

Data Privacy Policy

1. Introduction

NxGN ("we," "our," or "us") is committed to protecting your privacy by the Protection of Personal Information Act (POPIA) of South Africa and the General Data Protection Regulation (GDPR) of the European Union. This Privacy Policy explains how we collect, use, disclose, and safeguard your minimal personal information when you use our services.

We only collect essential information needed to provide our services. We do not store sensitive personal information, and secure third-party providers manage authentication.

2. Data Controller Information

Responsible Party (POPIA) / Data Controller (GDPR):

NxGN (Pty) Ltd

2006/017800/07

1 Wedgewood Link Road

Bryanston

Johannesburg, South Africa

Email: info@nxgn.com

Information Officer (POPIA) / Data Protection Officer (GDPR):

Kareema Ismail

Email: kismail@nxgn.com

3. Information We Collect

3.1 Personal Information We Collect

We practice data minimisation and only collect:

- **First name and last name** - to personalise our communications
- **Email address** - to communicate with you about our services
- **Authentication tokens** - stored securely by authentication providers such as Microsoft Azure Active Directory (not stored by us)

3.2 Information We Do NOT Collect

We do not collect or store:

- Passwords (managed by Azure Active Directory)
- Financial information
- Government identification numbers
- Health or biometric data
- Race, ethnicity, or religious information
- Any other sensitive personal information

3.3 Automatically Collected Information

When you use our services, we may automatically collect:

- IP address (for security and service delivery)
- Browser type and version
- Usage patterns and preferences
- Session information

4. Lawful Basis for Processing (GDPR) and Legal Grounds (POPIA)

We process your personal information based on the following legal grounds:

4.1 GDPR Legal Basis:

- **Legitimate Interests:** To provide and improve our services, ensure security, and communicate service-related information
- **Consent:** For marketing communications (where applicable)
- **Legal Obligation:** To comply with applicable laws

4.2 POPIA Legal Grounds:

- Processing is necessary to carry out actions for the conclusion or performance of a contract
- Processing complies with an obligation imposed by law
- Processing protects a legitimate interest of the data subject
- You have consented to the processing

5. Purpose of Processing

We use your minimal personal information exclusively for:

- Creating and managing your account

- Providing access to our services
- Sending service-related communications (system updates, security alerts)
- Responding to your inquiries and support requests
- Complying with legal obligations
- Protecting against fraud and unauthorised access

We do not use your data for:

- Marketing to third parties
- Profiling or behavioural analysis
- Selling or trading to other companies
- Any purpose beyond providing our services to you

6. Data Sharing and Third Parties

6.1 No Third-Party Data Sharing

We do not sell, trade, rent, or share your personal information with any third parties for their purposes. Your data remains exclusively within NxGN's control.

6.2 Technical Service Providers

While we don't share your data with third parties, we utilise:

- **Microsoft Azure Active Directory:** For authentication only (they manage login credentials but don't receive your data from us)
- **Email infrastructure:** For delivering service communications (transactional only)

These are technical service providers acting solely on our instructions and are prohibited from using your data for their purposes.

6.3 Legal Disclosure

We may be required to disclose information only when compelled by:

- Court orders or subpoenas
- Law enforcement requests with proper legal authority
- Legal obligations under POPIA or GDPR

6.4 Data Localisation

Your data (email, first name, last name) is stored exclusively on our servers in South Africa. Azure's authentication tokens remain within its secure infrastructure.

7. International Data Transfers

As your data (email, first name, last name) is stored exclusively in South Africa, international transfers are minimal. However:

7.1 Authentication Services

Authentication is processed through Microsoft Azure Active Directory when you log in, which may process authentication tokens in its global infrastructure. This is necessary for service security and functionality.

7.2 Accessing from Outside South Africa

If you access our services outside South Africa, your data remains on our South African servers. So that you know, only your access requests travel internationally.

7.3 Safeguards

For any necessary international data flows:

- We rely on appropriate GDPR safeguards (Standard Contractual Clauses)
- We ensure POPIA compliance for cross-border transfers
- We maintain data localisation for all personal information we control

We implement appropriate security measures as required by POPIA Section 19 and GDPR Article 32:

- Encryption of data in transit using TLS/SSL
- Regular security assessments
- Access controls limiting data access to authorised personnel
- Security incident response procedures
- Regular security awareness training for staff

Authentication security is managed by Microsoft Azure Active Directory, which provides:

- Multi-factor authentication options
- Enterprise-grade password protection
- Regular security updates and patches

8. Data Retention

We retain your personal information only as long as necessary:

- **Active accounts:** Data retained while the account is active
- **Closed accounts:** Basic information retained for 5 years for legal compliance
- **Email communications:** Retained for 1 year unless legally required longer

9. Your Rights

9.1 Rights under POPIA (South African Residents)

- **Access:** Request what personal information we hold
- **Correction:** Request correction of inaccurate information
- **Deletion:** Request deletion of your information (subject to legal requirements)
- **Objection:** Object to the processing of your information
- **Data Portability:** Receive your data in a structured format
- **Withdraw Consent:** Where processing is based on consent

9.2 Rights under GDPR (EU/EEA Residents)

All POPIA rights above, plus:

- **Restriction:** Request restriction of processing
- **Automated Decision-Making:** Right not to be subject to automated decision-making
- **Lodge a Complaint:** Right to complain to your supervisory authority

9.3 How to Exercise Your Rights

Contact our Information Officer/DPO at info@nxgn.com with:

- Proof of identity
- Specific right you wish to exercise
- Any relevant details

We will respond within:

- 30 days (GDPR requirement)
- Reasonable time (POPIA requirement)

10. Direct Marketing

We only send marketing communications with your explicit consent. You can opt out at any time by:

- Clicking "unsubscribe" in any marketing email
- Emailing privacy@nxgn.com
- Updating your preferences in your account

11. Children's Privacy

Our services are not intended for persons under 18 years of age. We do not knowingly collect information from children. If you know that a child has provided us with personal information, please get in touch with us immediately.

12. Cookies and Tracking

We use minimal cookies necessary for:

- Session management
- Security purposes
- Basic analytics (anonymised)

You can manage cookie preferences through your browser settings. Essential cookies cannot be turned off as they are necessary for service functionality.

13. Data Breach Notification

In the event of a data breach, we will:

- Notify the Information Regulator (South Africa) within 72 hours
- Notify relevant supervisory authorities (GDPR) within 72 hours
- Notify affected users without undue delay if the breach poses a high risk
- Document all breaches in our breach register

14. Complaints and Disputes

If you have concerns about our data practices:

1. **First Step:** Contact our Information Officer at info@nxgn.com
2. **Escalation:**

- **South African residents:** Complain with the Information Regulator (www.justice.gov.za/infoereg/)
- **EU residents:** Complain with your local Data Protection Authority

15. Updates to This Policy

We may update this policy to reflect:

- Changes in law (POPIA or GDPR amendments)
- Changes in our minimal data practices
- Regulatory guidance

Updates will be communicated via:

- Email notification to your registered email address
- Notice on our website
- In-service notifications

16. Contact Information

For all privacy-related inquiries:

Information Officer / Data Protection Officer:

Kareema Ismail

NxGN (Pty) Ltd

1 Wedgewood Link Road, Bryanston

Johannesburg, South Africa

Email: kismail@nxgn.com

Information Regulator of South Africa:

JD House, 27 Stiemens Street, Braamfontein, Johannesburg

Email: infoereg@justice.gov.za

Website: www.justice.gov.za/infoereg/

This Privacy Policy was drafted to ensure compliance with the Protection of Personal Information Act 4 of 2013 (POPIA) and the General Data Protection Regulation (EU) 2016/679 (GDPR). Using our services confirms that you have read and understood this policy.