



PRINSLOO WRIGHT
Incorporated

Attorneys

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PRINSLOO WRIGHT INCORPORATED'S PROTECTION OF PERSONAL INFORMATION POLICY

1. Introduction:

- 1.1 Prinsloo Wright Incorporated is a law firm with offices situated in Brooklyn, Pretoria, Gauteng Province, providing various legal services as indicated, *inter alia*, on their website.
- 1.2 Prinsloo Wright Incorporated is obliged to comply with the Protection of Personal Information Act 4 of 2013 ("POPI Act").
- 1.3 The POPI Act requires Prinsloo Wright Incorporated to inform their clients as to how their Personal Information is used, disclosed and destroyed.
- 1.4 Prinsloo Wright Incorporated is committed to protecting the clients' privacy and ensuring that their Personal Information is used appropriately, transparently, securely and in accordance with all applicable laws.
- 1.5 This protection of personal information policy ("Policy") describes the way that Prinsloo Wright Incorporated will meet its legal obligations and the requirements concerning confidentiality and information security of the clients.
- 1.6 The requirements within the Policy are primarily based upon the POPI Act, as that is the key piece of legislation covering security and confidentiality of Personal Information, which aims to give effect to the constitutional right of privacy and dignity, by ensuring that the appropriate measures are in place to protect these rights of the clients.

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Candidate Attorney:

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- 1.7 Section 9 of POPI Act states that “*Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive*”. This Policy sets out the manner on how personal information is stored, regulated, promoted, enforced and processed. Further, it seeks to ensure compliance with relevant South African and international standards.

2. Definition:

- 2.1 Consent means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- 2.2 Client(s) means the Data Subjects of Prinsloo Wright Incorporated;
- 2.3 Data Subject(s) mean the natural or juristic person to whom the personal information relates;
- 2.4 Direct Marketing means offering the clients legal services in accordance with the scope of Prinsloo Wright Incorporated’s services;
- 2.5 POPI Act means the Protection of Personal Information Act, No4 of 2013;
- 2.6 Personal Information means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 2.6.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 2.6.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 2.6.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 2.6.4 the biometric information of the person;
 - 2.6.5 the personal opinions, views or preferences of the person;
 - 2.6.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 2.6.7 the views or opinions of another individual about the person; and
 - 2.6.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 2.7 Processing means an operation or activity, whether or not by automatic means, concerning Personal Information.

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3. Policy Scope:

This Policy applies to all Prinsloo Wright Incorporated's employees, directors, agents, clients, service providers and consultants. The provisions of the Policy are applicable to both on and off-site processing of Personal Information.

4. Policy Statement:

Prinsloo Wright Incorporated collects and uses from time-to-time the Personal Information of the clients with whom it engages, receives and renders legal services, to operate and carry out its business effectively. Prinsloo Wright Incorporated regards the lawful and appropriate processing of all Personal Information as an essential aspect to successfully service and maintain confidence between Prinsloo Wright Incorporated and the clients.

5. Personal Information collected:

- 5.1. Prinsloo Wright Incorporated collects and processes the clients' Personal Information relative to the provision of the legal services it provides relating to the clients. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, Prinsloo Wright Incorporated will inform what information they are obliged to provide and what information is optional. Examples of the Personal Information that Prinsloo Wright Incorporated may collect includes but is not limited to names, surnames, identity numbers, residential and business/work addresses, postal codes, telephone and mobile numbers, fax numbers, email addresses, marital statuses, income tax reference numbers and bankers / bank accounts.
- 5.2. For purposes of this Policy, clients include potential, past and existing clients whether individuals, close corporations, companies, bodies corporate, trusts and any person in a representative capacity such as members, shareholders, directors, trustees and beneficiaries.
- 5.3. Prinsloo Wright Incorporated's records comprises of Personal Information of the following types of clients:

Type:	Personal Information processed
Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence
Juristic Persons / Entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorized signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information;

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	authorized signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Employees / Consultants / Directors	Gender; pregnancy; marital status; colour, race; age; language; education information; financial information; employment history; ID number; physical and postal address; contact details; opinions; criminal record; well-being

6. How Personal Information is used:

- 6.1. The client's Personal Information will only be used for the purpose for which it was collected and intended. This would include providing legal services to the clients until the mandate given has been reasonably discharged.
- 6.2. Prinsloo Wright Incorporated uses Personal Information in its possession in the following ways:
 - 6.2.1 Compliance with the Financial Intelligence Centre Act for client onboarding;
 - 6.2.2 Providing legal services to clients;
 - 6.2.3 Complying with legal and regulatory requirements;
 - 6.2.4 Keeping of accounts and records;
 - 6.2.5 In connection with legal proceedings;
 - 6.2.6 Detecting and prevention of fraud, crime, money laundering and other malpractice;
 - 6.2.7 Administration of agreements;
 - 6.2.8 Staff administration; and
 - 6.2.9 Profiling the client for the purposes of direct marketing.
- 6.3. According to Section 11 of the POPI Act, Personal Information may only be processed if certain conditions are met for Prinsloo Wright Incorporated processing the Personal Information. These are as follows:
 - 6.3.1. Client's consent to the processing;
 - 6.3.2. Processing is necessary – the Personal Information that is required will be reasonably necessary to facilitate the provision of legal services to clients;
 - 6.3.3. Processing complies with an obligation imposed by law on Prinsloo Wright Incorporated or to discharge its mandate to its clients;
 - 6.3.4. Processing protects a legitimate interest of the client;
 - 6.3.5. Processing is necessary for the purposes of providing quality and appropriate legal services to clients of Prinsloo Wright Incorporated.

7. Disclosure of Personal Information:

- 7.1. Prinsloo Wright Incorporated may share clients' Personal Information with and obtain information about clients from third parties for the reasons mentioned in paragraph 6 above.
- 7.2. Prinsloo Wright Incorporated may also disclose the clients' information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect its rights and

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carry out its obligations and where it is reasonably necessary to enable it to discharge its mandate to the clients.

- 7.3. Prinsloo Wright Incorporated may also share the Personal Information with its shareholders, directors, employees, consultants, agents, affiliates, and associated companies, who may use this information to send the client information on products and services. Prinsloo Wright Incorporated may supply the Personal Information to any party to whom Prinsloo Wright Incorporated may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- 7.3.1 Capturing and organizing of data;
- 7.3.2 Storing of data;
- 7.3.3 Sending of emails and other correspondence to clients; and
- 7.3.4 Conducting due diligence checks.

8. Processing Limitation:

8.1. Lawful grounds:

The processing of Personal Information is only lawful if, given the purpose of processing, the information is adequate, relevant and not excessive. Prinsloo Wright Incorporated may only, save for paragraph 6.3 herein, process Personal Information if one of the following grounds of lawful processing exists:

- 8.1.1. The client consents to the processing;
- 8.1.2. Processing is necessary for the conclusion or performance of a contract with the clients;
- 8.1.3. Processing complies with a legal responsibility imposed on Prinsloo Wright Incorporated;
- 8.1.4. Processing protects a legitimate interest of the clients; and
- 8.1.5. Processing is necessary for pursuance of a legitimate interest of Prinsloo Wright Incorporated, or a third party to whom the information is supplied.

8.2. Special Personal Information includes:

- 8.2.1. Religious, philosophical, or political beliefs;
- 8.2.2. Race or ethnic origin;
- 8.2.3. Trade union membership;
- 8.2.4. Health or sex life;
- 8.2.5. Biometric information (including blood type, fingerprints, DNA, retinal scanning, voice recognition, photographs);
- 8.2.6. Criminal behaviour, as set out in Section 26 of the POPI Act; and
- 8.2.7. Information concerning a child.

8.3. Prinsloo Wright Incorporated may only process Special Personal Information under the following circumstances:

- 8.3.1. The client has consented to such processing;
- 8.3.2. The Special Personal Information was deliberately made public by the client;
- 8.3.3. Processing is necessary for the establishment of a right or defence in law;
- 8.3.4. Processing is for historical, statistical, or research reasons; and
- 8.3.5. If processing of race or ethnic origin is in order to comply with affirmative action laws.

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All clients have the right to refuse or withdraw their consent to the processing of their Personal Information, and a client may object, at any time, to the processing of their Personal Information on any of the above grounds, unless legislation provides for such processing. If the client withdraws consent or objects to processing, then Prinsloo Wright Incorporated shall forthwith refrain from processing the Personal Information.

8.4. Collection directly from the clients:

Personal Information must be collected directly from the client, unless:

- 8.4.1. Personal Information is contained in a public record;
- 8.4.2. Personal Information has been deliberately made public by the client;
- 8.4.3. Personal Information is collected from another source with the client's consent;
- 8.4.4. Collection of Personal Information from another source would not prejudice the client;
- 8.4.5. Collection of Personal Information from another source is necessary to maintain, comply with or exercise any law or legal right;
- 8.4.6. Collection from the client would prejudice the lawful purpose of collection; and
- 8.4.7. Collection from the client is not reasonably practicable.

9. Purpose Specification:

Prinsloo Wright Incorporated shall only process Personal Information for the specific purposes as set out in this policy.

10. Further Processing:

New processing activity must be compatible with original purpose of processing. Further processing will be regarded as compatible with the purpose of collection if:

- 10.1. The client has consented to the further processing;
- 10.2. Personal Information is contained in a public record;
- 10.3. Personal Information has been deliberately made public by the client;
- 10.4. Further processing is necessary to maintain, comply with or exercise any law or legal right; and
- 10.5. Further processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the client or a third party.

11. Information Quality:

Prinsloo Wright Incorporated shall take reasonable steps to ensure that Personal Information is complete, accurate, not misleading and updated. Prinsloo Wright Incorporated shall periodically review client records to ensure that the Personal Information is still valid and correct.

12. Retention of Personal Information Records:

Prinsloo Wright Incorporated may retain Personal Information records indefinitely, unless the client objects thereto. If the client objects to indefinite retention of its Personal Information Prinsloo Wright Incorporated shall retain the Personal Information records to the extent permitted or required by law as set out hereunder:

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LEGISLATION	APPLICABLE PROVISION	PERIOD
Companies Act:	<ul style="list-style-type: none"> - Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act; - Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities; - Copies of reports presented at the annual general meeting of the company; - Copies of annual financial statements required by the Act; - Copies of accounting records as required by the Act; - Record of directors and past directors, after the director has retired from the company; - Written communication to holders of securities and - Minutes and resolutions of directors' meetings, audit committee and directors' committees. 	7 years
	<ul style="list-style-type: none"> - Registration certificate; - Memorandum of Incorporation and alterations and amendments; - Rules; - Securities register and uncertified securities register; - Register of company secretary and auditors and - Regulated Companies (companies to which chapter 5, part B, C and Takeover Regulations apply) – Register of disclosure of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued. 	Indefinitely
Consumer Protection Act	<ul style="list-style-type: none"> - Full names, physical address, postal address and contact details; - ID number and registration number; - Contact details of public officer in case of a juristic person; - Service rendered; - Cost to be recovered from the consumer; - Frequency of accounting to the consumer; - Amounts, sums, values, charges, fees, remuneration specified in monetary terms; - Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions; 	3 years
Financial Intelligence Centre Act	<ul style="list-style-type: none"> - Whenever a reportable transaction is concluded with a customer, the institution must keep record of the identity of the customer; - If the customer is acting on behalf of another person, the identity of the person on whose behalf the customer is acting and the customer's authority to act on behalf of that other person; 	5 years

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	<ul style="list-style-type: none"> - If another person is acting on behalf of the customer, the identity of that person and that other person's authority to act on behalf of the customer; - The manner in which the identity of the persons referred to above was established; - The nature of that business relationship or transaction; - In the case of a transaction, the amount involved and the parties to that transaction; - All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction; - The name of the person who obtained the identity of the person transacting on behalf of the accountable institution; - Any document or copy of a document obtained by the accountable institution 	
Basic Conditions of Employment Act	<p>Section 29(4):</p> <ul style="list-style-type: none"> - Written particulars of an employee after termination of employment; <p>Section 31:</p> <ul style="list-style-type: none"> - Employee's name and occupation; - Time worked by each employee; - Remuneration paid to each employee; - Date of birth of any employee under the age of 18 years. 	3 years
Employment Equity Act	<ul style="list-style-type: none"> - Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act; - Section 21 report which is sent to the Director General 	3 years
Labour Relations Act	Records to be retained by the employer are the collective agreements and arbitration awards.	3 years
	<ul style="list-style-type: none"> - An employer must retain prescribed details of any strike, lock-out or protest action involving its employees; - Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions 	Indefinitely
Unemployment Insurance Act	Employers must retain personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed	5 years
Tax Administration Act	<p>Section 29 documents which:</p> <ul style="list-style-type: none"> - Enable a person to observe the requirements of the Act; - Are specifically required under a Tax Act by the Commissioner by the public notice; 	5 years

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	<ul style="list-style-type: none"> - Will enable SARS to be satisfied that the person has observed these requirements 	
Income Tax Act	<ul style="list-style-type: none"> - Amount of remuneration paid or due by him to the employee; - The amount of employee's tax deducted or withheld from the remuneration paid or due; - The income tax reference number of that employee; - Any further prescribed information; - Employer Reconciliation return. 	5 years
Value Added Tax Act	<ul style="list-style-type: none"> - Where a vendor's basis of accounting is changed the vendor shall prepare lists of debtors and creditors showing the amounts owing to the creditors at the end of the tax period immediately preceding the changeover period; - Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS; - Vendors are obliged to retain records of all goods and services, rate of tax applicable to the supply, list of suppliers or agents, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques; - Documentary proof substantiating the zero rating of supplies; - Where a tax invoice, credit or debit note, has been issued in relation to a supply by an agent or a bill of entry as described in the Customs and Excise Act, the agent shall maintain sufficient records to enable the name, address and VAT registration number of the principal to be ascertained. 	5 years

13. Safeguarding Personal Information:

- 13.1. It is a requirement of the POPI Act to adequately protect the Personal Information that Prinsloo Wright Incorporated holds and to avoid unauthorized access and use of your Personal Information.
- 13.2. Prinsloo Wright Incorporated shall ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:
- 13.2.1 Identify all reasonably foreseeable risks to information security;
- 13.2.2 Establish and maintain appropriate safeguards against such risks.
- 13.3. Measures taken by Prinsloo Wright Incorporated to safeguard the Personal Information, includes but is not limited to virus protection software, and logical and physical access control.

14. Access and Correction of Personal Information:

- 14.1. Clients may request access to Personal Information held by Prinsloo Wright Incorporated. Any requests should be directed to the Information Officer.

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- 14.2. Clients may also request Prinsloo Wright Incorporated to update, correct or delete their Personal Information on reasonable grounds.
- 14.3. Should a client objects to the processing of their Personal Information, Prinsloo Wright Incorporated shall no longer process same, save and except where Prinsloo Wright Incorporated is obliged by law or common practice to do so.
- 14.4 Remedies available should an individual / entity's request for access to Personal Information be refused:

14.4.1 Internal Remedies:

Prinsloo Wright Incorporated does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

14.4.2. External Remedies:

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.

14.4. Grounds for Refusal:

- 14.4.1. Prinsloo Wright Incorporated may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Prinsloo Wright Incorporated may refuse access include but are not limited to:
- 14.4.1.1. Protecting personal information that Prinsloo Wright Incorporated holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
 - 14.4.1.2. Protecting commercial information that Prinsloo Wright Incorporated holds about a third party or Prinsloo Wright Incorporated (for example trade secret: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization or the third party);
 - 14.4.1.3. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
 - 14.4.1.4. If disclosure of the record would endanger the life or physical safety of an individual;
 - 14.4.1.5. If disclosure of the record would prejudice or impair the security of property or means of transport;
 - 14.4.1.6. If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;

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- 14.4.1.7. If disclosure of the record would prejudice or impair the protection of the safety of the public;
 - 14.4.1.8. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
 - 14.4.1.9. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Prinsloo Wright Incorporated;
 - 14.4.1.10. Disclosure of the record would put Prinsloo Wright Incorporated at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
 - 14.4.1.11. The record is a computer programme;
 - 14.4.1.12. The record contains information about research being carried out or about to be carried out on behalf of a third party or Prinsloo Wright Incorporated; and/or
 - 14.4.1.13. Records that cannot be found or do not exist after a search has been conducted. The requester will be notified by way of a confirmatory affidavit.
- 14.5. Unless there are grounds for refusal as set out in paragraph 14.4 above, Prinsloo Wright Incorporated shall disclose the requested Personal Information:
- 14.5.1. On receipt of adequate proof of identity from the client, or requester;
 - 14.5.2. Within a reasonable time;
 - 14.5.3. On receipt of the prescribed fee, if any;
 - 14.5.4. In a reasonable format; and
 - 14.5.5. Prinsloo Wright Incorporated shall not disclose any Personal Information to any party unless the identity of the requester has been verified.
- 14.6. The details of Prinsloo Wright Incorporated's Information Officer are as follows:
- | | |
|-------------------|---|
| Name: | Claire Wright |
| Telephone Number: | (012) 755 7840 |
| Physical Address: | Prinsloo Wright Incorporated, Lord Charles Office Park, Block C, Suite CG-01, 337 Brooklyn Road, Brooklyn, Pretoria, Gauteng; |
| Email address: | ckw@pwinc.co.za |

15. Destruction of documents:

Documents may be destroyed after the termination of the retention period specified herein, or as determined by Prinsloo Wright Incorporated from time to time.

16. Amendments to this policy:

Amendments to this Policy will take place on an *ad hoc* basis as and when required.

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