

## **Thunda.com Privacy Policy**

Date of last update : 31 March 2008

### **Introduction**

Thunda.com is located at [www.thunda.com](http://www.thunda.com) and its directly associated domains (collectively "Thunda.com" or the "Website"). Thunda.com hosts permission-based social photographs, acquired by authorised agents or representatives of Thunda Com (Pty) Ltd's (the "Company"), of people having fun with their friends at events and venues across South Africa. The Website also hosts fashion ramp photographs and action photographs of sporting events that the Company has permission to cover.

The Company dispatches its brand ambassador photographers dressed in Thunda.com branded uniforms to capture photographs for the Website. These contract employees are briefed to photograph people with their permission and to delete any photographs upon request. These contract employees are governed by numerous codes of conduct, protocols and guidelines to ensure that their services comply with the standards and policies of the Company.

The purpose of the Website is to provide a free service to users whereby they can access, download, email and share their photographs with their friends. The Website is not intended to capture anybody in a negative, demeaning or compromising light.

The Company respects the privacy of its users and has drafted this Privacy Policy to protect its users' interests.

This Privacy Policy forms an integral part of both the Terms & Conditions of the Website and any specific rules and conditions that may apply to specific promotions, including competitions. This Privacy Policy is not applicable to the practices of companies or websites that are not owned or controlled by the Company and this Privacy Policy is not applicable to people that the Company does not employ or manage.

The Company reserves the right to amend this Privacy Policy at any time without notice.



## **Registration**

Users may browse the Website freely but are required to complete a Registration Form on the Website in order to utilise certain services provide by the Website.

The Company is committed to safeguarding the constitutional and common law privacy of its users and registrants and will not disclose nor sell any personally identifiable information to anybody without the express permission of its users or registrants unless obliged to do so by law or due legal process. Personally identifiable information includes a registrant's name, telephone number and e-mail address which is stored on secure servers where access is limited to authorised Company personnel, its System Administrators and its appointed agents.

Registrants agree to be identified by their usernames that are linked to their registration data. Registrants are therefore not anonymous to Thunda.com once they have registered.

## **Data Ownership**

Unless indicated to the contrary, the Company is the proprietor of all data gathered on the Website. The Company reserves the right to gather data on behalf of its clients and to license this data to its clients.

In the event of the ownership of the Company changing, or the Company acquiring or merging with another company or the Company undergoing any form of business transition, user information will likely be part of the assets transferred to the new owners so that the Website can continue to operate. Such transfer of user information would remain subject to the terms of this Privacy Policy unless the Company notified you of changes to its Privacy Policy.

## **Data Storage**

All data is stored online on secure, dedicated servers. Data is backed up periodically and stored securely off-site.

## **Data Access**

Access to the personally identifiable data of the Website's registrants is restricted to



authorized Company personnel, its System Administrators and its appointed agents. All such parties are contractually bound to confidentiality.

The Company's clients may have access to selected portions of registrant data, competition data and anonymous survey data.

### **Data Usage**

Anonymous registrant demographic and psychographics, competition entry data, anonymous survey data and opt-in email addresses may be disclosed and released to the Company's clients for their own commercial use.

The Company may also share anonymous registrant data with alliance partners, affiliates and media agencies.

Anonymous registrant data may include age, province, postal code, gender, occupation, mobile phone prefix and other data not identifying any single individual.

By registering on the Website, registrants are assigning the Company the right to use and sell their anonymous registrant data.

The Company may be required to disclose certain data as a consequence of a subpoena, court order or legal process. The Company may be obliged to disclose this data in compliance with applicable laws. The Company will not do so until it has good faith belief that the data being requested by the authorities or private litigants meets applicable legal standards.

Furthermore, the Company may share user information with other companies, lawyers, agents or government agencies when it believes it is necessary to do so in order to comply with law, to protect the Company's interests or property, to prevent potential bodily harm or to prevent fraud or other illegal activities from being perpetrated through the Website.

The Company may also use your information to contact you regarding the services provided by the Website.

The Website provides for you to be able to send content to another person. In such instances,



you will be asked to provide the recipient's email address. The Company will only use this information for the purpose of delivering a one time email to this person.

### **Use of Thunda.com content**

The Company does not condone the use of its content for any malicious, defamatory or illegal use whatsoever.

### **The Use Of Cookies**

When a user visits the Website, the Company collects your IP address and browser type. This data is gathered for all Website visitors.

In addition, we store certain information from your browser using "cookies." A cookie is a piece of data stored on the user's computer tied to information about the user. The Website uses session ID cookies to track whether users are logged on to the Website and to track the user through subsequent page requests to personalise the experience, to avoid repeated user authentication and to serve user-relevant content. These cookies terminate once the user closes the browser or after a certain time interval. Another cookie is created when a registrant selects a default city and this cookie is subsequently used to identify the user's preference on subsequent visits to the Website.

The Company also uses Nielsen // Netratings as a third party to collect information on the Website by means of persistent state cookies. Visit <http://www.nielsen-netratings.com/privacy/sitecensus.htm> to learn more information about how the Company uses this third party service to collect and use information on this Website. Website users expressly consent to the collection and use of this data in accordance herewith.

The data that the Company gathers from competitions, server log files and cookies, may be compiled and analysed on an anonymous, aggregate basis and may be shared with clients, alliance partners, affiliates and media agencies.

Users using public or shared computers (e.g. in a library or school) should sign out of their Thunda.com accounts or close their browser before leaving the computer. This will prevent other people from accessing a user's account and personal information on the Website.



## **HTML Direct Email Newsletters**

The Company operates an opt-in email service through which it conveys information to subscribers. Registrants have the option to opt-in to this service upon registration and upon competition entry. Registrants have the option to opt-out of this service at any time by navigating to the <http://www.thunda.com/secure/editUser.cgi> page.

Opt-in emailing is controlled, managed and operated by the Company, the client or its appointed agents.

The Company may use spotlight tags to track which emails have been opened by the recipients and to gauge the effectiveness of the Company's marketing campaigns.

## **Updating registration data**

On the Registration and <http://www.thunda.com/secure/editUser.cgi> page on the Website, registrants are able (1) to modify their personal information and (2) to update their opt-in email subscriptions.

## **Passwords**

The Company does not store its passwords in an encrypted state and password reminders may be generated and sent to the email-address linked to the registrant's user profile.

If a user forgets their password they may request their password and have it sent to the email address with which they registered.

Website registrants should not disclose their passwords to any third party. The Company, its clients, partners, affiliates or media agencies will never request registrants to divulge their passwords.

The Company cannot be held responsible for competition entries or subscriptions made which result from registrants' failure to keep their passwords secure.

It is a good idea to update your password and verify your email address in your user profile periodically.



### **Protection of Minors - Children Under the Age of 13**

The Website does not knowingly collect or solicit personal information from users under the age of 13 nor does it knowingly allow such persons to register on the site. Users under the age of 13 should not attempt to register on Thunda.com or submit information about themselves because no one under age 13 may provide any personal information on Thunda.com. In the event that the Company learns that it has collected personal information from a child under the age of 13 it will delete that information as quickly as possible. If you believe that the Company might have any information from or about a child under 13, please contact us at [info@thunda.com](mailto:info@thunda.com).

### **Protection of Minors - Children Between the Ages of 13 and 18**

The Website is not intended to target persons under the age of eighteen years old. Accordingly, persons under the age of eighteen years are ineligible to win competitions, to participate in promotions or to opt-in to receive direct emailing.

All website registrants are required to accept the Terms & Conditions when registering with Thunda.com which stipulate that the site is accessible to users over the age of eighteen.

### **Nielsens // Net Ratings**

Thunda.com is a member of the Online Publishers Association of South Africa (<http://www.opa.org.za>). As a member we are required to subscribe to the Nielsens // Net Ratings system to verify the Website's user demographics and site traffic. To this end, Nielsens // Net Ratings may post a cookie on a user's computer to uniquely identify a user's computer and to track the frequency with which the user returns to the site, how long they spend on the site and other user data.

### **Share on Facebook**

Thunda.com provides a mechanism for its users to share content on the Website to their personal profiles on Facebook. Thunda.com expects its users to use this feature responsibly, to respect the privacy of others, to act in good faith and to conform with the Terms of Use of Facebook (<http://www.facebook.com/terms.php>). The Company cannot control how its users present this content on Facebook or with whom they share it with. The Company



cannot therefore be responsible for any photo uploads, posts, comments, tags or links associated with the Website's content published by users on Facebook.

Similarly, Thunda.com cannot be responsible for its content being posted or share to other sites that it does not control.

### **Links to other websites**

The Website may contain links to other websites. The Company cannot be held responsible for the privacy standards of these other websites. Users need to be aware of this when they leave the Website and should review the Privacy Policies of these websites. This Privacy Policy therefore applies strictly to the content of and information gathered on Thunda.com.

### **User-Generated Content**

From time to time, the Website may host a User-Generated content promotion or competition that enables users to upload personal photographs to the Website. In so doing, users certify that they have the right to distribute the content and / or photograph(s) being uploaded and that they are not contravening any copyright or any other person's privacy.

All User-Generated Content will be viewable by all users of the Website and due caution should be taken as to the suitability of the content being uploaded. Users can report offensive content posted to [photos@thunda.com](mailto:photos@thunda.com).

### **Third-party Adserving**

The Website sometimes hosts advertisements delivered by third party advertisers that automatically capture a user's IP address via their adservers when an advertisement is served on a Website page that a user is browsing. These advertisers may also download cookies to a users' computer and use other technologies including spotlight tags and JavaScript to track the delivery of their advertisements, their frequency and to personalise the content of their advertisements. In so doing these advertisers are able to track whether an advertisement has been viewed and clicked. The Company has no control over such third-party adserving, these cookies and tracking technologies. This Privacy Policy therefore only applies only to the use of Cookies by the Company.



## **Prizewinners**

The names of prizewinners will appear on the Thunda.com website and their names and contact details will be disclosed to Thunda.com clients only for the purpose of delivering prizes. Prizewinners agree to have their identity disclosed to Thunda.com and its clients and to have their names and likeness used by Thunda.com and its clients.

## **Deletion of Photographs appearing on the Website**

The Company's photographers are required to subscribe to the Company's Visual Content Protocols that govern what kinds of photographs they are permitted to capture for the Website. In addition, prior to uploading photographs to the Website, the Company reviews the photographic content to establish its suitability for publication.

If a photograph appears on the site that a user would like deleted for any reason whatsoever, a request should be sent through to [photos@thunda.com](mailto:photos@thunda.com) and the Company will endeavour to delete the photograph promptly. Please note that the Company's office hours are 8:30am until 5pm (GMT + 2) Monday to Friday and any requests received after hours may only be attended to in office hours.

Users acknowledge that even after photographs have been removed from the Website, copies of the photographs may still be viewable in cached or archived pages or may have already been stored by other users.

## **Terms and Conditions of Use**

Your use of the Website, and any disputes arising from it, is subject to this Privacy Policy as well as our Terms and Conditions of Use and all of its dispute resolution provisions including arbitration, limitation on damages and choice of law.

The Company reserves its right to change its Privacy Policy and its Terms and Conditions of Use at any time so please review them frequently.

Users are encouraged to address any further questions to [info@thunda.com](mailto:info@thunda.com) or to contact the Company via post : Thunda Com (Pty) Ltd, PO Box 528, Green Point, 8051.

