

THE SPAR GROUP LIMITED

(BOTSWANA)

PRIVACY POLICY

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TABLE OF CONTENTS

1.	Definitions	3
2.	Introduction	5
3.	Purpose	5
4.	Scope	6
5.	Consequences of Non-Compliance	6
6.	Governance, Implementation, Approval and Review	6
7.	Roles and Responsibilities	7
8.	Personal Data We Collect	8
9.	Processing of Personal Data or Information	9
10.	Conditions for Consent	11
11.	Marketing Consent and Communication	12
12.	Who We Share Your Data With	12
13.	Right of Access	13
14.	Right of Rectification of inaccurate information	14
15.	Right to erasure of personal information of data subjects	14
16.	Cross-Boarder Data Transfers	15
17.	Data Retention	15
18.	Security of Personal Data	15
19.	Notification of Personal Data Breach	16
20.	Communication of Personal Data Breach to Data Subject	17
21.	Our Customers' Rights Under the Data Protection Act	17
22.	How to exercise your rights	17
23.	Complaints and Compensation	18
24.	Changes to the Policy	19
25.	Governing Law	19
26.	Document Information	19

DEFINITIONS

Act	Data Protection Act 18 of 2024
Commission	means the Commissioner of the Information and Data Protection Commission appointed in terms of section 8 of the Act
Consent	means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her and given in terms of section 27 or 29 of the Act
Data controller	means a person or public authority which, alone or jointly with others, and in accordance with Part XII of the Act, determines the purposes and means of the processing of personal data
Data Processor	means a person who processes personal data on behalf of the data controller in terms of sections 55 and 56 of the Act
Data Protection Officer	means a person designated as such under section 69 of the Act
Data Subject	means a natural person who is the subject of personal data
Personal Data	means any information relating to an identified or identifiable natural person, or data subject and an identifiable natural person is one who can be identified, directly or indirectly, 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 natural person
Personal Data Breach	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed

Processing	means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, and includes 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
SPAR	All businesses in Southern Africa owned by The SPAR Group Limited [inclusive of its subsidiaries and SPAR Southern Africa division] that meet the definition of an accountable institution
Third Party	means a natural or legal person, or public authority, other than the data subject, data controller, data processor and persons who, under the direct authority of the data controller or data processor, are authorised to process personal data.

1. INTRODUCTION

The Data Protection Act 18 of 2024 of Botswana was established to safeguard individuals' personal information and uphold the right to privacy in an increasingly digital and data-driven society. As institutions continue to collect, store, and process large volumes of personal data, the need for a clear, legal and regulatory framework to manage such information has become essential.

The SPAR Group Ltd ("SPAR", "we", "us", "our") is committed to protecting its personal data and respecting the right to privacy of its customers. This Privacy Policy explains how we collect, use, share, store and protect personal data when a data subject ("our customer") uses the SPAR website to shop on **Spar2U**, SPAR's e-commerce website for online purchases and delivery in accordance with the Data Protection Act of Botswana ("DPA").

This policy applies to all individuals whose personal data is collected and processed in Botswana or who use SPAR services in Botswana.

2. PURPOSE

The purpose of this Privacy and Information Processing Policy is to protect the privacy and fundamental rights of SPAR's consumers by regulating the collection, processing, storage, and sharing of their personal data. The policy ensures that personal information is handled in a lawful, fair, and transparent manner and is used only for legitimate and clearly defined purposes. The Policy seeks to prevent the misuse, loss, unauthorized access, use or unauthorised disclosure of personal data.

The policy establishes responsibilities and obligations for data controllers and data processors to ensure accountability, data accuracy, security, and confidentiality. It also grants our customers rights over their personal information, including the right to access, correct, and control how their data is used and with whom the data is shared.

In addition, the policy regulates cross-border transfer of personal data to ensure that adequate protection is maintained even when data is transferred outside Botswana.

3. SCOPE

This Policy applies to:

- (a) *automated* collection and processing of all or part of personal data by SPAR as the data controller and a data processor acting on our instructions
- (b) non-automated collection and processing, by SPAR or data processor of personal data contained in a file or intended to form part of a filing system.

4. CONSEQUENCES OF NON-COMPLIANCE

Wilful, negligent and / or deliberate non-compliance with this policy can expose SPAR Botswana to significant regulatory sanctions, penalties and can lead to the suspension of SPAR's operations. Furthermore, the reputational risk arising from such non-compliance can negatively affect SPAR.

Employees and other stakeholders who fail to comply with this policy may be subject to disciplinary action including dismissal.

The Data Protection Act (which underpins this Policy) also provides for the implementation of administrative penalties for instances of non-compliance.

5. GOVERNANCE, IMPLEMENTATION, APPROVAL AND REVIEW

This Policy's governance and review process is the responsibility of the SPAR Group Privacy Office who is required to provide oversight and guidance in respect of the implementation of the policy.

The Executives and Management of SPAR are responsible for the successful implementation of the provisions of this policy.

This policy must be adopted and approved by SPAR's Board of Directors annually or earlier as warranted from time to time and must be read in conjunction with the Data Protection Code of Conduct.

6. ROLES AND RESPONSIBILITIES

Board of Directors

SPAR's Board of Directors shall ensure that SPAR and its employees comply with the requirements set out in this policy. The Board of Directors must also approve this policy annually or as and when required from time to time.

Data Controller (SPAR)

We shall, considering the nature, scope, context and purposes of collecting and processing personal information, implement appropriate technical and organisational measures to ensure and to be able to demonstrate that collection and processing of personal information is performed in accordance with the provisions of the Data Protection Act. We shall:

- ensure that personal data is collected, processed and shared lawfully and fairly
- keep personal data accurate and up to date
- protect personal data from unauthorized access, loss, or misuse
- ensure data is used only for the stated purpose within the confines of this Policy
- Be accountable for compliance with the provisions of the Act that underpins this policy.

Data Protection Officer

The data protection officer appointed by us shall:

- inform and advise us and / or the data processors of our obligations under this Policy
- monitor compliance with this policy and the Act and any data protection provisions provided for elsewhere in the law
- monitor our and the data processor's compliance with this policy and code of conduct (where applicable), including the assignment of responsibilities, awareness-raising and training of officers involved in collection and processing operations and related audits;
- act as the contact point for the Commission on issues relating to processing

Internal Audit

Internal Audit shall review our data, information and privacy controls and provide reports to the Board and/or Audit Committee on the adequacy and effectiveness of such controls.

Compliance Function

The compliance function shall support the business by providing oversight and ensuring the implementation of this policy within SPAR Botswana.

The compliance function shall provide the necessary guidance to SPAR Botswana to enable it to fulfil its obligations.

The compliance function shall ensure that business is conducted in compliance with this policy, applicable national and international laws, regulations, professional standards and codes, accepted business practices and internal standards.

In addition, the compliance function shall conduct regular monitoring activities in accordance with its annual compliance plan to test the effectiveness and adequacy of controls relating to data privacy.

Employees

All employees within SPAR Botswana are expected to understand and comply with the requirements set out in this policy, as deemed appropriate to their function and are to undergo relevant training.

7. PERSONAL DATA WE COLLECT

We collect only personal data that is adequate, relevant and limited to what is necessary for the purposes described in this policy. Personal data that we collect shall include:

Identity & Contact Information of the data subject

- Full name and surname of the data subject
- Mobile number
- Email address

- Date of birth (where required for eligibility or age-restricted products)

Account & Preference Information

- *Spar2U* customer account details
- Saved delivery address/es
- Preferred store or delivery region
- Communication and marketing preferences (opt-in/opt-out per product, brand, and channel)

E-Commerce & Transaction Information (Spar2U)

- Items purchased and order history
- Basket contents
- Delivery instructions and delivery history
- Payment confirmation and transaction references
- Refunds, returns, and customer service interactions

Card payment details are processed securely by authorised payment service providers. We do not store full payment card numbers.

Technical & Usage Information

- IP address
- Device and browser information
- App and website usage data
- Cookies or similar technologies (where applicable)

8. PROCESSING OF PERSONAL DATA / INFORMATION

Processing of our customers' personal information shall be lawful only to the extent that at least one of the following applies:

- Our customer has given express consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the customer is party or in order to take steps at the request of the customer prior to entering into a contract;

- processing is necessary for compliance with a legal obligation to which the customer is subject;
- processing is necessary to protect the vital interests of the customer
- processing is necessary for the performance of a duty carried out in the public interest or in the exercise of an official authority vested in us as the data controller; or
- processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where:

(i) such interests are overridden by the interests or fundamental rights and freedoms of the customer which require protection of personal data, in particular where the data subject is a child, or

(ii) processing is carried out by a public authority when performing its functions.

We will therefore collect and process personal data only where permitted by law and for the following purposes:

Account Services

- Registering and managing *Spar2U* accounts
- Managing saved preferences and account settings

***Spar2U* Online Shopping & Delivery**

We will collect a customer's information in order to:

- Process online orders
- Saving the customers' details to enable faster, future purchases
- Arranging, picking, packing, and delivery of goods
- Communicating the order status, substitutions, delays and / or delivery updates

Payments, Fraud Prevention & Compliance

- Processing payments through authorised payment providers
- Preventing fraud or misuse
- Maintaining transaction records
- Complying with tax, accounting, and regulatory obligations

Customer Support & Service Communications

- Responding to queries or complaints
- Managing refunds, returns, or disputes

Marketing & Promotions

- Sending promotions, special offers, and personalised marketing
- Profiling for marketing purposes only if a customer has “opted in”

Analytics & Service Improvement

- Improving website, app, and delivery performance
- Understanding shopping trends and customer experience

9.CONDITIONS FOR CONSENT

Where collection and processing of information is based on consent, we shall demonstrate that our customer has consented to the processing of his or her personal data. If our customer’s consent is given in the form of a written declaration which also concerns other matters, the request for consent shall be presented:

- in a manner which is clearly distinguishable from the other matters;
- in easily accessible form using clear and plain language.

Any part of the written declaration which contravenes the provisions of this Policy and the Act shall not be binding.

Where the performance of a contract, including the provision of a service, is conditional on consent to the processing of personal data that is not necessary for the performance of that contract or provision of that service, the consent shall, notwithstanding that it is freely given, be deemed invalid.

At anytime, our customers shall have the right to withdraw their consent to the processing of their information. The withdrawal of consent shall:

- not affect the lawfulness of processing based on consent obtained before its withdrawal

Prior to obtaining consent, we shall inform our customers of their right of withdrawal.

10. MARKETING CONSENT & COMMUNICATIONS

It is not compulsory for our customers to consent to marketing in order to:

- shop on *Spar2U*
- receive deliveries, or

Where a customer chooses to receive marketing, consent is recorded:

- per product or service (e.g. Spar2U) and
- per channel (SMS, email, WhatsApp, app notifications).

Our customers may withdraw consent or object to direct marketing at any time.

Once a customer withdraws their consent, they will stop receiving marketing via the relevant channel as soon as reasonably practicable.

Every marketing message shall include a free and simple opt-out mechanism.

11.WHO WE SHARE YOUR PERSONAL DATA WITH

We may share personal data only where necessary and lawful, including with:

- SPAR group companies involved in operations
- Delivery and logistics partners (for Spar2U order fulfilment)
- Payment service providers (to process transactions securely)
- Technology, hosting, communications, and analytics service providers acting as data processors. All data processors:
 - act only on SPAR's instructions
 - are bound by written agreements, and
 - must implement appropriate security measures.

In the event that processing is carried out on our behalf by a third party, we shall use only a data processor who provides sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing shall meet the requirements under this Policy and the requirements of the Act.

To protect the confidentiality of our customers' personal information, the data processor acting on our behalf, shall not engage another data processor without our prior specific or general written authorisation.

In the case of a general written authorisation, the data processor shall, giving us the opportunity to object to such changes, inform us of any intended changes concerning the addition or replacement of other data processors.

We do not sell personal data under any circumstances.

12. RIGHT OF ACCESS

Our customers shall have the right to obtain from us, confirmation as to whether personal data concerning him or her is being processed, and, where that is the case, access to the personal data and the information relating to:

- the purpose of processing;
- the categories of personal data concerned;
- the recipient or categories of recipients to whom the personal data has been or will be disclosed
- the envisaged period for which the personal data will be stored, or if not possible the criteria used to determine the period
- the existence of the right to object to processing of personal data or to request from us:
 - (a) rectification or erasure of personal data,
 - (b) restriction of processing of personal data;
 - (c) the existence of the right to lodge a complaint;
 - (d) the source of information, where the personal data is not collected from the customer

We shall provide a copy of the personal data undergoing processing provided that for any further copies requested by our customer, we may charge a reasonable fee based on administrative costs.

Where a customer makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

13. RIGHT TO RECTIFICATION OF INACCURATE INFORMATION

Our customers shall have the right:

- (a) to obtain from us, without undue delay, the rectification of inaccurate personal data concerning him or her; and
- (b) taking into account the purpose of processing, to have incomplete personal data completed, including providing a supplementary statement where necessary.

14. RIGHT TO ERASURE OF PERSONAL INFORMATION OF DATA SUBJECTS

Our customers shall have the right to obtain from us the erasure of personal data concerning him or her without undue delay, and we shall have the obligation to erase the personal data without undue delay where one of the following grounds applies:

- personal data is no longer necessary in relation to the purpose for which it was collected or otherwise processed;
- the customer withdraws consent and there is no other legal ground for the processing;
- the customer objects to the processing and there are no overriding legitimate grounds for the processing;
- personal data has been unlawfully processed; or
- personal data has to be erased in compliance with a legal obligation to which the data controller is subject.

15. CROSS-BORDER DATA TRANSFERS

Where personal data is transferred outside Botswana, We ensure compliance with the Data Protection Act by:

- transferring data only to jurisdictions recognised as providing adequate protection, or
- implementing appropriate safeguards required by law.

16. DATA RETENTION

We retain personal data only for as long as necessary to fulfil the purposes set out in this policy, unless a longer retention period is required or permitted by law.

Spar2U profile account details are retained to support repeat purchases, customer service, and legal obligations.

Marketing opt-out records may be retained longer to ensure that our customers' preferences are respected.

17. SECURITY OF PERSONAL DATA

We and any data processor operating on our behalf shall, taking into account the the costs of implementation, the nature, scope, context and purposes of processing implement appropriate technical and organisational measures to ensure a level of security and protection of our customers' personal information. Appropriate measures include but are not limited to:

- (a) the encryption of personal data;
- (b) the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
- (c) the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident; and
- (d) a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.
- (e) together with the data processor operating on our instruction, we shall take steps to ensure that any natural person acting under our or the data processor's instructions who has access to personal data does not process this data except on our instructions or unless he or she is required to do so by law.

18. NOTIFICATION OF PERSONAL DATA BREACH

In the case of a personal data breach, we shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the Commission

of the personal data breach, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of our customers.

Where the notification above is not made within 72 hours, it shall be accompanied by reasons for the delay.

Any data processor acting on our behalf shall notify us without undue delay after becoming aware of a personal data breach.

The notification referred to above shall :

- (a) describe the nature of the personal data breach, including where possible, the categories and approximate number of data subjects / customers concerned and the categories and approximate number of personal data records concerned.
- (b) communicate the name and contact details of the data protection officer or other contact point where more information can be obtained;
- (c) describe the likely consequences of the personal data breach; and
- (d) describe the measures taken or proposed to be taken by us to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

Where, and insofar as, it is not possible to provide the information at the same time, we shall provide the information in phases without undue further delay.

We shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken.

19. COMMUNICATION OF PERSONAL DATA BREACH TO DATA SUBJECT

Where a personal data breach is likely to result in a high risk to the rights and freedoms of our customers, we shall communicate the personal data breach to our customers without undue delay.

The communication to our customers shall describe in clear and plain language the nature of the personal data breach and contain the information and measures to mitigate the possible adverse effects.

The communication to our customers shall not be required if any of the following conditions are met:

(a) we have implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, particularly those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;

(b) we have taken subsequent measures which ensure that the high risk to the rights and freedoms of our customers is no longer likely to materialise; or it would involve disproportionate effort. Provided that there shall, instead, be a public communication or similar measure whereby our affected customers are informed in an equally effective manner.

20. OUR CUSTOMERS' RIGHTS UNDER THE DATA PROTECTION ACT

Our customers have the right to:

- access their personal data,
- correct inaccurate or incomplete data,
- request deletion where lawful,
- restrict processing,
- object to processing (including direct marketing),
- request data portability (where applicable), and
- be informed about automated decision-making or profiling.

21. HOW TO EXERCISE YOUR RIGHTS

To exercise your rights, contact:

Email: info.officer@spar.co.za

We may request proof of identity to protect your information. Requests will be handled promptly and free of charge, unless the law permits otherwise.

22. COMPLAINTS AND COMPENSATION


If you believe your personal data has been processed unlawfully, you may:

- (a) Contact us using the details provided above and / or

(b) Without prejudice to any other administrative or judicial remedy, our customers shall have the right to lodge a complaint with the Information and Data Protection Commission of Botswana if the data subject considers that the processing of personal data relating to him or her contravenes this policy or the Act.

(c) Complaints Process (**Commission**)

- Data Protection Commission of Botswana, plot 50671 Independence Avenue, Gaborone, Botswana
- Private Bag 00495, Gaborone, Botswana

 Phone : +267 3685 432 / +267 3685 516

 Email: dataprotection@bocra.org.bw

(d) Complaints Process (**SPAR**)

SPAR Group Limited
22 Chancery Lane, Pinetown, 3610
PO Box 1589, Pinetown, 3600
Email: phumlani.dyini@spar.co.za, info.offier@spar.co.za
Tel: +27 31 719 1900
Fax: +27 31 719 1990

In the event that the complaint is lodged with the Commission, the Commission shall inform the complainant on the progress and the outcome of the complaint.

Where our customer suffers material or non-material damage as a result of a contravention of this policy and the Act, the customer shall have the right to receive compensation from us or the data processor for the damage suffered.

We shall be liable for the damage caused by processing which contravenes the Act.

A data processor acting on our instructions shall be liable for the damage caused by processing where the data processor has:

(a) not complied with obligations specifically directed to the data processor under this policy; or

(b) acted outside or contrary to lawful instructions from us.

23. CHANGES TO THIS POLICY

We may update this policy from time to time. The latest version will always be made available through our official website and applications. Material changes will be communicated where required by law.

24. GOVERNING LAW

This Privacy & Information Processing Policy is governed by the laws of the Republic of Botswana, in particular the Data Protection Act 18 of 2024 with any applicable regulations thereunder .

25. DOCUMENT INFORMATION

File	
Version	

Revision History

Version	Date	Author	Description of Change	Approval
1			First draft.	