



TUHF GROUP OF COMPANIES PRIVACY POLICY



TUHF

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1. **Introduction**

1.1 TUHF is a specialised commercial property financing company that finances property investors exclusively in inner cities. TUHF is a non-bank financial services company that borrows money from the capital markets and invests it in in- and inner city areas.

1.2 This Policy regulates the use and protection of personal information that TUHF processes. TUHF acknowledges the need to ensure that personal information is handled with care and is committed to ensuring that it complies with the requirements of POPIA for the processing of personal information.

2. **Purpose of the Privacy Policy**

2.1 POPIA imposes obligations on both public and private bodies for the processing of personal information.

2.2 The purpose of this Policy is to inform Data Subjects on the process TUHF will follow in respect of the handling of personal information they process, collect, or collate, receive, record, store, update, distribute, erase/destroy, disclose and/or generally use the Data Subject's personal information.

2.3 This Policy explains how TUHF Processes the personal information of Data Subjects. The rights Data Subjects have relating to the use, disclosure and correction of their personal information which TUHF has on record about Data Subjects.

3. **Application of POPIA**

3.1 TUHF, in its capacity as the Responsible Party, shall observe, and comply with its obligations under POPIA as well as accepted practices and guidelines when it processes personal information from or in respect of any Data Subject.

3.2 This Policy applies to personal information collected by the TUHF Group of Companies in connection with the services which it offers and provides. This includes information



collected offline and or through its website. This Policy does not apply to the information practices of Third-Party companies (including, without limitation, their websites, platforms and/or applications) which TUHF does not own or control; or individuals that TUHF does not manage or employ. These Third-Party sites may have their own privacy policies and terms and conditions and Data Subjects are encouraged to read them before using those Third-Party sites.

4. Information and Activities Applicable to POPIA

- 4.1 POPIA applies to the processing of personal information of natural (i.e., living) and juristic (i.e. legal) persons (referred to as Data Subjects) by all Responsible Parties domiciled in the Republic of South Africa.
- 4.2 POPIA applies to any personal information entered into a record by automated or non-automated means. POPIA also provides that if there are any other pieces of legislation which contain more extensive protections for the processing of personal information, that piece of legislation will apply.

5. Personal Information

Personal information, for the purposes of this Policy, is any form of information that identifies a Data Subject. This information may include but is not limited to a Data Subject's name, race, gender, pregnancy, marital status, mailing address, phone number, email address, education, employment history, and their financial history (such as their credit history).

6. Special Personal Information

- 6.1 Special Personal Information is sensitive personal Information of a Data Subject and TUHF acknowledges that it is not allowed to Process Special Personal Information other than in the specific circumstances prescribed under POPIA and/or generally if such;
 - Processing is carried out in accordance with the Data Subject's express consent;
 - Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
 - Processing is necessary to comply with an obligation of POPIA;



- Processing is for historical, statistical or research purposes, subject to stipulated safeguards;
- Information has deliberately been made public by the Data Subject; and
- Specific authorisation has been obtained in terms of POPIA.

7. **Personal Information of TUHF employees**

TUHF processes the Personal Information of its employees for employment-related purposes in accordance with the requirements of POPIA and in terms of TUHF internal policies and procedures.

8. **Collecting Personal Information**

- 8.1 TUHF will collect Personal Information in a fair, lawful, and reasonable manner to ensure that it protects the Data Subjects' rights to privacy and will process the Personal Information based on lawful grounds in a manner that does not adversely affect the Data Subject in question.
- 8.2 TUHF collects Personal Information directly from Data Subjects, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public, has authorised a third party to provide TUHF with their Personal Information or the Personal Information is contained in or derived from a public record).
- 8.3 Where TUHF obtains Personal Information from Third Parties, TUHF will ensure that it does so in compliance with POPIA. Examples of such Third Parties may include:
- Litigation attorneys/conveyancing attorneys;
 - Recruitment agencies;
 - Insurance brokers;
 - Credit bureau agencies; and
 - Other companies providing services to TUHF.



9. **Obtaining Consent**

- 9.1 TUHF obtains consent directly from Data Subjects through the loan application form or through an agreement. In certain instances, TUHF may obtain personal information from third parties such as recruitment agents or third-party service providers. Data Subjects provide their consent to TUHF either electronically or in writing.
- 9.2 TUHF shall inform Data Subjects of the manner and reason for which their Personal Information will be Processed before TUHF obtains their consent.
- 9.3 Where TUHF is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to TUHF's Processing of the Personal Information, as set out in paragraph 19.4 below. This will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.
- 9.4 If the consent is withdrawn or if there is a justified objection to the use or the Processing of such Personal Information, TUHF will ensure that the Personal Information is no longer Processed.
- 9.5 TUHF may also rely on other lawful grounds for its Processing of Personal Information including to carry out actions in relation to the conclusion or performance of an agreement/contract to which the Data Subject is a party, to comply with a public law duty or to carry out an obligation imposed on TUHF in terms of applicable law as detailed in paragraph 11.2 below.

10. **Lawful Processing of Personal Information**

- 10.1 TUHF will generally only Process a Data Subject's Personal Information where:
- 10.1.1 Consent of the Data Subject is obtained;
 - 10.1.2 Processing is necessary to carry out the actions for conclusion of a loan agreement/contract to which the Data Subject is a party to;



- 10.1.3 Processing is necessary for the fulfilment of an employment contract to which the Data Subject is a party to;
- 10.1.4 Processing complies with an obligation imposed by law on TUHF;
- 10.1.5 Processing protects a legitimate interest of the Data Subject; and
- 10.1.6 Processing is necessary for pursuing the legitimate interests of TUHF or of a Third Party to whom the Personal Information is supplied.

11. Purposes for the processing of Personal Information

- 11.1 TUHF will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such reasons and purpose(s) as far as possible.
- 11.2 TUHF may use Personal Information for, without limitation, the following purposes as set out below:
 - 11.2.1 As part of the "Know Your Customer" / "KYC" process as per the requirements of the Financial Intelligence Centre Act, No. 38 of 2001;
 - 11.2.2 In connection with the TUHF's obligations in terms of the National Credit Act, No. 34 of 2005;
 - 11.2.3 In connection with internal and external audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
 - 11.2.4 For employment-related purposes such as recruiting staff, administering payroll, assessing credit and criminal history, and determining Employment Equity Act, No. 55 of 1998 statistics, and to ensure that it is complying with its legal obligations under the applicable laws, including, but not limited to:



- the Labour Relations Act, No. 66 of 1995;
- the Basic Conditions of Employment Act, No. 75 of 1997;
- the Skills Development Act, No. 97 of 1998;
- the Unemployment Insurance Act, No. 63 of 2001;
- the Occupational Health and Safety Act, No. 85 of 1993; and
- the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993.

11.2.5 To respond to any correspondence that the Data Subject may send to TUHF, including via email or by telephone;

11.2.6 Personal Information is Processed in order to comply with obligations imposed on TUHF under the Based Black Economic Empowerment Act, No. 53 of 2003 ("BEE Act") read together with the Department of Trade and Industry's Codes of Good Practice on Broad-Based Black Economic Empowerment published in terms of Government Gazette No. 36928 on 11 October 2013 under section 9(1) of the BEE Act, as amended or reissued from time to time;

11.2.7 Personal Information of suppliers or potential suppliers is Processed by TUHF.

11.2.8 Personal Information is Processed in connection with the execution of payment processing functions;

11.2.9 For such other purposes to which the Data Subject may consent from time to time; and

11.2.10 For such other purposes authorized in terms of applicable law or for the TUHF to perform a public law duty.

12. **Storing Personal Information**

12.1 Personal information that TUHF collects from Data Subject is stored in a secure environment and is not available to any person outside TUHF (except as set out in this Privacy Policy).



- 12.2 Personal information may also be stored by Third Parties, via cloud services or other technology, with whom TUHF has contracted with, to support TUHF's business operations.
- 12.3 TUHF's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the personal information was initially collected to be Processed.
- 12.4 TUHF will ensure that such Third-Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies, procedures and POPIA.
- 12.5 These Third Parties do not use or have access to Personal Information other than for purposes specified by TUHF, and TUHF requires such parties to employ at least the same level of security that TUHF uses to protect the Personal Information.
- 12.6 Personal Information may be Processed in the Republic of South Africa or another country where Third Party service providers maintain servers and facilities and TUHF will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under POPIA and applicable law.

13. Use and Retention of Personal Information

- 13.1 TUHF may keep a record of a Data Subject's Personal Information, correspondence, or comments on file, in an electronic or hardcopy file format.
- 13.2 TUHF will not keep a Data Subject's Personal Information longer than the period for which it is required based on the purpose for which TUHF is Processing such Personal Information, unless TUHF is required by law to do so, or if the Data Subjected has consented to keeping such information for a longer period.
- 13.3 Where TUHF retains Personal Information for longer periods for statistical, historical or research purposes, TUHF will ensure that appropriate safeguards have been put in place



to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and the applicable laws.

13.4 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, TUHF will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information.

13.5 In instances where TUHF de-identifies the Data Subject's personal Information, TUHF may use such de-identified information indefinitely without further notice to the Data Subject.

13.6 When TUHF is no longer authorised to retain a record containing Personal Information, it shall destroy, delete or de-identify such a record. Any destruction or deletion of a record shall be done in a manner that prevents its reconstruction in an intelligible form.

14. Restricted Processing

14.1 In terms of POPIA, TUHF is required to place a restriction on the processing of Personal Information where:

14.1.1 The accuracy of such information is contested to by the Data Subject;

14.1.2 The Personal Information is no longer required to achieve the purpose for which it was collected or subsequently processed (but has to be maintained for purposes of proof); and

14.1.3 The Processing is unlawful and the Data Subject requests the restriction of use.

15. Securing Personal Information

15.1 TUHF shall preserve the security of Personal Information and prevent its alteration, loss and damage, or access by non-authorised third parties.



- 15.2 TUHF will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable, technical, and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.
- 15.3 TUHF shall implement physical, organisational, contractual, and technological security measures in line with industry standards to keep all Personal Information secure, including measures to protect any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification.
- 15.4 TUHF shall maintain and regularly verify that the security measures are effective and continually updates same in response to new risks.

16. **Data Breach**

- 16.1 A Data Breach refers to any incident in terms of which actual or suspected breach of security that leads to reasonable grounds to believe that the Personal Information of a Data Subject has been unlawfully accessed, altered, or acquired and disclosed by any unauthorised person.
- 16.2 A Data Breach can occur for many reasons, which include:
- 16.2.1 Loss or theft of data or equipment on which Personal Information is stored;
 - 16.2.2 Where someone outside of TUHF obtains unauthorised access to Personal Information or Special Personal Information;
 - 16.2.3 Equipment failure;
 - 16.2.4 Human error;
 - 16.2.5 Deliberate attacks on systems, such as hacking, viruses or phishing scams; and
 - 16.2.6 Alteration of Personal Information without permission and loss of availability of Personal Information.



16.3 TUHF will address any Data Breach in accordance with the terms of POPIA. In this regard, TUHF ensures that adequate controls are in place so that:

16.3.1 Data Breaches are identified, investigated, and timeously reported in accordance with the TUHF procedures, and that actions which are proportionate, consistent, and transparent are taken;

16.3.2 Internal assessments are carried out in order to ensure that the impact of any Data Breaches is addressed in order to minimise and mitigate any risk in relation to affected Personal Information under TUHF's control; and

16.3.3 All Data Breaches are recorded and regularly reported.

16.4 TUHF will notify the Information Regulator and the affected Data Subject (unless the law requires that TUHF delays notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

16.5 TUHF will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

16.6 Where TUHF acts as an Operator for purposes of POPIA and should any Data Breach affect the data of a Data Subject whose information TUHF Processes as an Operator, TUHF shall (in terms of POPIA) notify the relevant Responsible Party (Information Regulator/Data Subject) immediately where there are reasonable grounds to believe that the Personal Information of the relevant Data Subjects has been accessed or acquired by any unauthorised person.

17. **Provision of Personal Information to a Third Party**

17.1 TUHF may, where required to do so, disclose certain Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy and POPIA.

17.2 The Third Parties may assist TUHF with the purposes to carry out TUHF activities, for example; Third Parties may be used, *inter alia*, to:



- 17.2.1 Assist TUHF with auditing processes (including external audits);
 - 17.2.2 Advise TUHF on certain investment or procurement transactions;
 - 17.2.3 Provide outsourced services, i.e. insurance/IT;
 - 17.2.4 Assist TUHF with regulatory compliance processes;
 - 17.2.5 Notify the Data Subject of any pertinent information concerning TUHF; and
 - 17.2.6 Assist TUHF with legal, technical and financial due diligence processes;
- 17.3 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa, ATNS will comply with the requirements under POPIA for the lawful transfer of such Personal Information to any foreign jurisdiction.
- 17.4 The Processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

18. **Data Quality**

- 18.1 TUHF is required to take reasonably practicable steps to ensure that Personal Information is complete, accurate, not misleading and up to date and accordingly, TUHF will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible, including where appropriate, TUHF may expressly request the Data Subject to verify and update his/her/its Personal Information.
- 18.2 TUHF expects that the Data Subject will notify it from time to time in writing of any updates required in respect of his/her/its Personal Information.

19. **Access to Personal Information**

- 19.1 POPIA read with the relevant provisions of PAIA confers on natural persons and where applicable, juristic persons, whose Personal Information is processed, certain rights. TUHF's PAIA and POPIA Manuals can be found on TUHF's website. In terms of these Manuals, the rights of Data Subjects include:



19.2 *Right of access*

19.2.1 A Data Subject having provided adequate proof of identity has the right to;

- (i) request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or
- (ii) to request from a Responsible Party a description of the Personal Information held, including information about Third Parties who have or have had access to the Personal Information.

19.2.2 A Data Subject may request:

- (i) TUHF to confirm, free of charge, whether it holds any Personal Information about him/her/it; and
- (ii) To obtain from TUHF, at a prescribed fee (if any), the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided;
 - a) Within a reasonable time; and
 - b) In a reasonable manner and format and in a form that is generally understandable.

19.3 *A right to request correction or deletion:*

19.3.1 A Data Subject may also request TUHF to:

- (i) Correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- (ii) Destroy or delete a record of Personal Information about the Data Subject that TUHF is no longer authorised to retain records of in terms of POPIA's retention and restriction of records provisions. On receipt of such a request, TUHF is required to, as soon as is reasonably practicable:
 - a) Correct the information;
 - b) Delete or destroy the information;



- c) Provide the Data Subject with evidence in support of the information; and
- d) Where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, TUHF will take reasonable steps to attach to the information an indication that a correction has been requested but has not been made.

19.4 *Right to withdraw consent and to object to processing:*

19.4.1 Any Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw his/her/its consent and may do so upon providing TUHF with a notice to such effect. Furthermore, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

19.5 TUHF shall respond to these requests under certain conditions imposed by POPIA and PAIA. TUHF will provide the Data Subject with any such Personal Information to the extent required by POPIA and any of TUHF's policies and procedures which apply in terms of PAIA.

19.6 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in TUHF's records at any time in accordance with the process set out in TUHF's PAIA and POPIA Manuals.

19.7 If a Data Subject successfully demonstrates that their Personal Information in TUHF's records is inaccurate or incomplete, TUHF will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

20. **Time Period to Respond to Requests**

20.1 TUHF will respond to each written request of a Data Subject not later than 30 days after receipt of such requests. Under certain circumstances, TUHF may, however, extend the original period of 30 days once for a further period of not more than 30 days.



20.2 A Data Subject has the right to make a complaint to TUHF in respect of this time limit by contacting TUHF.

21. **Costs to Access to Personal Information**

21.1 The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed in TUHF's PAIA Manual.

22. **Privacy Notice**

22.1 In accordance with POPIA, TUHF has uploaded a Privacy Notice which is accessible on its website. The Notice;

- Confirms that TUHF is concerned about the Data Subject's personal information and how it is used;
- Informs Data Subjects that TUHF uses their personal information carefully;
- Discloses the information collected, processed and stored by TUHF and for what purpose;
- Informs Data Subjects of their privacy rights; and
- Provides TUHF contact details for privacy related purposes.

23. **Changes to this Policy**

23.1 TUHF reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

23.2 The current version of this Policy will govern the respective rights and obligations between Data Subject and TUHF.

24. **Contact Information**

24.1 All comments, questions, concerns or complaints regarding the Data Subject's Personal Information or this Policy, should be forwarded to:



Physical Address:	12th Floor, West Wing, Libridge Building 25 Ameshoff St, Johannesburg 2001 Gauteng Republic of South Africa
Postal Address:	PO Box 30872 BRAAMFONTEIN 2017
Email:	Designated email address i.e. privacy@tuhf.co.za
Information Officer	Chief Executive Officer
Deputy Information Officer(s)	Legal and Compliance Executive Chief Financial Officer Information Technology Executive

24.2 If a Data Subject is unsatisfied with the manner in which TUHF addresses any complaint with regard to TUHF's Processing of Personal Information, the Data Subject can contact the office of the information Regulator, the details of which are set out below:

Website: <http://justice.gov.za/inforeg/>

Tel: 012 406 4818

Fax: 086 500 3351

Email: inforeg@justice.gov.za



Glossary

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them:

"Data Breach" means an actual or suspected breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of TUHF;

"Data Subject" means the TUHF employees, Non-Executive Directors, clients or suppliers or any other persons in respect of whom TUHF Processes Personal Information, who may be either natural or juristic persons;

"Employees" means any employee of TUHF as defined in the Labour Relations Act 66 of 1995;

"Operator" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;

"Personal Information" means information relating to any Data Subject, including but not limited to (i) views or opinions of another individual about the Data Subject; and (ii) information relating to such Data Subject's:

race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language and birth;

education, medical, financial, criminal or employment history;

names, identity number and/or any other personal identifier, including any number(s), which may uniquely identify a Data Subject, account or client number, password, pin code, numeric, alpha, or alpha-numeric design or configuration of any nature, symbol, email address, domain name or IP address, physical address, cellular phone number, telephone number or other particular assignment; blood type, fingerprint or any other biometric information; personal opinions, views or preferences; correspondence that is implicitly or expressly of a personal, private



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or confidential nature (or further correspondence that would reveal the contents of the original correspondence); and information relating to corporate structure, composition and business operations (in circumstances where the Data Subject is a juristic person);

"Policy"

means this Data Protection Policy;

"POPIA"

means the Protection of Personal Information Act, No 4 of 2013;

"PAIA"

means the Promotion of Access to Information Act, No 2 OF 2000;

"Processing"

means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, "Process" has a corresponding meaning.

"Record"

means any recorded information: regardless of form or medium, including any of the following:

writing on any material; information produced, recorded or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; book, map, plan, graph or drawing; photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; in the possession or under the control of TUHF; whether or not it was created by TUHF; and regardless of when it came into existence;



- "Regulator"** means the Information Regulator established in terms of POPIA;
- "Responsible Party"** means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- "Special Personal Information"** means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and
- "Third Party"** means any independent contractor, agent, consultant, sub-contractor or other representative of TUHF.
- "TUHF"** means the TUHF Group of Companies;
- "TUHF Group of Companies"** means TUHF Holdings Ltd; TUHF Limited; TUHF Bridge (Pty) Ltd; TUHF Equity (Pty) Ltd; TUHF MBS (Pty) Ltd; TUHF NPC; TUHF Properties (Pty) Ltd; Intuthuko Equity Fund (Pty) Ltd; uMastandi (Pty) Ltd; TUHF 21, TUHF Properties (Pty) Ltd; Intuthuko Equity Fund (Pty) Ltd; TUHF Urban Finance (RF) Limited; TUHF Urban Finance Security SPV (RF) (Pty) Ltd; Urban Ubomi 1 (RF) Limited; Urban Ubomi 1 Security SPV (RF) (Pty) Ltd; Vusela Warehouse SPV (RF) (Pty) Ltd; Silverkey Investments (Pty) Ltd; Jeppestown Urban Trust; and Better Urban Living 2 (Pty) Ltd.