



# PRIVACY POLICY

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## 1. INTRODUCTION AND SAHRA'S ROLE

- 1.1 The South African Heritage Resource Agency (“SAHRA”)** is a schedule 3A Public Entity, established in terms of the National Heritage Resources Act 25 of 1999, and it adheres to the highest standards of protecting your personal information when you use [www.sahra.or.za](http://www.sahra.or.za) or any of its related blogs, websites, social media, applications or platforms (e.g. SAHRIS) (collectively, “**the Website**”) or any of SAHRA'S services (“**Services**”). As such, we have created this specific and detailed Privacy Policy for you to read and appreciate exactly how we safeguard your personal information and respect your privacy (“**Policy**”).
- 1.2** The right to privacy and this Policy is important to us. We are committed to taking steps to protect your privacy when you use the Website and Services and we therefore implement business practices that comply with the South African *Protection of Personal Information Act, No. 4 of 2013* (“**POPIA**”), as amended.
- 1.3** For more information regarding your personal information lawfully stored or used by the Website or SAHRA, please contact [info@sahra.org.za](mailto:info@sahra.org.za) who will gladly assist.
- 1.4** In some circumstances, SAHRA is the “**responsible party**” (as defined in POPIA) and is responsible for your personal information (collectively referred to as “**we**”, “**us**” or “**our**” in this Policy) in instances where we decide the processing operations concerning your personal information.
- 1.5 Sometimes** we also operate as an “**operator**” (as defined in POPIA) of personal information on behalf of a third-party responsible party, where that responsible party's privacy terms will apply. The terms “**user**”, “**you**”, “**data subject**” and “**your**” are used interchangeably in this Policy and refer to all persons accessing the Website or engaging with SAHRA for any reason whatsoever.

**1.6 Changes to this Policy:** unless notice is required in terms of any applicable laws, we may change this Policy from time to time in line with any changes that the law or our internal organisational operations require, without prior notice. However, we will notify you of any material changes to this Policy. The current version of this Policy that applies each time you visit and or use our Website and/or Services will regulate our relationship. It is your responsibility to consider the Policy each time you visit the Website. **If you do not agree with any terms of this Policy, you must stop using the Website and/or Services.**

## **2. PERSONAL INFORMATION WE COLLECT FROM YOU**

**2.1** Should you decide to function as a user on the Website, engage with us and/or use any of SAHRA's Services, you thereby expressly consent to, and opt-in to SAHRA collecting, collating, processing, and using the following types of information about you when you use the Website or our Services ("**personal information**"):

### **2.1.1 Information provided by the user or from a user's other authorised responsible party:**

SAHRA processes personal information (that is information about the user that is personally identifiable, as defined in POPIA, like, for example but not limited to, the user's name, address, date of birth, age, gender, details of dependents (when necessary), email address, company name, company registration number, company address, name of directors, contact details, phone number(s) and other unique information such as service preferences and contact preferences that are not otherwise publicly available) which SAHRA either processes as its own responsible party, or which is received from another responsible party to whom you have provided your personal information with your permission to be shared with SAHRA as the operator; and

### **2.1.2 Information that is collected automatically:**

SAHRA receives and stores information which is transmitted automatically from the user's computer when the user browses the internet and accesses the Website. This information includes information from cookies (which are described in clause 11 below), the user's Internet Protocol ("IP") address, browser type, embedded web links, and other commonly used information-gathering tools. These tools collect certain standard information that your browser sends to the Website such as your browser type and language, access times, and the address from which you arrived at the Website.

- 2.2** Should your personal information change, please update it by providing us with updates to your **personal** information as soon as reasonably possible to enable us to update it. SAHRA will, however, not be able to update any personal information of yours attained from another responsible party, where should you want to update same, you must approach the relevant responsible party to do so. SAHRA is under no obligation to ensure that your personal information or other information supplied by you is correct.
- 2.3** We do not process the personal information of children when a data subject user is below the age of 18 (eighteen). Do not provide us with any such information, where same is considered a material breach of these Terms.
- 2.4** You warrant that the personal information disclosed to SAHRA is directly from you as the user on the Website or in connection to the Services, and all such personal information is lawfully yours to provide. You also warrant that any personal information provided to us from a third-party responsible party, was attained from you lawfully and provided to us with your express consent to the relevant responsible party to do so.
- 2.5** You may choose to provide additional personal information to us, in which event you agree to provide accurate and current information, and, generally, not to impersonate or

misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.

### **3. WHEN DO WE COLLECT YOUR PERSONAL INFORMATION**

We will process your personal information in the following circumstances:

- 3.1** When you submit an enquiry and/or contact us or request that we contact you;
- 3.2** When you visit, browse or utilise our Website;
- 3.3** When you contract with us to be a provider of services to SAHRA;
- 3.4** When you apply/ are recruited to be employed by SAHRA and, further, when you are employed by SAHRA;
- 3.5** When your beneficiary information is required for medical aid and provident fund purposes;
- 3.6** When SAHRA is required to arrange logistics for a Council member during their tenure.
- 3.7** When you complete any SAHRA document including, but not limited to, permit applications, applications in terms of section 38 of the National Heritage Resources Act No 25 of 1999, terms of engagement or surveys;
- 3.8** When SAHRA is required to in terms of South African legislation and/or regulations; and/or
- 3.9** When you make use of our various Services.

### **4. HOW WE USE YOUR PERSONAL INFORMATION**

**4.1** Any processing of your personal information will be reserved for our legitimate organisational and business purposes and as a necessary function of your engagement with the Website and/or our Services, and you have expressly consented to this by using our Website and/or Services, but we will not, without your express consent:

**4.1.1** use your personal information for any purpose other than as set out below:

- 4.1.1.1** in relation to the provision to you of the Services and/or access to the Website;
  - 4.1.1.2** to review applications and fulfil orders for products and/or Services;
  - 4.1.1.3** to contact you as requested by you;
  - 4.1.1.4** to enable you to provide us with your contracted services;
  - 4.1.1.5** for internal record keeping of responsible party third parties and the development of metrics of third-party searches;
  - 4.1.1.6** to contact you regarding current or new Services or any other product offered by us (unless you have opted out from receiving marketing material from us, possible through that same correspondence to you); and/or
  - 4.1.1.7** to improve our Website by, for example, monitoring your browsing habits, or tracking your activities on the Website; or
- 4.1.2** disclose your personal information to any third party other than as set out below:
- 4.1.2.1** to our employees and/or third-party service providers who assist us to interact with you via our Website, email or any other method, for your use of the Services, and thus need to know your personal information in order to assist us to communicate with you properly and efficiently;
  - 4.1.2.2** to external responsible parties who already have your express consent to process and/or attain such personal information from and/or with us;
  - 4.1.2.3** to our professional service providers where we believe that it is required under our contractual relationships;
  - 4.1.2.4** to law enforcement, government officials, fraud detection agencies or other third parties when we believe in good faith that the disclosure of personal information is necessary to prevent physical harm or financial loss, to report or support the investigation into suspected illegal activity or the contravention of an applicable law or to investigate violations of this Policy and/or the Website's other policies; and

**4.1.2.5** to our service providers (under contract with us) who help with parts of our business operations. However, our contracts dictate that these service providers may only use your information in connection with the services they perform for us, not for their own benefit and under the same standards as how we operate.

**4.2** We are entitled to use or disclose your personal information if such use or disclosure is required in order to comply with any applicable law, order of court or legal process served on us, or to protect and defend our rights or property. In the event of a fraudulent online payment, SAHRA is entitled to disclose relevant personal information for criminal investigation purposes or in line with any other legal obligation for disclosure of the personal information which may be required of it.

## **5. OUR LEGAL JUSTIFICATIONS FOR PROCESSING YOUR PERSONAL INFORMATION**

**5.1** Your use of the Website and/or any of our Services constitutes your explicit opt-in consent to our processing of your personal information. Further, we also rely on our contractual arrangements with you as the lawful basis on which we collect and process your personal information. Alternatively, in some cases, we rely on our legitimate interests as an organisation (for example, to measure user satisfaction and troubleshoot user issues). Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

**5.2** Subject to the other provisions in this Policy, the following constitutes our reasons for processing your personal information:

### **5.2.1 To make our products and Services available to you:**

**5.2.1.1** We use your personal information to provide you with information, products and Services that you request or purchase from us (such as permits etc), and to



communicate with you regarding those products and Services that you acquired from us and respond to your questions and comments.

**5.2.1.2** We may also use your personal information to measure how satisfied our users are and provide user service (including troubleshooting in connection with purchases or your requests for Services or when you ask us questions on the Website, via email or social media).

**5.2.2. To allow third parties to make their independent services available to you:**

**5.2.2.1** Should you make use of third-parties' services accessed via the Website, we provide them with your necessary data in order for them to provide you with their services.

**5.2.2.2** You expressly understand and agree that third-party companies may have their own privacy policies governing how they process personal data, which you may be compelled to adhere to.

**5.2.3. When you make use of our Website and features thereon:**

**5.2.3.1** We require your information in order to provide the Website to you and deliver our Services and fulfil our contract with you.

**5.2.3.2** We also process your information when you sign-up for our newsletter.

**5.2.4. When you take part in a feedback survey:**

**5.2.4.1** When you take part in our feedback survey, we record certain types of your data and your answers to questions we ask about your opinion of, and use of, our Website and Services.

**5.2.4.2** We use this information to develop and improve our Website and Services and our user relationships. Your job role, organisation and some or all of your comments may be publicly displayed on our website as a testimonial. We will do this based on our legitimate interest in explaining our Website and services.

**5.2.5. For administrative and internal organisational purposes:**

**5.2.5.1** We may use your personal information for our internal organisational purposes, such as administrative processing of applications, administrative fulfilment of purchase orders, administrative fulfilment of invoices, project management and internal reporting. We may also use your data to monitor the use of our Website and ensure that our Website is presented in the most effective and relevant manner for you.

**5.2.5.2** It is in our legitimate interests as an organisation to use your personal information in this way. For example, we want to ensure our Website is user-friendly and works properly and that our Services are efficient and of high quality. We also want to make it easy for you to interact with us.

**5.2.6. For security and legal reasons:**

**5.2.6.1** We use your personal information to:

**5.2.6.1.1** ensure the personal and financial information you provide us is accurate;

**5.2.6.1.2** conduct fraud checks or prevent other illegal activity;

**5.2.6.1.3** protect our rights or property (or those of others); and

**5.2.6.1.4** fulfil our legal and compliance-related obligations.

**5.2.6.2** In some cases we will use your personal information because it is necessary for us to comply with a legal obligation (such as if we receive a legitimate request from a law enforcement agency). In other cases (such as the detection of fraud) we will rely on our legitimate interests as an organisation to use your personal information in this way. Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

#### **5.2.7 In relation to your SAHRA user relationship:**

We use your personal information to personalise your experience with SAHRA to:

**5.2.7.1** provide you with non-marketing correspondence via post and email as you have given us your consent to this;

**5.2.7.2** contact you when requested by you or in relation to a service we are providing you;

**5.2.7.3** process your website-use data to analyse how you use our Website and Services. This may include information on Services you have viewed and historical transactions. This allows us to provide a browsing experience which is relevant to you;

**5.2.7.4** carry out limited automated decision making (segmentation) based on the information you have given us when we segment our SAHRA user database to determine which offers that you may be interested in.

## **6. LINKS TO OTHER WEBSITES**

- 6.1** Our Website may contain hyperlinks to websites that are not operated by us. These hyperlinks are provided for your reference and convenience only and do not imply any endorsement of the activities of these third-party websites or any association with their operators.
- 6.2** We do not control these websites and are not responsible for their data or privacy practices. We urge you to review any privacy statement posted on any site you visit before using the site or providing any personal information about yourself and others.

## **7. ORIGINAL AND UPDATED PURPOSES FOR PROCESSING**

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

## **8. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES**

- 8.1** We will keep your personal information confidential and only share it with others in terms of this Policy, or if you consent to it, or if the law requires us to share it. We may disclose your personal information to:
- 8.1.1** Our third-party service providers and processors in order to provide you with access to the Website and/or Services, in accordance with written agreements with these third parties;

- 8.1.2** Legal and regulatory authorities, upon their request, or for the purposes of reporting any breach of applicable law;
- 8.1.3** Accountants, auditors, lawyers and other external professional advisors in terms of written agreements with them;
- 8.1.4** Any relevant party to the extent necessary for the establishment or defence of legal rights, criminal offences, threats to public security etc;
- 8.1.5** To medical aid providers and provident fund insurance providers of SAHRA.
- 8.2** If we engage third-party processors to process your personal information, the processors will only be appointed in terms of a written agreement which will require the third party processors to only process personal information in terms of our mandate, use appropriate measures to ensure the confidentiality and security of your personal information and comply with other requirements as set out in this agreement and required by POPIA and other applicable laws.
- 8.3** Our Website may connect to various social media websites or apps including, but not limited to, Facebook and LinkedIn. If you want to use the Website for social media integration, we will share your personal information with the relevant social media websites or apps.

## **9. INTERNATIONAL TRANSFER OF PERSONAL INFORMATION**

Should we, based on our organisational mandate and for one of the purposes referred to in clause 5, be required to transfer your personal information out of the country, we ensure a similar degree of protection is afforded to it by only transferring your personal information to countries that have been deemed to provide an adequate level of protection for personal information.

## **10. DIRECT MARKETING**

**10.1** We may process your personal information to contact you to provide you with information regarding our Services that may be of interest to you. Where we provide Services to you, we may send information to you regarding our Services and other information that may be of interest to you, using the contact details that you have provided to us. We will only send you direct marketing communications where you have consented to us sending direct marketing or otherwise in compliance with POPIA and other applicable laws.

**10.2** You may unsubscribe from any direct marketing communications at any time by clicking on the unsubscribe link that we include in every direct marketing communication or by contacting us and requesting us to do so.

**10.3** After you unsubscribe, we will not send you any direct marketing communications, but we will continue to contact you when necessary in connection with providing you with the Services or in connection with agency business.

## **11. USE OF COOKIES AND SIMILAR TECHNOLOGIES**

**11.1** The Website may make use of “**cookies**” to automatically collect information and data through the standard operation of the Internet servers. “**Cookies**” are small text files a website can use (and which we may use) to recognise repeat users, facilitate the user’s on-going access to and use of a website and allow a website to track usage behaviour and compile aggregate data that will allow the website operator to improve the functionality of the website and its content, and to display more focused advertising to a user by way of third-party tools.

**11.2** The type of information collected by cookies is not used to personally identify you. If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature. Please note that

cookies may be necessary to provide you with certain features available on our Website, and thus if you disable the cookies on your browser you may not be able to use those features, and your access to our Website will therefore be limited. If you do not disable “**cookies**”, you are deemed to consent to our use of any personal information collected using those cookies, subject to the provisions of this Policy and the Website’s other policies.

**11.3** For more information on the exact Cookies and technical data used, please contact [info@sahra.org.za](mailto:info@sahra.org.za) who will gladly provide a full technical breakdown of these cookies and technical data.

## **12. HOW WE TREAT YOUR PERSONAL INFORMATION AND DATA SECURITY**

**12.1** We will ensure that all of our employees, third party service providers and partners (including their employees and third-party service providers) having access to your personal information are bound by appropriate and legally binding confidentiality obligations and process your personal information at standards equal to or higher than SAHRA’s in relation to your personal information.

**12.2** We will:

**12.2.1** treat your personal information as strictly confidential, save where we are entitled to share it as set out in this Policy;

**12.2.2** take appropriate technical, security and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access;

**12.2.3** provide you with reasonable access to your personal information to view and/or update personal details;

**12.2.4** promptly notify you if we become aware of any unauthorised use, disclosure or processing of your personal information;

**12.2.5** provide you with reasonable evidence of our compliance with our obligations under this Policy on reasonable notice and request; and

**12.2.6** upon your request, promptly correct, transfer, return or destroy any and all of your personal information in our possession or control, save for that which we are legally obliged or entitled to retain (acknowledging that some Website and/or Service functionality might be lost if certain personal information is amended or destroyed).

**12.3** We will not retain your personal information longer than the period for which it was originally needed, unless we are required by law to do so, or you consent to us retaining such information for a longer period. In some circumstances, other applicable national laws require us to retain your data beyond your request for its deletion, or beyond your direct engagement with SAHRA. **As such, we may retain your personal information in adherence with compulsory instructions from other applicable national laws, notwithstanding your application to have it deleted or amended.**

**12.4** Whilst we will do all things reasonably necessary to protect your rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of your personal information, whilst in our possession, made by third parties who are not subject to our control, unless such disclosure is as a result of our gross negligence or fraud.

**12.5** If you disclose your personal information to a third party, such as an entity which operates a website linked to the Website or anyone other than SAHRA, **SAHRA shall not be liable**



**for any loss or damage, howsoever arising, suffered by you as a result of the disclosure of such information to the third party, including another user.** This is because we do not regulate or control how that third party uses your personal information. You should always ensure that you read the privacy policy of any third party.

- 12.6** We are committed to implementing the necessary measures to keep your data secure, where we have implemented current industry-setting standards to keep your data secure.

### **13. USER RIGHTS AND OBLIGATIONS**

**13.1** You, as the user, are entitled to request access to any relevant personal information held by SAHRA and where such access is necessary for you to exercise and/or protect any of your rights. For any personal information held by any third-party responsible party, you must approach that responsible party for the realisation of your personal information rights with them, and not with SAHRA.

**13.2** Under POPIA, you have rights in relation to your personal information. Please contact us to find out more about, or manifest, these rights:

**13.2.1** have your data processed in a fair, lawful and transparent way;

**13.2.2** be informed about how your personal information is being used, an example being this Privacy Policy;

**13.2.3** access personal information we hold about you;

**13.2.4** require us to correct any mistakes in your personal information;

**13.2.5** require us to delete personal information concerning you in certain situations where there is no good reason for us to continue to process it;

**13.2.6** request that we transfer your personal information to you or another service provider in a simple, structured format;

**13.2.7** object at any time to processing of your personal information for direct marketing purposes;

**13.2.8** object to automated decision making which produces legal effects concerning you or similarly significantly affects you;

**13.2.9** object in certain other situations to our continued processing of your personal information; and/or

**13.2.10** otherwise restrict or temporarily stop our processing of your personal information in certain circumstances.

**13.3** You will not have to pay a fee to access your personal information (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.

**13.4** We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

**13.5 Users with citizenships from jurisdictions other than South Africa, please note that SAHRA complies with all South African data protection laws when processing your personal information pursuant to the Services as we are a South African entity operating in South Africa. Should foreign law be applicable in any regard to**

**your use of the Services and/or the Website in any way, including how we may process your personal information, please contact SAHRA at [info@sahra.org.za](mailto:info@sahra.org.za) who will gladly engage you on its application and your rights.**

**13.6** Users acknowledge that any content provided by users on the Website, including via a messaging system, enters an open, public forum, and is not confidential, where the author of which will be liable for that content, and not SAHRA.

**13.7** Users understand that there are risks involved in sharing personal information. By disclosing personal information such as the user's name and email address, users acknowledge and understand that this information may be collected and used by an authorised third party to communicate with you.

**13.8** By accepting this Policy, you have opted-in to receive emails from SAHRA, where your email address will be used to contact you from time to time and may also use it for security reasons to confirm your identity.

**13.9** You have the right to opt-out of receiving email communication by following the directions posted on every email communication or by emailing [info@sahra.org.za](mailto:info@sahra.org.za) and asking to not be contacted from then on.

#### **14. SAHRA'S RIGHTS RELATING TO PERSONAL INFORMATION**

**14.1** SAHRA will disclose the user's personally identifiable information if it reasonably believes that it is required to do so by law, regulation or other government authority or to protect the rights and property of SAHRA or the public. SAHRA may also co-operate with law enforcement in any official investigation and may disclose the user's personally identifiable information to the relevant agency or authority in doing so.

**14.2** SAHRA strives to keep the user's personal information accurately recorded. SAHRA provides a user with the reasonable ability to review and correct it or ask for anonymization, blockage, transfer or deletion, as applicable. Please contact [info@sahra.org.za](mailto:info@sahra.org.za) to engage SAHRA on such actions or requests.

**14.3** We also collect, use and share aggregated data or de-identified data such as statistical or demographic data for any purpose. Such de-identified or aggregated data may be derived from your personal information but is not considered personal information 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 information so that it can directly or indirectly identify you, we treat the combined data as personal information which will be used in accordance with this Privacy Policy.

## **15. FEEDBACK / LODGING A COMPLAINT**

**15.1** If you have any questions or complaints about this Privacy Policy or any part of our Service, please contact us by e-mailing [info@sahra.org.za](mailto:info@sahra.org.za).

**15.2** If you have a complaint about our use of your information, please contact us directly so that we can address your complaint.

**15.3** You also have the right to formally lodge a complaint in terms of POPIA as follows:

<b>Applicable Law</b>	<b>Regulatory authority name</b>	<b>Contact details</b>

POPIA	The Information Regulator	Website: <a href="http://www.justice.gov.za/inforeg/index.html">http://www.justice.gov.za/inforeg/index.html</a> Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 Email: <a href="mailto:inforeg@justice.gov.za">inforeg@justice.gov.za</a>
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## 16. LEGAL DISCLOSURE

**16.1 Legal status:** The South African Heritage Resource Association (“SAHRA) is a statutory organisation established under the National Heritage Resources Act, No 25 of 1999.

**16.2 Main business of SAHRA:** SAHRA is the national administrative body responsible for the protection of South Africa’s cultural heritage. As an agency of the Department of Sports, Arts and Culture, it is mandated to coordinate the identification and management of the national estate.

**16.3 Email Address:** [info@sahra.org.za](mailto:info@sahra.org.za)

**16.4 Website address:** [www.sahra.org.za](http://www.sahra.org.za)

**16.5 Physical and postal address:**

**Cape Town:**

111 Harrington Street,  
 Zonnebloem,  
 Cape Town,

8001

**Pretoria:**

Office 101,

1<sup>st</sup> Floor,

Suncardia Mall,

541 Madiba Street,

Pretoria

0083

Last updated: 23 June 2021

