



First Floor, Poswa House, 8 Gemsbok Lane Rivonia Extension 12, Sandton, 2196
Tel: 011 783 8877 / www.poswainc.com
Branches: Umhlanga and Bloemfontein

Protection of Personal Information Act 4 of 2013 DATA PRIVACY 2023

By providing us with your personal information, you agree to our Data Privacy terms and you authorise us to process such information as set out herein. Our Data Privacy Terms apply to all external parties with whom we interact, including but not limited to individual clients, business partners, visitors to our offices, and other users of our legal and related services ('you'). Our firm respects the privacy of your personal information and has implemented reasonable measures to ensure that processing of your personal information is aligned to the requirements of the Protection of Personal Information Act 4 of 2013 ('POPIA'). In this document we explain how and when we process personal information. If you have questions arising from the processing of information that are not specifically listed herein, you may visit our website at <https://poswainc.com> or contact us on info@poswainc.co.za for assistance. Our firm may review and update our Data Privacy Terms from time to time.

1. INTRODUCTION

We operate in the following fields of law: conveyancing, estates administration, commercial law, family law, litigation and labour law. We see ourselves as a broad-based law firm which, in the fulfilment of our legal services we facilitate the registration of property transactions, mortgage bonds, we draft contracts, we advise on commercial law, family law and deliver legal services in respect of all aspects of litigation including liquidations, collections, labour disputes and we administer Estates of deceased clients.

In delivering our legal services, we deal with many role players in the various fields of law and acknowledge that, in performing our business operations it is necessary to obtain client personal information as and when required:

- 1.1. As a matter of course, to manage a legal enquiry or transaction in which we act or have received instruction or are involved with in any way, we request, receive, store and record personal information of data subjects.
- 1.2. We collect and record only the minimum personal information that is required for us to attend to the matter.
- 1.3. If you browse our website and/or download any information, we will not record any of your personal details. These details are recorded in our website terms and conditions.
- 1.4. We may collect or obtain your personal information:
 - 1.4.1 directly from you;
 - 1.4.2 in the course of our business relationship with you;
 - 1.4.3 in the course of providing legal and related services to you;
 - 1.4.4 when you make your personal information public;
 - 1.4.5 when you visit and/or interact with our website or our social media platforms;
 - 1.4.6 when you register to access our legal and related services including but not limited to newsletters, legal updates and similar services and products that we offer;
 - 1.4.7 when you visit our offices; and
 - 1.4.8 from third parties (eg, law enforcement authorities).



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- 1.5. We may record personal information about you such as records of your communications and interactions with us, including, but not limited to, your attendance at events or at interviews in the course of applying for a job with us, subscription to our newsletters and other mailings and interactions with you during the course of digital or 'in person' marketing campaigns.

We treat your personal information confidentially and only use, share, record or delete it as is required by law, our profession and/or as lawfully instructed by you. We primarily use your personal information only for the purpose for which it was originally or primarily collected. We will use your personal information for a secondary purpose only if such purpose constitutes a legitimate interest for you or for us and is closely related to the original or primary purpose for which your personal information was collected.

2. OBJECTIVE

Although it is not possible to ensure 100% mitigation against data breaches, the objective of our firm's Data Privacy Terms is to ensure adherence by our firm and all employees and professionals associated with our firm to the provisions within POPIA together with its Regulations. Our firm recognizes that these Regulations are aimed at protecting all of our firm's data subjects from harm, to ensure that data subjects' Consent is obtained as provided for in POPIA, to ensure that data subjects' information is not unlawfully shared with third parties unless Consent for such sharing is obtained or that the sharing is lawful, to stop identity fraud and generally to protect privacy.

3. POPIA CORE PRINCIPLES

In its quest to ensure the protection of data subjects' privacy, our firm fully commits as follows:

- 3.1. To continue developing and maintaining reasonable protective measures against the possibility of risks such as loss, unauthorised access, destruction, use, alteration or revelation of personal information.
- 3.2. To regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
- 3.3. To ensure that the requirements of the POPIA legislation are upheld within our firm. In terms of sections 8, 17 and 18 of POPIA, our firm adheres to an approach of transparency of operational procedures that controls collection and processing of personal information and subscribes to a process of accountability and openness throughout its operations.
- 3.4. In terms of the requirements set out within sections 9, 10, 11, 12, 13 14 and 15 of POPIA, our firm will only collect personal information in a legal and reasonable way, for a specific reason and only if it is necessary for our operations and to process the personal information obtained from clients, employees, visitors and services suppliers only for the purpose for which it was obtained in the first place.
- 3.5. Processing of personal information obtained from clients, employees, visitors and service suppliers will not be undertaken in an insensitive, derogative discriminatory or wrongful way that can intrude on the privacy of the particular data subject.
- 3.6. In terms of the provisions contained within sections 23 to 25 of POPIA, all our firm's data subjects will be allowed to request access to certain personal information and may also request correction or deletion of personal information within the specifications of the POPIA. Data subjects should refer to FORMS 1 & 2 attached hereto for these purposes.



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- 3.7. Our firm will not request or process information related to race, religion, medical situation, political preference, trade union membership, sexual certitude or criminal record unless this is lawfully required and unless the data subject has expressly consented. Our firm will also not process information of children unless the specific consent provisions contained within POPIA have been complied with.
- 3.8. In terms of the provisions contained within section 16 of POPIA, our firm is committed that data subjects' information is recorded and retained accurately.
- 3.9. Our firm will not provide any documentation to a third party or service provider without the express consent of the data subject except where it is necessary for the proper execution of the service as expected by the data subject.
- 3.10. Our firm keeps effective record of personal information and undertakes not to retain information for a period longer than required.
- 3.11. In terms of sections 19 to 22 of POPIA, our firm ensures the integrity and confidentiality of personal information in our possession and will provide the necessary security of data and keep it in accordance with prescribed legislation.

4. COLLECTION AND PROCESSING OF PERSONAL INFORMATION

We may subject your personal information to processing during the course of various activities, including:

- 4.1. Operating our business;
- 4.2. Analysis, evaluation, review and collation of information in order to determine legal issues and potential disputes, provide legal advice and preparing or commenting on opinions, agreements, correspondence, reports, publications, documents relating to legal proceedings and any other documents and records;
- 4.3. Compliance with the law and specifically fraud prevention and the combatting of money laundering;
- 4.4. Transfer of information to our service providers and operators;
- 4.5. For recruitment purposes;
- 4.6. For relationship management and marketing purposes in relation to our services (including, but not limited to, processing that is necessary for the development and improvement of our legal and related services), for accounts management, and for marketing activities in order to establish, maintain and/or improve our relationship with you;
- 4.7. In addition, we may process your personal information for statistical purposes and for internal management and management reporting purposes, including but not limited to: conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and for management reporting analysis.
- 4.8. We may process your personal information for safety and security purposes.

We may share certain personal information with other institutions as part of our service rendering or as legally required, such as sharing information with the deeds registries in South Africa, the Receiver of Revenue, local authorities, the



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courts, sheriffs and the like. We only share such personal information as are required for purposes of fulfilling our mandate as prescribed by law. Examples hereof include:

The Financial Intelligence Centre Act 2001 in terms of which our firm is defined as an Accountable Institution and as such, is subject to the Regulatory obligations to assess the Money Laundering and Terrorism risk in dealing with its clients. As such, the identities of all clients are to be confirmed and verified and clients' details are screened against lists published by the Financial Intelligence Centre and where necessary, the information is shared with the FIC. The Deeds Registry Act 1937 and Sectional Title Act 95 of 1986 which both require full descriptions of the parties and property related to the transaction and all information lodged at the Deeds Office becomes public record. Clients' marital status, dates of birth and full names are to be verified for purposes of the property transaction. In terms of the National Credit Act 2005, parties in a property transaction who intend taking a bank loan to fund a portion or all of the purchase price are obliged to supply all relevant and requested financial information to a variety of role players in the transaction, including our firm. The Administration of Deceased Estates 1965 which sets out the processes in respect of deceased estate administration. Where we need to process your special personal information, we will do so in the ordinary course of our business, for a legitimate purpose, and in accordance with applicable law.

Collection of personal information from another source may be necessary -

- 4.9. To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;
- 4.10. To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue;
- 4.11. For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;
- 4.12. In the interest of national security;
- 4.13. To maintain the legitimate interests of our firm or of a third party to whom the information is supplied;
- 4.14. Compliance would prejudice a lawful purpose of the collection;
- 4.15. Compliance is not reasonably practicable in the circumstances of the particular case.

Our firm often collects personal information from counter parties in the legal transactions administered by us and collects personal information of other attorneys and professionals. Most of our communications are done electronically via the internet, per email and other electronic methods and we recognise the international risk of data and email breaches. To ensure that lawful conditions exist surrounding our data subject's information, we accept that all its South African based data subjects' Constitutional Right to Privacy is of utmost importance and that our data subjects based in other parts of the world are equally entitled to rights to privacy in terms of Regulations applicable to such data subjects in the countries in which they are based. As such, we are committed to comply with South Africa's POPIA provisions and to the education of our data subjects in respect of their rights to privacy and to make all operational amendments necessary.

5. CONSENT

When data subjects' information is collected, processed or shared by our firm, it will be for the purposes of delivering our legal services. In doing so, we explain the reasons for the collection of information from the particular data subject/s and obtain the required Consents to process and where required the sharing of the information pursuant to such explanation. Our firm understands the importance of obtaining our data subjects' Consent to share their information and possibly using the information for limited marketing purposes.



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If personal information is used for any other reason than the original reason of it being collected, the specific Consent for such purpose must be obtained from the data subject. Our firm does not use information for other purposes other than what it was collected for. If SPECIAL PERSONAL INFORMATION is collected, processed and stored for any reason from any of our firm's data subjects, a specific Consent for such collection must first be obtained. There are instances in which this specific Consent will not be required:

- 5.1. If collection and processing are carried out with a prior consent of the data subject;
- 5.2. If collection and processing are necessary for the establishment, exercise or defense of a right or obligation in law;
- 5.3. If collection and processing are for historical, statistical or research purposes.

Our standard documentation now reflect the Consent mentioned herein and in compliance with the POPIA .

6. STORAGE OF INFORMATION

The directors and employees of our firm again confirm the risks facing data subjects with the storage of personal and special personal information on the firm's software systems as well as filing copies of the physical information sheets containing personal information physically in our office. To ensure that our best attempts are made to minimize data subjects from suffering loss of personal information, misuse or unauthorised alteration of information, unauthorized access or disclosure of personal information generally, we will:

- 6.1. Store personal information in databases that have built-in safeguards and firewalls to ensure the privacy and confidentiality of your information.
- 6.2. Constantly monitor the latest internet developments to ensure that the systems evolve as required. Our firm tests our systems regularly to ensure that our security mechanisms are up to date.
- 6.3. Continue to review our internal policies and third-party agreements where necessary to ensure that these are also complying with the POPIA and Regulations in line with our firm's general Data Privacy Terms.

7. DISPOSAL OF DATA SUBJECTS' INFORMATION

Our firm is aware of its responsibility to ensure that necessary records and documents of our data subjects are adequately protected and maintained *and* to ensure that records that are no longer needed or are of no value are disposed of at the proper time. These rules apply to all documents which are collected, processed or stored by our firm and include but are not limited to documents in paper and electronic format, for example, e-mail, web and text files, PDF documents etc.

In this regard, our firm adheres to the Guidelines issued by the Law Society of South Africa/Legal Practices Council and retains documents containing data subjects' personal information for a minimum period of 7 years whereafter physical folders are destroyed.

As a matter of course, we do not discard or dispose of the telephone numbers, email addresses of data subjects and electronic communications with data subjects with whom we have previously dealt but will do so on request by the data subject. However, since our firm recognizes that most of the information which it collects, processes and shares with other role players in the transaction is personal of nature, we do not let information lie around and keep strict controls in respect of access to our software systems. For this reason, we will dispose of information securely when no longer required or when being requested by the data subject.

Our firm acknowledges that electronic devices and media hold vast amounts of information, some of which can linger indefinitely.



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- 7.1. Under no circumstances will paper documents or removable media (CD's, DVD's, discs, etc.) containing personal or confidential information be simply binned or deposited in refuse tips.
- 7.2. Our firm will ensure that all electrical waste, electronic equipment and data on disk drives are physically removed and destroyed in such a way that the data will by no means be able to be virtually retrievable.
- 7.3. Our firm will also ensure that all paper documents that should be disposed of, be shredded locally and then be recycled.
- 7.4. In the event that a third party is used for data destruction purposes, our firm's Information Officer will ensure that such third party also complies with our rules and any other applicable legislation.
- 7.5. Our firm may suspend the destruction of any record or document due to pending or reasonably foreseeable litigation, audits, government investigations or similar proceedings and we undertake to notify employees of applicable documents where the destruction has been suspended to which they have access.
- 7.6. In the event that a document and/or information is no longer required to be stored in accordance with either legislation or in line with our own rules, it should be deleted and destroyed.
- 7.7. Our firm's Information Officer will give direction where there is uncertainty regarding the retention and destruction of a document and/or information.
- 7.8. DATA SUBJECTS ARE REFERRED TO THE ANNEXED FORMS 1 AND 2 with regards to requests to amend and delete personal information from our firm's database.

8. INTERNET AND CYBER TECHNOLOGY

8.1. Acceptable use of our firm's Internet Facilities & standard Anti-Virus rules

The repercussions of misuse of our firm's systems can be severe. Potential damage includes, but is not limited to, malware infection (e.g. computer viruses), legal and financial penalties for data leakage and lost productivity resulting from network downtime.

In order to ensure that our firm's IT systems are not misused, everyone who uses or has access to our systems have received training and internal guidelines in order to meet the following five high-level IT Security requirements:

- 8.1.1. Information will be protected against any unauthorized access as far as possible;
- 8.1.2. Confidentiality of information will be assured as far as possible;
- 8.1.3. Integrity of information will be preserved as far as possible;
- 8.1.4. Availability of information for business processes will be maintained;
- 8.1.5. Compliance with applicable laws and regulations to which our firm is subject will be ensured by our Information Officer as far as possible.

Every user of our IT systems takes responsible for exercising good judgment regarding reasonable personal use.



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8.2. IT Access Control

Only authorized employees may log into the firm's IT system and software packages and these are password controlled. All employees of the firm exercise caution in allowing unauthorized access to a password and the firm's IT department ensure that the passwords are reviewed and renewed from time to time - in particular where GOOGLE based products are used and linked (such as Facebook, Whatsapp and GMAIL based domains).

8.3. Email Rules

Most of our firm's communications are conducted via email and instant messaging (IM). Given that email and IM may contain extremely sensitive and confidential information, the information involved must be appropriately protected. In addition, email and IM are potentially sources of spam, social engineering attacks and malware. The misuse of email and IM can pose many legal, privacy and security risks, so it is important for users of our firm's services to be aware of the appropriate use of electronic communications.

It is of use to note that all users of our firm's email system are prohibited from using email to:

- 8.3.1. Send, receive, solicit, print, copy, or reply to text, images, or jokes that disparage others based on their race, religion, colour, gender, sex, sexual orientation, national origin, veteran status, disability, ancestry, or age.
- 8.3.2. Send, receive, solicit, print, copy, or reply to messages that are disparaging or defamatory.
- 8.3.3. Spread gossip, rumours, or innuendos about employees, clients, suppliers, or other outside parties.
- 8.3.4. Send, receive, solicit, print, copy, or reply to sexually oriented messages or images.
- 8.3.5. Send, receive, solicit, print, copy, or reply to messages or images that contain foul, obscene, disrespectful, or adult-oriented language.
- 8.3.6. Send, receive, solicit, print, copy, or reply to messages or images that are intended to alarm others, embarrass our firm, negatively impact productivity, or harm morale.

The purpose of these rules is to ensure that information sent or received via our firm's IT systems is appropriately protected, that these systems do not introduce undue security risks to our firm and that users are made aware of what our firm deems as acceptable and unacceptable use of its email and IM.

8.4. Our firm's rules related to handheld devices

Many users do not recognize that mobile devices represent a threat to IT and data security. As a result, they often do not apply the same level of security and data protection as they would on other devices such as desktop or laptop computers. Our firm safeguards the physical and data security of mobile devices such as smartphones, tablets, and other mobile devices like PC's and Notebooks and the firm's Information Officer and the IT department ensure that:

- 8.4.1. The firm's users of handheld devices diligently protect their devices from loss and disclosure of private information belonging to or maintained by our firm and that this is achieved with constant awareness training.
- 8.4.2. Before connecting a mobile handheld device to the network at our firm, users are expected to ensure it is on the list of approved devices issued by the IT support wherever necessary.



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- 8.4.3. In the event of a security incident or if suspicion exists that the security of our firm's systems has been breached, the person in our firm who becomes aware of the breach shall notify the IT support team immediately together with the firm's Information Officer especially when a mobile device may have been lost or stolen.

8.5. Anti-virus rules

- 8.5.1. Management of our firm is responsible for creating procedures that ensure anti-virus software is run at regular intervals, and computers are verified as virus-free. Any activities with the intention to create and/or distribute malicious programs into our firm's programs (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.) are prohibited.
- 8.5.2. It is worth noting that users are discouraged from attempting to remove viruses themselves. If a virus infection is detected, users are expected to disconnect from our firm's networks, stop using the infected computer immediately and notify the IT support.

It is further worth noting that our firm's users are encouraged to be cautious of e-mail attachments from an unknown source as viruses are often hidden in attachments. All employees have received and will continue to receive internal training in respect of such viruses and how to identify them and what to do if a virus is suspected.

8.6. Physical access control

- 8.6.1. All of our firm's premises that include computers and other types of information technology resources will be safeguarded against unlawful and unauthorized physical intrusion, as well as fire, flood and other physical threats. This includes but is not limited to; security doors, key entry areas, external doors that are locked from closing until opening of the building, locked and/or barred windows, security cameras, registration of visitors at entrances, security guards, and fire protection.

8.7. Usage Data

Usage Data is collected automatically when using the internet services or when visiting our firm's website. Usage Data may include information such as data subjects' device's internet protocol address (e.g. IP address), browser type, browser version, details of the pages that are visited by data subjects, the time and date of the website visit, the time spent on those pages, unique device identifiers and other diagnostic data. When data subjects access the website services of our firm by or through a mobile device, we may collect certain information automatically, including, but not limited to, the type of mobile device used by the data subject, unique ID, the IP address of the mobile device, the mobile operating system, the type of mobile Internet browser used, unique device identifiers and other diagnostic data. We may also collect information that the user's browser sends whenever our website is visited.

8.8. Tracking Technologies and Cookies

Cookies and similar tracking technologies are used to track the activity on our firm's website and store certain information. Tracking technologies used are beacons, tags, and scripts to collect and track information and to improve and analyze the efficiency of the website. The technologies which may be used to track may include:

- 8.8.1. Cookies or Browser Cookies. A cookie is a small file which may be placed on a data subject's device. Data subjects can instruct their browser to refuse all Cookies or to indicate when a Cookie is being sent. However, if this function of our website is not accepted, data subjects may not be able to use some parts of the website. Unless the browser settings have been adjusted, our website may use Cookies.



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 Tel: 011 783 8877 / www.poswainc.com
 Branches: Umhlanga and Bloemfontein

- 8.8.2. Flash Cookies. Certain features of the website may use local stored objects (or Flash Cookies) to collect and store information about data subjects' preferences or activity on the website. Flash Cookies are not managed by the same browser settings as those used for Browser Cookies. For more information on how Flash Cookies can be deleted the following process can be followed: "Where can I change the settings for disabling, or deleting local shared objects?" available at <https://helpx.adobe.com/flashplayer/kb/disable-local-shared-objects>;
- 8.8.3. Web Beacons. Certain sections of the website and emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit our firm access for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of a certain section and verifying system and server integrity).
- 8.8.4. Cookies can be "Persistent" or "Session" Cookies. Persistent Cookies remain on data subjects' personal computer or mobile device even when offline, while Session Cookies are deleted as soon as data subjects' web browsers are closed.

9. THIRD PARTY OPERATORS

When our firm delivers our legal services efficiently, it is necessary at times to share data subjects' personal and special personal information with third parties for specific reasons related to our service delivery. As referenced in clauses 1 to 5 above, where necessary we will obtain the necessary Consent where required from the particular data subject.

Where data subjects' information is shared with these third-party operators, our firm enters into OPERATORS' AGREEMENT with the relevant third-party where possible. These OPERATORS' agreements are necessary in order to ensure that the third-party operator treats the personal information of our data subjects responsibly and in accordance with the provisions contained in the POPI Act and Regulations thereto. When we present our OPERATORS' AGREEMENTS to a third-party for signature, we usually request copies of the third-party operators' POPIA Policy, rules, internet rules and details of the third-party's Information Officer.

10. BANKING DETAILS

It is a known fact that law firms are particular targets for email interceptions and in particular the interception of banking details for purposes of payment in respect of the transaction. Our data subjects are open to large amounts of damages and losses if emails are intercepted, and banking details are fraudulently amended without the data subject's knowledge.

We have implemented clear warnings within all our correspondences (emails and physical letters) warning data subjects of the risks of email hacking and interceptions. In the event that banking details are sent to data subjects or received from data subjects for purposes of payment, the banking details will be sent via a secure channel (other than email) and must be confirmed with a telephone call and a follow up whatsapp. It is recorded that, in certain instances, data subjects' bank details are to be shared with relevant third parties but in such event, all care shall be taken to ensure encryption of emails.

11. DIRECT MARKETING

Our firm does not share data subjects' information with third parties for the sole purpose of such third-party marketing to such data subjects. In the event that any associated third-party using the data subjects' information it collected from our firm, our firm takes no responsibility for any consequences suffered by the data subject which may have been caused by the third-party's actions.



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Our firm does not send out bulk emails to our database of existing clients. In the event that our firm adopts a new direct marketing strategy in which we start sending out these bulk emails, we will ensure that the required OPTING OUT/UNSUBSCRIBE options which allow the recipients of the emails to request a removal of their details from these bulk emails are clearly implemented.

12. DATA CLASSIFICATION

All of our firm's employees share in the responsibility for ensuring that our information assets receive an appropriate level of protection as set out hereunder:

- 12.1. Our managers are responsible for assigning classifications to information assets according to the standard information classification system presented below.
- 12.2. Where practicable, the information category shall be embedded in the information itself.
- 12.3. All employees of our firm shall be guided by the information category in their security-related handling of our information. All information entrusted to us from third parties fall into one of three classifications in the table below, presented in order of increasing sensitivity.

Information Description	Examples	Category
Unclassified Public	Information is not confidential and can be made public without any implications for our firm	Product brochures widely distributed Information widely available in the public domain, including publicly available web site areas Financial reports required by regulatory authorities. Newsletters for external transmission
Proprietary	Information restricted to management approved internal access and protected from external access. Unauthorized access could influence our firm's operational effectiveness, cause an important financial loss, provide a significant gain to a competitor, or cause a major drop in customer confidence. Information integrity is vital.	Passwords and information on corporate security procedures. Know-how used to process client information. Standard Operating Procedures used in all parts of our firm's activities. All software codes developed by our firm whether used internally or sold to clients.
Client Confidential Data	Information collected and used by our firm in the conduct of its business to employ people, to log and fulfil client mandates, and to manage all aspects of corporate finance. The highest possible levels of integrity, confidentiality, and restricted availability are vital.	Salaries and other personnel data. Accounting data and internal financial reports Confidential customer business data and confidential contracts. Non-disclosure agreements with clients/ vendors Company business plans.

13. RIGHTS OF THE DATA SUBJECT- FORMS 1 & 2 ATTACHED

- 13.1. The data subject or competent person where the data subject is a child, may withdraw his, her or its consent to procure and process his, her or its personal information, at any time, providing that the lawfulness of the processing of the personal information before such withdrawal or the processing of personal information is not affected.



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- 13.2. A data subject may object, at any time, to the processing of personal information– a) In writing, on reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing; or b) For purposes of direct marketing other than direct marketing by means of unsolicited electronic communications.
- 13.3. A data subject, having provided adequate proof of identity, has the right to – a) Request from us to confirm, free of charge, whether we hold personal information about the data subject; and b) Request from our firm a record or a description of the personal information about the data subject held by us including information about the identity of all third-parties, or categories of third-parties, who have, or have had, access to the information – within a reasonable time; at a prescribed fee as determined by our firm's Information Officer; in a reasonable manner and format; and in a form that is generally understandable.
- 13.4. A data subject may, in the prescribed manner, request our firm to – a) 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 b) destroy or delete a record of personal information about the data subject that our firm is no longer authorised to retain.
- 13.5. Upon receipt of a request referred to in clause 13.4, our firm will, as soon as reasonably practicable – a) correct the information; b) destroy or delete the information; c) provide the data subject, to his, her or its satisfaction, with credible evidence in support of the information; or d) where an agreement cannot be reached between our firm and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made.
- 13.6. Our firm will inform the data subject, who made a request as set out in clause 13.5, of the action taken as a result of the request.

14. INFORMATION OFFICER

Appointed Information Officer:

INFORMATION OFFICER: **NIMA PRAVIN GAGJEE**

Contact details 082 849 9777

Email address: nima.gagjee@poswainc.co.za

Postal Address: PRIVATE BAG X9, BENMORE, 2010;

Street Address: FIRST FLOOR, POSWA HOUSE, 8 GEMSBOK LANE, RIVONIA EXTENSION 12, SANDTON, 2196.

14.1. The general responsibilities of our firm's Information Officer include the following:

- 14.1.1. The encouragement of compliance, by all employees with the conditions for the lawful processing of personal information;
- 14.1.2. Managing requests made to our firm pursuant to POPIA;
- 14.1.3. Working with the Regulator in relation to investigations conducted pursuant to prior authorisation required to process certain information of POPIA in relation to the business.
- 14.1.4. Continuously perform data backups, store at least weekly backup offsite, and test those backups regularly for data integrity and reliability.
- 14.1.5. Review policy rules regularly, document the results, and update the policy as needed.
- 14.1.6. Continuously update information security policies and network diagrams.
- 14.1.7. Secure critical applications and data by patching known vulnerabilities with the latest fixes or software updates.



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 Tel: 011 783 8877 / www.poswainc.com
 Branches: Umhlanga and Bloemfontein

14.1.8. Perform continuous computer vulnerability assessments and audits.

14.2. The data breach responsibilities of our firm's Information Officer include the following:

14.2.1. Ascertain whether personal data was breached;

14.2.2. Assess the scope and impact by referring to the following:

14.2.2.1. Estimated number of data subjects whose personal data was possibly breached

14.2.2.2. Determine the possible types of personal data that were breached

14.2.2.3. List security measures that were already in place to prevent the breach from happening.

14.2.3. Once the risk of the breach is determined, the following parties need to be notified within 72 hours after being discovered:

14.2.3.1. The Information Regulator

14.2.3.2. Communication should include the following:

- Contact details of Information Officer
- Details of the breach,
- Likely impact,
- Actions already in place, and those being initiated to minimise the impact of the data breach.
- Any further impact is being investigated (if required), and necessary actions to mitigate the impact are being taken.

14.2.4. Review and monitor

14.2.4.1. Once the personal data breach has been contained, our firm will conduct a review of existing measures in place, and explore the possible ways in which these measures can be strengthened to prevent a similar breach from reoccurring.

14.2.4.2. All such identified measures should be monitored to ensure that the measures are satisfactorily implemented.

15. AVAILABILITY AND REVISION

A copy of this Policy is made available on the firm's website: www.poswainc.com and at its offices at Rivonia.

This policy will continually be updated to comply with legislation, thereby ensuring that personal information will be secure.



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FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	



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Branches: Umhlanga and Bloemfontein

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

..... *Signature of data subject/designated person*



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FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY



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 Tel: 011 783 8877 / www.poswainc.com
 Branches: Umhlanga and Bloemfontein

Name(s) and surname/ registered name of responsible party:		
Residential, postal or business address:		
		Code ()
Contact number(s):		
Fax number/ E-mail address:		
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED	
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>	

Signed at this day of20.....

.....
Signature of data subject/ designated person

FORM 3

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 6]

TO: _____

FROM: *(Name of data subject)*

Contact number(s): _____
Fax number: _____
E-mail address: _____

(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

.....
Signature of designated person

Date: _____

PART B

I, _____ *(full names of data subject)* hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES:

SPECIFY METHOD OF COMMUNICATION: FAX:

E - MAIL:

SMS:

OTHERS – SPECIFY:

Signed at this day of20.....

.....*Signature of data subject*

DEFINITIONS

“biometrics”: means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;

“child”: means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself;

“competent person”: means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;

“data subject”: means the person to whom personal information relates and for the purposes of POSWA INCORPORATED, this will include but not be limited to – sellers and buyers of properties, the banks in respect of mortgage bonds and other legal services rendered to the banks, commercial, litigation and other general clients, employees, external service suppliers and all associates of POSWA INCORPORATED;

“direct marketing”: means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of – a) Promoting or offering to supply, in the ordinary course of business of POSWA INCORPORATED, legal services to the data subject; or b) Requesting the data subject to make a donation of any kind for any reason;

“electronic communication”: means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient;

“filing system”: means any structured set of personal information which in the case of POSWA INCORPORATED consist of physical files kept in the offices of POSWA INCORPORATED together with the data filed on the various software systems used by POSWA INCORPORATED;

“POSWA INCORPORATED”: for purposes of the Data Privacy Terms means the legal practice known as POSWA INCORPORATED, with offices at FIRST FLOOR POSWA HOUSE, 8 GEMSBOK LANE, RIVONIA EXTENSION 12, SANDTON, 2196 and throughout the extent of the Data Privacy related documents may be referred to as THE BUSINESS or THE FIRM;

“Information officer”: of POSWA INCORPORATED will mean **NIMA PRAVIN GAGJEE, Identity Number 780426 0178 080**;

“operator”: means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;

“person”: means a natural person or a juristic person;

“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: Information relating to the education or the medical, financial, criminal or employment history of the person; Any identifying number, symbol, e-mail address, telephone number, location information, online identifier or other particular assignment to the person; The biometric information of the person; The personal opinions, views or preferences of the person; Correspondence sent by the person that would reveal the contents of the original correspondence if the message is of a personal or confidential nature; The views or opinions of another individual about the person; and 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;

“private body” means—

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession; or
- (c) any former or existing juristic person, but excludes a public body

“processing”: means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- (a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) Dissemination by means of transmission, distribution or making available in any other form; or
- (c) Merging, linking, as well as restriction, degradation, erasure or destruction of information;

“Promotion of Access to Information Act”: means the Promotion of Access to Information Act (PAIA), 2000 (Act No. 2 of 2000);

“public record”: means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.

“record”: means any recorded information –

- (a) Regardless of form or medium, including any of the following: I. Writing on any material; II. 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; III. Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; IV. Book, map, plan, graph, or drawing; V. 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;

(b) In the possession or under the control of a responsible party; and

(c) Regardless of when it came into existence;

“Regulator”: – means the Information Regulator established in terms of Section 39 of the 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;

“restriction”: means to withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information;

“special personal information”: means personal information as referred to in Section 26 of the POPIA which includes 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;

“this Act”: means the Protection of Personal Information Act, No. 4 of 2013.

“unique identifier”: means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.