



## **Smartcall Technology Solutions (Pty) Limited Email Legal Notice**

### **1. Applicability**

Smartcall Technology Solutions (Pty) Limited (Smartcall) is a privately held company incorporated in and subject to the laws of South Africa. Smartcall is a Wireless Application Service Provider.

Email is an integral part of Smartcall's business.

This Email Legal Notice has legal force and effect in terms of section 11 of the Electronic Communications and Transactions Act, 25 of 2002.

### **2. Purpose**

The purpose of this Email Legal Notice is to regulate the use and receipt of email to and from Smartcall.

### **3. Scope**

Emails, attachments to emails and links within emails are collectively referred to as 'email' in this Email Legal Notice.

### **4. Recipients of Email from Smartcall**

Email from Smartcall is intended for named recipients only. Persons copied are also named recipients.

Any other persons in receipt of email from Smartcall are unauthorised recipients of Smartcall's email.

### **5. Confidentiality and Privilege of Email from Smartcall**

Smartcall's email is classified 'company confidential'.

If you are an unauthorised recipient, kindly:

- Notify the sender if the sender is a Smartcall representative; or
- Notify [info@smartcalltech.co.za](mailto:info@smartcalltech.co.za).

If you are an unauthorised recipient please destroy all email in electronic and hard copy format which you have received as an unauthorised recipient and / or have printed without authority.

## **6. Monitoring and Interception**

To comply with law and in line with international standards and best practice relating to the use of information technology in its business activities, Smartcall monitors and intercepts live communications such as Interactive Voice Response (IVR), Short Message Service (SMS), Unstructured Supplementary Service Data (USSD), Wireless Application Protocol (WAP), Online Based Billing (OBB), vents Based Billing (EBB), Location Based Services (LBS), email and website activity in compliance with of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 70 of 2002.

Subject to the provisions of the Electronic Communications and Transactions Act, 25 of 2002 and South African and international privacy principles Smartcall will, where necessary and if required by law, access static data created, received, communicated and stored by Smartcall as part of its business.

## **7. Your Privacy**

Resultant from Smartcall's practice of monitoring and intercepting live email communications is that you have no expectation of privacy with respect to email communication to and from Smartcall. If you do not agree to this limitation of your constitutional right to privacy, regulated in terms of the above named Act, you should not communicate with Smartcall via email.

Notwithstanding the fact that Smartcall respects your privacy, it also has an obligation to identify and to limit risk related to the use of email in its business. As such, it seeks to find a balance between these opposing rights and obligations.

## **8. Warrantees and Representations**

No warranties are made or implied that any employee or contractor of Smartcall is or was authorised to create and / or send this email.

## **9. Unauthorised Use of Smartcall Email Systems**

Smartcall regulates its internal environment in accordance with South African law and Smartcall's policies, procedures, guidelines and technologies. Authorised users of Smartcall's email systems are subject to these instruments which regulate the acceptable use of email. In the event that Smartcall's policy and rules on the acceptable use of email is contravened by users, the users will be liable. Smartcall's directors and management shall not accept liability arising from such contravention.

## **10. Damages Arising from Email from Smartcall**

Email technologies and the use of related telecommunication systems and networks expose Smartcall to dynamic security and business risk. Smartcall manages this risk, in accordance with South African law, through its policies, procedures and guidelines to prevent unauthorised access to or abuse of its systems and networks.

Smartcall is committed to the highest standard of its duty of care and, as such, Smartcall will not be held liable for damages arising from the use of email.

## 11. Transmission and Receipt of Email from Smartcall

In accordance with the Electronic Communications and Transactions Act 25 of 2002, email is deemed received only when receipt is confirmed orally or in writing. Email is deemed sent as and when reflected in Smartcall's mail server logs.

## 12. Requirements for Valid Agreements

It is Smartcall's policy that no binding agreements will be entered into through the use of email. Any offers made or received will be regarded merely as part of the process of negotiation. The conclusion of agreements negotiated by email must be reduced to writing, printed on paper and signed by hand with ink.

## 13. Smartcall Corporate Information

<b>Smartcall Technology Solutions (Pty) Limited</b>	
Name	Smartcall Technology Solutions (Pty) Limited
Legal status	Privately held company
Physical address and the address for receipt of legal service of documents	15 Eastwood Road Dunkeld 2024 Johannesburg
Postal address	PO Box 412041 Craighall 2124
Phone numbers	+27 (0)11 507 4779 (switchboard) +27 (0)11 507 4630 (customer care)
Facsimile number	+27 (0)86 650 1083
Website address	<a href="http://www.smartcalltech.co.za">http://www.smartcalltech.co.za</a>
Email address	info@smartcalltech.co.za
Company registration number	2000/006777/07
VAT registration number	4780246692
Place of registration	South Africa

Directors and office bearers	Schmidt, Sasha Eve and Two-K Adminstration
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