

# EMTEL MFS CO LTD (“EMTEL MFS”)

## 1. Privacy Notice

This Privacy Notice applies to all Emtel MFS's customers, agents, staff, suppliers, partners and/or potential customers, merchants, employees, outsourcing partners. Emtel MFS is established in Mauritius, and offers services to customers and deal with suppliers / partners based within and/or outside the European Economic Area (EEA) as a result of which compliance with the General Data Protection Regulation ((EU) 2016/679) (GDPR), and other data protection legislation may be required. The following information explains how we process your personal data in the provision of our services.

## 2. Definitions

**Controller:** means a person who or public body which, alone or jointly with others, determines the purposes and means of the processing of personal data and has decision making power with respect to the processing. For the purpose of this privacy notice, Emtel MFS may be referred as the controller;

**Personal data:** means any information relating to a data subject;

**Data Subject:** means an identified or identifiable individual, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual;

**Processor:** means a person who, or public body which, processes personal data on behalf of a controller;

**Recipient:** means a person to whom, or a public body to which, personal data are disclosed, whether a third party or not;

**Third Party:** means a person or public body other than a data subject, a controller, a processor or a person who, under the direct authority of a controller or processor, who or which is authorised to process personal data;

**Restriction of processing:** means the marking of stored personal data with the aim of limiting their processing in the future;

**Processing:** means an operation or set of operations performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**Profiling:** means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

**Consent:** means any freely given specific, informed and unambiguous indication of the wishes of a data subject, either by a statement or a clear affirmative action, by which he signifies his agreement to personal data relating to him/her being processed. The continued use of the telecommunications services provided by Emtel MFS and on-going business relations with Emtel MFS shall be subject to and in accordance with this Privacy Notice. Notwithstanding, the Data Subject may at any time withdraw consent.

## 3. Why this Privacy Notice?

This privacy notice provides you with information on how Emtel MFS collects and processes your personal data, including any data you may provide through this website or via any other means (such as over the telephone and mobile applications) when you avail yourself of the services of Emtel MFS and/or when you take part in a competition, promotional campaign or register for any of the services of Emtel MFS. Emtel MFS processes personal data for our legitimate business interest to send relevant commercial communications. Without your data, we will not be able to provide you with access to services.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

#### **4. Emtel MFS is the Controller and Responsible for your Personal Data.**

Emtel MFS has appointed a data protection officer who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact using the details set out below.

Our full details are:

- Email address: [dataprotection@emtel.com](mailto:dataprotection@emtel.com)
- Postal address: Emtel MFS Co Ltd, EmtelWorld, 10, Ebene Cybercity, Ebene 72201, Mauritius

Should you have any complaint at any time, we shall be available as your first point of contact to deal with your concerns. Nothing precludes you from contacting the Data Protection Office.

#### **5. Changes to the Privacy Notice and your duty to inform us of changes**

It is important that the personal data we hold about you is accurate and current. You are requested to inform us of any change in your personal data which would be relevant to the provision of our services.

#### **6. Data Collection**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). We may collect, use, store and transfer different kinds of personal data about you relevant to our business relations.

We may also collect, use and share aggregated data such as statistical or demographic data for any purpose. Aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect aggregated data with your personal data so that it can directly or indirectly identify you, we will treat the combined data as personal data, which will be used in accordance with this privacy notice.

#### **7. Obligation to provide Personal Data**

Where we need to collect personal data by law or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you.

#### **8. Automated Technologies or Interactions**

As you interact with our website and mobile applications, we may automatically collect technical data about your equipment, browsing actions and patterns.

We collect this personal data by using cookies and other similar technologies. We may also receive technical data about you if you visit other websites employing our cookies.

We can collect contact and identity data through our website or facebook page.

We may receive personal data about you from various third parties as set out below: Contact, Identity, Financial and Transaction Data from providers of Telecommunications services around the world.

#### **9. Use of your Personal Data**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you for the provision of mobile payment and related services.

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.
- Where processing is necessary in order to protect the vital interest of the data subject or of another natural person;
- Where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Generally, we do not rely on consent as a legal basis for processing your personal data. You have the right to withdraw consent to marketing at any time by getting in touch with Emtel MFS.

## 10. Purposes for which we will use your Personal Data

The rationale of using your personal data are amongst others for the following reasons:

- to process the payment to your account with merchants and billers;
- to make suggestions and recommendations to you about goods or services that may be of interest to you;
- to use data analytics to improve our website, products/services, marketing, customer relationships and experiences;
- to administer and protect our business and this website; (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data);
- to enable you to participate in lucky draws, competition or complete a survey;
- to manage our relationship with you which will include, notifying you about changes to our terms or privacy policy, requesting that you leave a review or take a survey, to provide you with customer support service, including dealing with any complaint you may have;
- Customer service: to personalise the service we offer you;
- to register you as a new customer or for a new service;
- to send email and text marketing communications or notifications from Emtel MFS in case you have not opted out of receiving any marketing communications;
- as a licensee of the Bank of Mauritius, we may be required to share your personal data with the Bank of Mauritius and/or the Mauritius Credit Information Bureau;
- for any other purposes relating to the services.

## 11. Opting Out

You may require Emtel MFS to stop sending you marketing messages at any time by following the opt-out links if available or by contacting us at any time. Where you opt out of receiving these marketing messages, this will not apply to personal data that you have provided to Emtel MFS to avail yourself of its services.

SCENARIO	COMMAND*	SHORT CODE
To check Status if on or not promotional messages list	Send <b>STATUS</b> by SMS	8333
Do not want to receive promotional message	Send <b>STOP</b> by SMS	8333
To start receiving promotional messages	Send <b>START</b> by SMS	8333

\*Cost of SMS to short code 8333 is **FREE**

## 12. Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

You may consult our [Cookie Policy](#)

## 13. Change of Purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please email us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

#### **14. Disclosures of your Personal Data**

We may have to share your personal data with third parties for legal requirements and/or for the performance of the agreement entered between you and Emtel MFS.. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

Where we transfer your data to third parties outside Mauritius, in relation to your services, this may be necessary for the fulfilment of our contract with you. Where we are unable to rely on one of the safeguards outlined below when transferring data to those suppliers outside Mauritius and we will rely on the derogation under Article 49 of the GDPR and data protection legislation as may be applicable in order to protect personal data to countries outside the European Union Countries (as the transfer relates to the performance of a contract for your benefit), and you hereby permit us to do so. You also acknowledge that where your personal data is transferred outside Mauritius and the European Union Countries, controls on data protection may not be as wide as the legal requirements within Mauritius or the European Union Countries.

For all other transfers of data, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by in accordance with the requirements of the European Commission which give personal data the same protection it has in Europe.

#### **15. Data Security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

#### **16. Data Retention**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. In addition to the above, by law we have to keep basic information about our customers, suppliers / partners, employees (including Contact, Identity, Financial and Transaction Data) for ten years after they cease being customers for tax and legal purposes.

In some circumstances, you can ask us to delete your data or we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

#### **17. Request for your Personal Data**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You may submit your request on the contact details provided in Clause 4 above.

## **18. YOUR LEGAL RIGHTS**

You have the right to:

- Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation, which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - a) if you want us to establish the data's accuracy;
  - b) where our use of the data is unlawful but you do not want us to erase it;
  - c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
  - d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- Request the transfer: of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- Withdraw consent at any time: where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- Right to complain to the authorities: data subjects shall have the right to withdraw his or her consent to the processing of his or her personal data at any time and may direct his/her complaint to the relevant authority.

## **19. Data Protection for Employment & Recruitment Procedures**

We shall collect and process the personal data of applicants for the purpose of processing of the application procedure. The processing may also be carried out electronically. If we conclude an employment contract with an applicant, the submitted data will be stored for the purpose of processing the employment relationship in compliance with the legal

requirements. If no employment contract is concluded with the applicant, the application documents shall be automatically erased six months after notification of refusal decision, provided that no other legitimate interests are opposed to the erasure.

You may consult our [Recruitment Privacy Notice](#)

## **20. General**

You may not transfer any of your rights under this privacy notice to any other person. Emtel MFS may transfer our rights under this privacy notice where we reasonably believe your rights will not be affected.

If any court or competent authority finds that any provision of this privacy notice is invalid, illegal or unenforceable, that provision or part provision will to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this privacy notice will not be affected.

This notice will be governed by and interpreted according to the Laws of Mauritius. All disputes arising under the notice will be subject to the exclusive jurisdiction of the Courts of Mauritius.

This privacy notice shall form part of the agreement between you and Emtel MFS. In case of any inconsistency between this privacy notice and any other document in relation of the subject matter contained herein, this privacy notice shall prevail.

## **21. Changes to this Notice**

This notice was last updated on the 07/07/2021. We may change this policy by updating this page on our website to reflect changes in the law or our privacy practice.