

# BIEN GROUP



## 1. Introduction

- 1.1 Bien Group, which is *inter alia* made up of Bien Africa Limited and Bien Holdings (Mauritius) Limited, (**we, us, our** and **Bien**) is a Mauritian-based investment and trading group with an expanding African distribution network, focused on human and animal healthcare agriculture and speciality chemicals. The products and services that we offer include the wholesale of pharmaceutical and medical goods, assisting in sales and local business expertise, providing investment, and working capital, and offering an efficient, consolidated, compliant and high-volume distribution network into Africa, while managing payment and currency risks (**"Products & Services"**).
- 1.2 We take privacy and security of personal data very seriously and we are committed to ensuring that we safeguard the privacy and personal data of:
- 1.2.1 those who are interested in being employed by us and those who are employed by us (the **"Candidates/Employees"**); and
- 1.2.2 those who are interested or already engaged in our Products & Services and those with whom we do business including suppliers and stakeholders (the **"Clients/Counterparties"**).
- (hereinafter collectively referred to **you, your** or **yourselves**)
- 1.3 This Privacy Policy does not provide any additional terms and conditions nor warranties whether expressly or impliedly. All terms and conditions are set out in the relevant documents. This Privacy Policy, which applies to all the Services offered by us, describes our privacy practices and contains important information for you. It explains:
- 1.3.1 who we are;
- 1.3.2 what personal information we collect about you;
- 1.3.3 how, when and why we collect, store, use, share and process your personal data;
- 1.3.4 how we keep your personal data secure;
- 1.3.5 for how long we keep your personal data;
- 1.3.6 your rights in relation to your personal data; and
- 1.3.7 how to contact us or the relevant supervisory authority should you wish to lodge a complaint.
- 1.4 Please read all information as provided below. We welcome any questions or comments you may have regarding our Privacy Policy, which shall be addressed to [renandpretorius@eversheds-sutherland.mu](mailto:renandpretorius@eversheds-sutherland.mu) / [zaafirraymode@eversheds-sutherland.mu](mailto:zaafirraymode@eversheds-sutherland.mu)
- 1.5 Bien Holdings (Mauritius) Limited and/or Bien Africa Limited (as applicable) act as Controllers, as defined by the Data Protection Act 2017 (the **"DPA"**), with respect to your personal data.
- 1.6 This Privacy Policy is divided into two (2) sections, namely:
- Section 1: Privacy of Candidates/Employees; and
  - Section 2: Privacy of Client.

## 2. **Section 1: Privacy of Candidates/Employees**

### 2.1 **What kind of personal data do we collect?**

2.1.1 Depending on the relevant circumstances and applicable local laws and requirements, we will collect some or all of the information listed below to enable us to offer you employment and/or for the purpose of your employment, with us:

- 2.1.1.1 Name;
- 2.1.1.2 Age/date of birth;
- 2.1.1.3 Sex/gender;
- 2.1.1.4 Employment history;
- 2.1.1.5 Emergency contacts and details of any dependants;
- 2.1.1.6 Referee details;
- 2.1.1.7 Immigration status (whether you need a work permit);
- 2.1.1.8 Nationality/citizenship/place of birth;
- 2.1.1.9 Start date or availability date;
- 2.1.1.10 A copy of your driving licence and/or passport/identity card;
- 2.1.1.11 Bank details;
- 2.1.1.12 Financial information (where we need to carry out financial background checks);
- 2.1.1.13 Tax Account Number (or equivalent in your country) and any other tax-related information;
- 2.1.1.14 Diversity information (racial or ethnic origin, religious or other similar beliefs, and physical or mental health, including disability-related information);
- 2.1.1.15 Sexual orientation;
- 2.1.1.16 Information on your interests and needs regarding future employment;
- 2.1.1.17 Extra information that you choose to tell us; and
- 2.1.1.18 Extra information that your referees choose to tell us about you;

2.1.2 Please note that:

- 2.1.2.1 the list at 2.1.1 above is not exhaustive.
- 2.1.2.2 it is important that the personal data that we hold about you is accurate and current. For this reason, you are hereby kindly requested to keep us informed in the event that your personal details change during your relationship with us whether contractual or non-contractual.

## 2.2 How do we collect your personal data?

2.2.1 We collect Candidates/Employees' personal data in the following ways:

2.2.1.1 Personal data that you, the Candidates/Employees, give to us;

2.2.1.2 Personal data that we receive from other sources; and

2.2.1.3 Personal data that we collect automatically.

### 2.2.2 Personal data you give us

2.2.2.1 We need to know certain information about you in order to *inter alia* assess you, fulfil our obligations and/or provide you with the best available opportunities.

2.2.2.2 There are numerous ways in which you can share your information with us, depending on what suits you. These may include:

- 1) leaving a hard copy CV at our recruitment event, job fair or office;
- 2) emailing your CV or other information to us or our consultants; and
- 3) applying for jobs via our website or similar;

### 2.2.3 Personal data we receive from other sources

2.2.3.1 We also receive personal data about you from other sources. Depending on the relevant circumstances and applicable local laws and requirements, this will include personal data received in the following situations:

- 1) Your referees may disclose personal information about you;
- 2) Clients/Counterparties may share personal information about you with us; and
- 3) If you 'like' our page on Facebook or 'follow' us on Twitter (or similar) we may receive your personal information from these sites.

### 2.2.4 Personal data we collect automatically

2.2.4.1 To the extent that you access our website (or similar) or read or click on an email from us, where appropriate and in accordance with any local laws and requirements, we may also collect your data automatically through the use of 'cookies' (see the section on 'Cookies' below).

## 2.3 How do we use your personal data?

2.3.1 The DPA requires that we only use your personal data for the purposes for which it was collected, or where we have lawful justification for using it. Such justification includes the following:

- 2.3.1.1 Where you have given express informed consent to the use of your personal data for one or more specific purposes;
- 2.3.1.2 Where the use is necessary for the performance of a contract to which you are party, or in order to take steps at your request prior to entering into a contract;
- 2.3.1.3 Where the use is necessary for compliance with a legal obligation that we are subject to;
- 2.3.1.4 Where the use is necessary to protect your vital interests or those of another person;
- 2.3.1.5 Where the use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us;
- 2.3.1.6 Where the use is necessary for the purposes of our legitimate interest or those of a third party, except where those interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data, in particular where you or the relevant person is a child; and
- 2.3.1.7 Where the use is necessary for the purpose of historical, statistical or scientific research.
- 2.3.2 We use personal data of Candidates/Employees for the following non-exhaustive purposes:
  - 2.3.2.1 Recruitment Activities;
  - 2.3.2.2 Marketing Activities;
  - 2.3.2.3 Equal Opportunities Monitoring;
  - 2.3.2.4 To help us establish, exercise or defend legal claims; and
  - 2.3.2.5 In appropriate circumstances, for Profiling, as defined in the DPA.
- 2.3.3 With respect to Recruitment Activities, your data is processed in the following instances, to:
  - 2.3.3.1 facilitate the recruitment process;
  - 2.3.3.2 assess data about you against vacancies which we think may be suitable for you;
  - 2.3.3.3 enable you to submit your CV, apply online for jobs or to subscribe to alerts about jobs we think may be of interest for you;
  - 2.3.3.4 carry out our obligations arising from any contracts entered into between us;
  - 2.3.3.5 carry out our obligations arising from any contracts entered into between us and third parties in relation to your recruitment;
  - 2.3.3.6 carry out satisfaction surveys;

- 2.3.3.7 verify details you have provided or to request information (such as references, qualifications and potentially any criminal convictions, to the extent that this is appropriate and in accordance with local laws);
- 2.3.3.8 process your data to enable us to send you targeted, relevant marketing materials or other communications which we think are likely to be of interest to you; and
- 2.3.3.9 carry our assessment and development activities (such as psychometric evaluations or skills tests).

Note: The above non-exhaustive data processing instances rely on the performance of the contractual relationship between us or your express informed consent.

#### 2.3.4 With respect to Marketing Activities:

2.3.4.1 We will periodically send you information that we think you may find interesting. In particular, we may use your data in the non-exhaustive list of instances set out below, in accordance with any local laws and requirements:

- 1) To market our Product & Services;
- 2) To enable us to enhance our Product & Services;
- 3) To display promotional excerpts from your details on our website or similar as a success story (only where we have obtained your expressed consent to do so).

Note: Processing of your personal data for marketing activities generally relies on your express informed consent.

#### 2.3.5 With respect to Equal Opportunities Monitoring:

2.3.5.1 We are committed to ensuring that our recruitment processes are aligned with our approach to equal opportunities. Some of the data that we will collect from you are under the umbrella of “diversity information”. This can be information about your ethnic background, gender, disability, sexual orientation, religion or other similar beliefs and/or social-economic background. This diversity information is what we call “special category” data and slightly stricter data protection rules apply to it.

2.3.5.2 Where appropriate and in accordance with local laws and requirements, we will use this information on an anonymised basis to monitor our compliance with our equal opportunities obligations. We will also disclose this (suitably anonymised (where relevant)) data to Clients/Counterparties where this is contractually or otherwise required.

2.3.5.3 We may also collect further “special category” personal data about you in terms of your medical health data and/or religious affiliation in order to make reasonable adjustments during the recruitment process and your employment with us.

- 2.3.5.4 Where required, we may also be called upon to collect details of any criminal convictions that you may have in order to assess your suitability for the job position(s).

Note: These processing of your personal data for Equal Opportunities Monitoring, especially when such data is “special category” data, relies on your express informed consent.

- 2.3.6 With respect to establishing, exercising or defending legal claims:

- 2.3.6.1 Where it is necessary for us to do so in order to establish, exercise or defend a legal claim, whether in court proceedings, out-of-court procedure or otherwise. This processing generally relies upon factors related to our legitimate interests in processing the data.

- 2.3.7 With respect to Profiling:

- 2.3.7.1 Profiling is defined in the DPA as “*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.*”

- 2.3.7.2 Profiling helps us to get a better idea of what you are like and your interests, likes and dislikes, all of which enable us to *inter alia* provide the best possible opportunities to you.

- 2.3.7.3 We may use profiling for:

- 1) shortlisting and ranking of Candidates/Employees in order to be able to place you and other suitable Candidates/Employees on shortlists for particular roles based on established criteria, which will allow us and/or our consultants to identify the most appropriate Candidates/Employees for available roles more efficiently and also to recommend roles to you based on how your interests, habits, attributes and/or preferences rank in comparison to other Candidates/Employees;
- 2) automated decision making by making use of Artificial Intelligence systems to analyse data we have about you and other Candidates/Employees.

Note: The processing of personal data for profiling may be done on the basis of your express informed consent and/or on the basis that it is necessary for the performance of the contractual relationship between us.

## 2.4 Retention of data

- 2.4.1 We shall retain your data for as long as necessary to *inter alia* comply with our legal obligations, resolve disputes or enforce our agreements.

## 2.5 **Your rights with respect to your data**

- 2.5.1 For more information on the rights you have, please see the section “Rights of data subjects” below.

## 3. **Section 2: Privacy of Clients/Counterparties**

### 3.1 **What kind of personal data do we collect?**

- 3.1.1 Depending on the relevant circumstances and applicable local laws and requirements, we will collect necessary information, which is most likely to include those listed below:

- 3.1.1.1 Your contact details;
- 3.1.1.2 The contact details of individual contacts at your organisation/firm/company/society;
- 3.1.1.3 Your bank account and/or other financial details;
- 3.1.1.4 Details of any feedback you give us, and this may be by phone, email or post;
- 3.1.1.5 Information about the Products & Services we provide to you;
- 3.1.1.6 Information arising out of or in connection with the contract we entered with you including the products & services that you provide to us (where applicable);
- 3.1.1.7 Your IP address, the browser you use, your operating system;
- 3.1.1.8 The pages of our websites or similar that you have accessed and when you accessed them; and
- 3.1.1.9 Such other data as may be required, in the circumstance, for Know Your Client (KYC) purposes.

### 3.2 **How do we collect your personal data?**

- 3.2.1 We collect Clients/Counterparties’ personal data in the following ways:

- 3.2.1.1 Personal data that you, the Clients/Counterparties, give to us;
- 3.2.1.2 Personal data that we receive from other sources; and
- 3.2.1.3 Personal data that we collect automatically.

#### 3.2.2 **Personal data you give us**

- 3.2.2.1 To ensure that our relationship runs smoothly, we need to know certain information about you:

- 1) before onboarding you with respect to the provision of tailored Products & Services;
- 2) before conducting any business activities with you.



3.2.2.2 This data is collected directly from you in person, via email, via telephone or otherwise.

### 3.2.3 **Personal data we receive from other sources**

3.2.3.1 We also receive personal data about Clients/Counterparties from other sources. Depending on the relevant circumstances and applicable local laws and requirements, this will involve personal data received in the following situations:

- 1) Clients/Counterparties, other than you, may share personal information about you with us;
- 2) Authorities may share personal information about you with us; and
- 3) Individuals may share personal information about you with us.

### 3.2.4 **Personal data we collect automatically**

3.2.4.1 To the extent that you access our website (or similar) or read or click on an email from us, where appropriate and in accordance with any local laws and requirements, we may also collect your data automatically through the use of 'cookies' (see the section on 'Cookies' below).

## 3.3 **How do we use your personal data?**

3.3.1 The DPA requires that we only use your personal data for the purposes for which it was acquired, or where we have lawful justification for using it.

3.3.2 We generally process personal data of Clients/Counterparties in the following non-exhaustive instances:

3.3.2.1 To supply our Products & Services to you or when doing business with you. This processing relies upon the performance of the contractual relationship between us and the steps needed to deliver the Products & Services/to perform contractual obligations.

3.3.2.2 To prevent or detect fraud, either against you or against any other person involved in any matter in which you are involved. This will help to prevent any damage either to you, a third party or to us. This processing relies upon factors related to our legitimate interests in processing the data.

3.3.2.3 To preserve the confidentiality of commercially sensitive information, and for our legitimate interests or those of a third party in relation to the protection of our, or another's, intellectual property and other commercially valuable information. This processing relies upon your consent where this has been given, or upon factors related to our legitimate interests in processing the data.

- 3.3.2.4 To improve the operation of our website (or similar) and provide those Products & Services which you have requested us to provide. This may include taking such security measures as are appropriate, backing up the data we hold, and contacting you. This processing relies upon your consent where this has been given, or upon factors related to our legitimate interests in processing the data in that we are seeking to provide Services as part of our business, or the performance of a contract between us, and the steps needed to deliver those contractual services.
- 3.3.2.5 For dealing with an enquiry submitted by you to us. This processing relies upon your consent where this has been given, or upon factors related to our legitimate interests in processing the data in that we are seeking to provide services as part of our business, or the performance of a contract between us, and the steps needed to deliver those contractual services.
- 3.3.2.6 Where it is necessary for us to do so in order to establish, exercise or defend a legal claim, whether in court proceedings or in an administrative or out-of-court procedure. This processing relies upon factors related to our legitimate interests in processing the data.
- 3.3.2.7 In connection with the compliance by us with a legal obligation that we are subject to, or in order to protect your, or our, vital interests, or the vital interests of another natural person.

## **3.4 Your rights with respect to your data**

- 3.4.1 For more information on the rights you may have, please see the section “Rights of data subjects” below.

## **3.5 Retention of data**

- 3.5.1 We undertake to keep your data for no longer than is necessary for the purposes for which it was collected.

## **4. Who do we share your data with?**

- 4.1 Where appropriate and in accordance with local laws and requirements, we may share your personal data, in various ways and for various legitimate reasons, with the following non-exhaustive categories of people:
  - 4.1.1 Any of our group companies;
  - 4.1.2 Relevant employees within Bien (this may include employees in overseas offices);
  - 4.1.3 Relevant authorities, where we believe in good faith that the law or other regulation requires us to share the data;
  - 4.1.4 Third party service providers, in whichever country they may be found including Mauritius, Zimbabwe and South Africa, who perform functions on our behalf;
  - 4.1.5 Marketing technology platforms and suppliers, in whichever country they may be found including Mauritius, Zimbabwe and South Africa; and

- 4.1.6 In the case of Candidates/Employees to *inter alia*:
- 4.1.6.1 potential Clients/Counterparties, in whichever country they may be found including Mauritius, Zimbabwe and South Africa;
  - 4.1.6.2 third parties who we have been retained to provide services such as reference, qualification and criminal convictions checks, in whichever country they may be found including Mauritius, Zimbabwe and South Africa; and
  - 4.1.6.3 third parties helping us by developing services and processes to optimise the Candidates/Employees selection, in whichever country they may be found including Mauritius, Zimbabwe and South Africa.

## 5. Security and Safeguards

- 5.1 We use physical, electronic and administrative safeguards to assist us in preventing unauthorised access, maintaining data accuracy and correctly using personal data. Except as otherwise specified in this Privacy Policy, we use commercially reasonable efforts to limit access to your personal data to the employees/agents/officers who need this information to assist fulfil both our contractual and non-contractual obligations.
- 5.2 The personal information that we collect is securely stored within our database. We use standard, industry-wide practices such as firewalls and encryptions for protecting your information. Moreover, we regularly monitor our systems for possible vulnerabilities and attacks.
- 5.3 However, as effective as encryption technology is, no security system is impenetrable. We cannot guarantee the security of our database, nor can we guarantee that information you supply won't be intercepted while being transmitted to us over the internet. We therefore recommend that you do not disclose your password to anyone.

## 6. Rights of data subjects

- 6.1 The DPA gives you, the data subject, various rights in relation to your personal data that we hold and process. These rights are exercisable without charge, and we are subject to specific time limits in terms of how quickly we must respond to you. Those rights are as follows:
- 6.1.1 Right to access: The right to obtain from us confirmation as to whether or not personal data concerning you is being processed, and, where that is the case, access to that personal data and various other information, including the purpose for the processing, with whom the data is shared, how long the data will be retained, and the existence of various other rights (see below).
  - 6.1.2 Right to rectification: The right to obtain from us, without undue delay, the setting right of inaccurate personal data concerning you.
  - 6.1.3 Right to erasure: Your right to request that, in certain circumstances, we delete data relating to you.
  - 6.1.4 Right to object: The right, in certain circumstances, to object to your personal data being processed by us.
- 6.2 Full details of these rights can be found at Part VII of the DPA.
- 6.3 These rights are not absolute and should be reasonably exercised.
- 6.4 In response to a request, we will ask you to verify your identity if we need to, and to provide information that helps us to understand your request better. We will respond to your request

within a reasonable time. If we do not comply with your request, whether in whole or in part, we will explain why.

- 6.5 In order to exercise your rights, please contact [renandpretorius@eversheds-sutherland.mu](mailto:renandpretorius@eversheds-sutherland.mu) / [zaafirraymode@eversheds-sutherland.mu](mailto:zaafirraymode@eversheds-sutherland.mu)

## 7. **Our Cookies Policy**

- 7.1 Cookies are alphanumeric identifiers that we transfer to your computer's hard drive through your Web browser to enable our systems to recognise your browser and tell us how and when pages of our website or similar are visited and by how many people. Our website or similar may use session cookies which track your browser session. These do not store any information on your computer but merely allow our website or similar to recognise certain specificities of your usage, including whether you are logged in to your account.

The cookies and similar technologies used by us have various functions including helping us:

- 1) with respect to provision of our Products & Services;
- 2) in enhancing our services (e.g monitoring of error messages and loading times);
- 3) in improving your user experience;
- 4) in showing you more relevant advertisements.

- 7.2 We use Google Analytics, an analysis tool of *inter alia* Google LLC to continuously improve our Products & Services. The use includes the Universal Analytics operating mode. This makes it possible to assign data, sessions and interactions across multiple devices to a pseudonymous user ID and thus analyse a user's activities across multiple devices. Google Analytics uses cookies that are stored on your device and that enable us to analyse your use of our Products & Services. The data collected by the cookies regarding the use of our Products & Services (including your IP address) are usually transferred to a Google server in the USA and stored there.

Google processes this data on our behalf, to *inter alia* evaluate the use of our Products & Services, to compile reports on usage activities and to provide us with further services associated with the use of our Products & Services.

You can prevent the collection of data through the Google Analytics cookie by adjusting your browser settings accordingly. If you deactivate cookies, you may not be able to use all functions of our Products & Services to their full extent.

Further information about Google Analytics can be found in the [terms of use](#) and in the [privacy policy](#) of Google.

By using our website or similar, you agree to the above use of cookies and related technologies

## 8. **Safety of Minors below the age of 16**

- 8.1 Our Products & Services are not intended for and shall not be used by a minor below 16 years old (**Child**). We do not knowingly collect and process personal data of a Child.
- 8.2 If it comes to our attention that we have collected personal data from a Child, we may delete this information without notice. If you have reason to believe that this has occurred please contact us at [renandpretorius@eversheds-sutherland.mu](mailto:renandpretorius@eversheds-sutherland.mu) / [zaafirraymode@eversheds-sutherland.mu](mailto:zaafirraymode@eversheds-sutherland.mu)

## 9. **Modifications of this Privacy Policy**

- 9.1 We may, in our sole discretion, modify this Privacy Policy at any time and such modification shall be effective immediately upon either posting of the modified privacy policy on our website or similar or notifying same to you, via the contact details provided by you. You hereby agree to review our website or similar's Privacy Policy on a weekly basis to ensure that you are aware of any modifications. Your continued access or use of our website or similar, non-withdrawal of your job application, continued employment or continued performance of your contract for Products and Services shall be deemed your conclusive acceptance of the modified Privacy Policy.

## 10. **This Privacy Policy**

- 10.1 This Privacy Policy was published on 27 September 2021 and last updated on 27 September 2021.
- 10.2 If Bien is acquired or merged with another company, your information may be transferred to the new owners so that we may continue to sell the Products & Services to you.
- 10.3 You may not transfer any of your rights under this Privacy Policy to any other person.

## 11. **Law & Jurisdiction**

- 11.1 This Privacy Policy is governed by and interpreted according to the Laws of Mauritius. All disputes arising out of this Privacy Policy will be subject to the exclusive jurisdiction of the Courts of Mauritius.

## 12. **Invalid Provisions**

- 12.1 If any court or competent authority finds that any provision of this Privacy Policy (or part of any provisions) is invalid, illegal or unenforceable, that provision or part thereof shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provision of this Privacy Policy shall not be affected.

## 13. **Making a complaint**

- 13.1 If you have any issues or concerns as to the collection, acquisition, use, storage, disposal or processing of any personal data relating to you please contact our Data Protection Officer – Eversheds Sutherland (Mauritius) by addressing an email to [renandpretorius@eversheds-sutherland.mu](mailto:renandpretorius@eversheds-sutherland.mu) / [zaafirraymode@eversheds-sutherland.mu](mailto:zaafirraymode@eversheds-sutherland.mu) or by calling us on +230 211 0550
- 13.2 Notwithstanding our best efforts, if you are unhappy with any aspect of the use and/or protection of your personal data, you have the right to make a complaint to the Data Protection Commissioner by:
- 13.2.1 duly filling and signing the complaint form and the declaration form (more information is available at: <https://dataprotection.govmu.org/SitePages/Index.aspx>); and
- 13.2.2 delivering same to “The Data Protection Commissioner, Data Protection Office, 5<sup>th</sup> Floor, SICOM Tower, Wall Street, Ebène, Mauritius.”