal Information pursuant to a requirement under Applicable Law, or if the supply of such Personal Information is required to enable a public body to properly perform a public law duty, FCS:



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8.1.1 will advise the FCS User thereof prior to disclosure, if possible. If it is not possible to advise the FCS User prior to disclosure, FCS shall advise the FCS User immediately after such disclosure;

8.1.2 will take such steps to limit the extent of the disclosure to the extent that it lawfully, reasonably, and practically can;

8.1.3 will afford the FCS User a reasonable opportunity, if possible and permitted, to intervene in the proceedings; and

8.1.4 will comply with the FCS User's requests as to the manner and terms of any such disclosure, if possible and permitted.

## SEPARATION, COMBINING OR MERGING OF PERSONAL INFORMATION

9.1 Unless otherwise specifically recorded in this Policy or any contract documents, FCS shall not as itself, or via FCS Personnel, Process, combine, or merge Personal Information provided by the FCS User with any information (whether Personal Information or not) of another party.

9.2 It is, however, recorded that FCS is obliged to supply statistical information to the Regulators from time to time on statistical Financial Services Information either of a specific FCS User or from FCS Users as a collective.

## TRANSFER OF PERSONAL INFORMATION OUTSIDE OF SA

10.1 FCS shall not transfer Personal Information provided to it by the FCS User or Data Subject outside of the Republic of South Africa unless expressly authorised in writing by the FCS User or Data Subject to do so.

10.2 FCS agrees to comply strictly with the FCS User's instructions for cross-border transfers of any Personal Information, including as may be stipulated in this Policy.



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## RETENTION AND DESTRUCTION REQUIREMENTS

FCS shall be required to comply with the retention and destruction policies of processing personal information applicable to FCS as required by the Regulator. FCS shall store all Personal Information that it Processes for the minimum time periods as are stipulated the Regulators and shall be required to destroy all Personal Information relating to the Data Subjects in compliance with the destruction time periods stipulated by the Regulators.

## TRANSMISSION OF DATA

FCS shall ensure that all Personal Information communicated (including any digital communication or any Personal Information stored in digital form) shall be secured against being accessed or read by unauthorised parties by: (i) using appropriate security safeguards; and (ii) having due regard of generally accepted information security practices and procedures which may apply to it generally, or which may be required in terms of specific industry or professional rules and regulations.

## INDEMNITY

Through publication of this Policy on [www.fcsolutions.co.za](http://www.fcsolutions.co.za), and through the publication of this Policy in the FCS Financial Intelligence services platform to FCS Users, from the date of publication, the Parties as described in any FCS Service Agreement concluded, hereby fully indemnify and hold each other harmless from all losses, liabilities, costs, expenses, fines, penalties, and damages arising from or attributable to a Party's breach of its obligations set out in this Policy.

## COUNTER SIGNED EXECUTION OF THIS POLICY

Any Parties to a FCS Agreement may request, in writing, for this Policy to be recorded as a further Annexure to the existing FCS Agreement, counter-signed and dated by both Parties.



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## APPOINTED SECURITY OFFICER

The FCS appointed Security Officer is Arno Bosch in his capacity as Director.

## CONTACT DETAILS

Tel: (010) 900 0994

Email: [info@fcsolutions.co.za](mailto:info@fcsolutions.co.za)



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