

# PROTECTION OF PERSONAL INFORMATION POLICY

## Klagsbrun Edelstein Bosman Du Plessis Inc. (“KEBD”)

The right of privacy is enshrined in the South African Constitution which expressly states that everyone has the right to privacy. The Protection of Personal Information Act No. 4 of 2013 (“**POPIA**”) is aimed at facilitating the protection of this important right.

In terms of POPIA, KEBD qualifies as a “Responsible Party” that “Processes” “Personal Information” for “Data Subjects” (i.e. you as the client). Accordingly, we are required to inform you how we use, disclose and destroy Personal Information we obtain from you.

We are committed to protecting your privacy, and will ensure that your Personal Information is used appropriately, transparently and according to the applicable laws of the Republic of South Africa.

By using [www.kebd.co.za](http://www.kebd.co.za), you agree to KEBD and its directors, consultants, employees, agents and subcontractors, affiliates and third parties to process (i.e. collecting, using and disclosing) your Personal Information for the purposes indicated in this POPI policy.

We will not use your personal information for any purposes not mentioned in this Policy without your consent, which consent shall be obtained by approving and signing the POPIA consent form attached as an annexure to our Client Mandate and Cost Memorandum.

POPIA sets out 8 conditions with which we must comply in order to ensure lawful processing of your Personal Information:

1. **Accountability** - the responsible party must ensure that the conditions and all the measures set out in the POPIA that give effect to such conditions, are complied with at the time of the determining the purpose and means of the processing;
2. **Processing Limitation** - Personal information may only be processed in a fair and lawful manner and only with the consent of the data subject;
3. **Purpose Specific** - Personal information may only be processed for specific, explicitly defined and legitimate reasons;
4. **Further Processing Limitation** - Personal information may not be processed for a secondary purpose unless that processing is compatible with the original purpose;
5. **Information Quality** - the responsible party must take reasonably steps to ensure that the personal information collected is complete, accurate, not misleading and updated where necessary;
6. **Openness** - the data subject whose information you are collecting must be aware that you are collecting such personal information and for what purpose the information will be used;
7. **Security Safeguards** - Personal information must be kept secure against the risk of loss, unlawful access, interference, modification, unauthorized destruction and disclosure;
8. **Data Subject Participation** - Data subjects may request whether their personal information is held, as well as the correction and/or deletion of any personal information held about them.

### 1. WHAT PERSONAL INFORMATION WE MAY COLLECT

The type of information we collect will depend on the need for which it is collected and will be processed for that specific purpose only. Where possible, we will inform you what information you are required to provide to us and what information is optional.

In terms of POPIA, the Personal Information we may collect relates to any information of a natural person or juristic person (including companies, Close Corporations or any other juristic entity), which includes, but is not limited to the following:

- contact details (email, telephone, address etc.)
- demographic information (age, sex, race, birth date, ethnicity, identity number etc.)
- history (employment, financial, educational, criminal, medical history etc.)
- private correspondence (telephone notes, emails, letters etc.).

We confirm that we shall only collect Personal Information required for a specific purpose, and we shall apply reasonable security measures to protect it and ensure it is relevant and up to date.



We will not retain your Personal Information for longer than is necessary to achieve the purpose for which we collected it, unless there is a lawful basis or legal requirement for us to retain your Personal Information for a longer period.

## **2. HOW WE USE YOUR PERSONAL INFORMATION**

We will use your Personal Information only for the purposes for which it was collected and agreed to with you. This may include:

- Providing legal services to you and assist you in all legal issues and/or enquiries you might have, including but not limited to property transactions, business transactions or otherwise;
- Conducting credit reference searches or verification (for credit assessment and credit management);
- Confirming and verifying your identity;
- For purposes of claims history;
- For purposes of complying with the Financial Intelligence Centre Act 38 of 2001, the detection and prevention of fraud, crime, money laundering or other malpractice;
- In connection with legal proceedings/litigation;
- Providing you with communications from us and regulatory matters that may affect you.
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed or required by law.

## **3. DISCLOSURE OF YOUR PERSONAL INFORMATION**

Where necessary, we may disclose your Personal Information to our third-party service providers (i.e. IT, Accounting, Data Service Providers etc.), and we shall ensure that our service providers take appropriate, reasonable, technical and organisational measures to keep your Personal Information secure.

We may further disclose your Personal Information where we have a duty or a right to disclose same in terms of applicable legislation, the law or where it may be necessary to protect your rights and interests.

In the event where required, we may disclose your Personal Information to counsel for purposes of obtaining an opinion or instruct counsel for litigation purposes, subject to obtaining your approval and consent.

## **4. SAFEGUARDING YOUR PERSONAL INFORMATION**

POPI requires us to adequately protect your Personal Information we hold and to avoid unauthorised access and use of your personal information.

We will continuously review our security controls and processes to ensure that your Personal Information is secure.

If we need to transfer your Personal Information to another country for processing or storage (for example a third-party data hosting service provider), we will ensure that any party to whom we pass on your Personal Information will treat your Information with the same level of protection as required from us.

KEBD has concluded Operator Agreements with its service providers, to ensure that they are bound to the utmost high standards of safeguarding your Personal Information, and to regulate their prevention of a data breach occurring.

Our security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access and usage of private information;
- Investigating and reacting to security incidents.



## 5. YOUR RIGHTS TO ACCESS AND CORRECTION OF YOUR PERSONAL INFORMATION

You have the right to access the Personal Information we hold about you. You also have the right to ask us to update, correct or delete any of your Personal Information.

We will take all reasonable steps to confirm your identity before providing details for your Personal Information or making changes to your Personal Information.

You can contact us at the numbers or addresses listed below and request the information you would like.

Information Officer: Alan Edelstein ([alan@kebd.co.za](mailto:alan@kebd.co.za)) and Elizna Meyer ([elizna@kebd.co.za](mailto:elizna@kebd.co.za)) (Deputy)  
Telephone Numbers: (012) 452 8900 / (012) 452 8939  
Fax numbers: (012) 452 8901  
Postal address: 220 Lange Street, Nieuw Muckleneuk  
Physical address: 220 Lange Street, Nieuw Muckleneuk  
Email address: [alan@kebd.co.za](mailto:alan@kebd.co.za) / [elizna@kebd.co.za](mailto:elizna@kebd.co.za)  
Website: [www.kebd.co.za](http://www.kebd.co.za)

## 6. CHANGES TO THIS POPIA POLICY

Please note that we may amend this Policy from time to time. Please check our website periodically to inform yourself of any changes. In case we do not have a website we will inform you of material changes to this Policy.

