

BROWN, BRAUDE & VLOK INCORPORATED
PROTECTION OF PERSONAL INFORMATION POLICY

Preamble

The Brown, Braude & Vlok Incorporated ("**BBV**") Protection of Personal Information Policy (also referred to as the "**Privacy Policy**") is formulated in terms of and in accordance with the Protection of Personal Information Act 3 of 2014 ("**POPIA**"). This policy sets out BBV's protocols for Processing of Personal Information, as well as promoting the awareness of the rights of individuals and juristic persons whose Personal Information it processes in the course of its business.

1. DEFINITIONS

- 1.1 "**BBV**" means Brown Braude & Vlok Incorporated, a private company with personal liability duly incorporated in terms of the Company Laws of the Republic of South Africa with registration number 1995/001850/21 with its registered office and physical address situated at 317 Cape Road, Newton Park, Gqeberha.
- 1.2 "**Child**" or "**Children**" means a natural person under the age of 18 years;
- 1.3 "**Data Subject**" means the Person whose Personal Information is Processed.
- 1.4 "**Information Officer**" means Craig Jessop in his capacity as director appointed and registered as Information Officers with the regulator and who is responsible for encouraging compliance by the BBV with the lawful Processing of Personal Information.
- 1.5 "**Law**" means any law of general application and includes the common law and any statute, constitution, decree, treaty, regulation, directive, ordinance, by-law, order or any other enactment of legislative measure of government (including local and provincial government) or statutory or regulatory body which has the force of law;

- 1.6 **“Legal Document”** means a written document of a legal nature, regardless of whether or not the written document is in hard copy or electronic format as contemplated by the provisions of the Electronic Communications and Transactions Act 25 of 2002 which shall include, but is not limited to: formal pleadings, notices or documents in relation to Legal Proceedings, contracts, opinions, briefs to counsel, letters, notices, power of attorney, correspondence, acknowledgment of debts, security instruments, and conveyancing documents.
- 1.7 **“Legal Proceedings”** means actions, applications, interrogations, enquiries, hearings or other processes of a judicial or disciplinary nature before any court of law recognized by section 166 of the Constitution of the Republic of South Africa, 1996 as such; Commission for Conciliation, Mediation and Arbitration; the Master of the High Court; any tribunal, forum or panel recognized by Law or whose jurisdiction has voluntarily been recognized and / or accepted by the Data Subject by private treaty;
- 1.8 **“Legal Services”** shall bear the meaning assigned to it in clause 6 and its sub-clauses;
- 1.9 **“Personal Information”** means information relating to an identifiable Person as defined in section 1 of POPIA, and where applicable, shall also include Special Personal Information for the purposes of this Privacy Policy;
- 1.10 **“Process, Processing or Processed”** means, without limitation, the collection, use, storage, variation, merging, linking, dissemination and destruction of Personal Information and **“Further Processing”** shall bear a similar meaning, but will only occur after the initial Processing of Personal Information.
- 1.11 **“Person”** means a natural or juristic person.
- 1.12 **“Special Personal Information”** means Personal Information as referred to in Section 26 of POPIA.
- 1.13 When referring to a **“Duly Authorised Representative”**, **“Agent”** or **“Proxy”** in this policy document, such authorisation shall be in writing and, where applicable, comply with the requirements of Chapter 1 of the Financial Intelligence Centre Act

38 of 2001 or the Consumer Protection Act 68 of 2008 and accompanying regulations or any other applicable Law as the case may be.

2. INTRODUCTION

2.1 BBV is committed to serve its clients, employees and all other stakeholders to the best of its abilities and, in doing so, to protect their Personal Information. This policy aims to achieve that purpose and to ensure lawful Processing of Personal Information.

2.2 This Privacy Policy is applicable to any Person who deals, transacts with or is employed by BBV. To give further effect thereto, this Privacy Policy is incorporated by reference in any agreement, dealing or transaction between the Data Subject and BBV in respect whereof Personal Information is provided to or collected or otherwise Processed by the BBV.

2.3 It is important for the Data Subject to familiarise him- /her- /itself with the contents hereof to be adequately informed about why and how their Personal Information is Processed and their rights and entitlements under POPIA.

2.4 BBV has duly appointed Information Officers as prescribed by POPIA. The contact details of the Information Officers are set out in Schedule 1 hereto.

3. CONSENT FOR THE PROCESSING OF PERSONAL INFORMATION

3.1 BBV will not Process Personal Information without the voluntary consent of the Data Subject, either personally or on his/her/its behalf by a Duly Authorised Representative or Proxy, save where the Processing of such Personal Information is required by Law.

3.2 BBV requires specific Personal Information to be provided by the Data Subject in order to *inter alia* render Legal Services.

3.3 BBV acknowledges a Data Subject's right to object to the Processing of Personal Information.

3.4 Whilst BBV acknowledges a Data Subject's right to object to the Processing of Personal Information, BBV reserves the right to withdraw or refuse its services where a Data Subject unreasonably refuses to consent to the Processing of Personal Information.

4. SOURCING OF PERSONAL INFORMATION

4.1 BBV collects Personal Information directly from Data Subjects, save where:

4.1.1 Personal Information is supplied by a Duly Authorised Proxy or mandated Agent of the Data Subject;

4.1.2 the Data Subject has consented to Personal Information being collected by third parties;

4.1.3 the collection thereof from third parties is required by Law or forms part of a public record.

4.1.4 Where a Data Subject who is a client of BBV provides Personal Information in respect of any other Data Subject in the course of making use of BBV's Legal Services which is subsequently Processed by BBV for the purposes of rendering Legal Services.

5. CLASSIFICATION OF PERSONAL INFORMATION PROCESSED

5.1 The following Personal Information is Processed by BBV to when necessary give effect to its mandate to provide Legal Services or when compelled to do so by Law:

5.1.1 Information identifying individuals or juristic entities, including but not limited to: names and surnames, identification or registration numbers, tax number, VAT number, passport number, sex, age, marital status, employment information, residential information or business address, nationality, citizenship, home language, preferred communication language or such other Personal Information as may be required to enter

into a business relationship with or render Legal Services to the Data Subject.

5.1.2 Financial information, including but not limited to: the Data Subject's financial institution, bank account number, branch code, salary / income, credit score or such other financial information necessary to effectively render Legal Services

5.1.3 Contact information, including, but not limited to physical addresses, electronic mail addresses, fax numbers, telephone numbers, cellphone numbers, postal addresses or such other contact information necessary to for the effective rendering of Legal Services

5.1.4 Special Information: religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject and criminal behaviour.

5.1.5 Personal Information about Children.

5.2 BBV will not Process any Special Personal Information as defined by POPIA without the consent of the Data Subject unless required by Law or otherwise justified in terms of POPIA.

5.3 Where BBV Processes Personal Information about Children save where a competent person has consented to the Processing of Personal Information of children.

6. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

6.1 BBV Processes Personal Information for the purposes of rendering Legal Services to the Data Subject.

6.2 Legal Services includes but is not limited to: instituting or defending Legal Proceedings; advising on Legal Proceedings – whether or not Legal Proceedings have been instituted, defended or otherwise contemplated, preparing, perusing and drafting Legal Documents, transferring of immovable property, giving legal advice

on any matter, negotiating disputes, settling matters, winding up of deceased or insolvent estates, liquidations and sequestrations and any other necessary function or action required or incidental to the effective rendering of the aforesaid Legal Services to the Data Subject.

6.3 BBV will also Process Personal Information of Data Subjects who are not clients of BBV in order to render Legal Services to its client.

7. SHARING OF PERSONAL INFORMATION WITH THIRD PARTIES

7.1 The BBV will not share the Personal Information about a Data Subject unless this has been consented to by the Data Subject, save where the sharing of Personal Information is required by Law or otherwise justified in terms of POPIA or to give effect to its mandate to provide Legal Services.

7.2 The BBV shall take reasonable measures in ensuring the confidentiality of Personal Information shared with third parties and to ensure that third parties are lawfully Processing Personal Information as prescribed by POPIA.

7.3 Notwithstanding clause 7.2 above and whilst the BBV endeavors to take reasonable steps as contemplated above, it cannot warrant lawful Processing of Personal Information by third parties with whom the Data Subject's Personal Information has been shared.

7.4 The Data Subject's Personal Information shall be Processed within BBV by trained employees within the course and scope of their employment with BBV.

8. WHO RECEIVES PERSONAL INFORMATION

8.1 BBV shares or otherwise Processes Personal Information of Data Subjects with various third parties in rendering Legal Services. BBV shares or otherwise Processes Personal Information with:

8.1.1 opposing parties in Legal Proceedings and/or their representatives, including legal representatives;

- 8.1.2 officers of court and officials of an equivalent standing in any Legal Proceedings;
- 8.1.3 regulatory and administrative bodies within and unique to the legal fraternity;
- 8.1.4 regulatory and administrative bodies established by law or any sphere of government, including government departments (whether local, provincial or national) with whom it is required to share such personal information;
- 8.1.5 BBV's auditors;
- 8.1.6 BBV's employees;
- 8.1.7 archiving service providers;
- 8.1.8 other Persons with whom sharing of Personal Information is necessary to render Legal Services effectively.

9. TRANSBORDER TRANSFER OF PERSONAL INFORMATION

- 9.1 BBV may from time to time transfer or cause the transfer of Personal Information of a Data Subject across national borders in rendering its Legal Services.
- 9.2 BBV shall endeavor to transfer Personal Information across national borders only if the recipient third party in a receiving country is subject to laws or otherwise legally binding rules or agreements affording adequate protection measures for reasonable Processing of Personal Information of a similar nature to the conditions for lawful Processing contained in POPIA.
- 9.3 BBV shall, where reasonably practicable, obtain the Data Subject's consent prior to transferring Personal Information across national borders.

10. VARIATION, UPDATING AND RECORD KEEPING OF PERSONAL INFORMATION

- 10.1 BBV stores Personal Information collected from Data Subjects either in hard copy or electronic format.
- 10.2 Personal Information may be stored up to a period of 7 years after the last financial transaction, with the exception of conveyancer's protocols which may be stored indefinitely, and save in instances where longer storage thereof is required by Law or the Data Subject has an active mandate with the BBV or otherwise consented thereto.
- 10.3 Whilst BBV takes measures to verify the Personal Information of Data Subjects, it is the shared responsibility of the Data Subject to bring any change in Personal Information or error in respect of Personal Information provided to the attention of the BBV. This can be done by contacting the relevant Personal Information Officer.

11. PERSONAL INFORMATION SECURITY

- 11.1 Whereas BBV Processes Personal Information in both hard copy and electronic / digital formats, it is committed to have adequate security measures in place for the prevention of any compromise to Personal Information of Data Subjects under its control.
- 11.2 Where Personal Information is Processed in hard copy format, BBV, insofar as may be reasonably practicable, stores the Personal Information in secured office space or buildings with one, more or all of the following security features, including but not limited to:
- 11.2.1 Locked buildings / office spaces with other security features;
 - 11.2.2 SABS Type Approved Safes.
 - 11.2.3 Secured off-site archiving under the control of third party service providers provided that such service providers has the required security measures and POPIA protocols for archiving and destruction of information.
- 11.3 Where Personal Information is Processed in electronic format, BBV obtains, uses, maintains and actively seeks to improve cyber security measures that protects the

integrity of data containing Personal Information and prevents unauthorised access thereto, including the following:

- 11.3.1 Employment and contracting of information technology specialists;
- 11.3.2 Specialised software aimed at the prevention of hacking, viruses, other forms of malware and cyber threats;
- 11.3.3 Encryption of programs and data containing Personal Information.

11.4 Whilst BBV takes reasonable steps to ensure the security and integrity of Personal Information, the systems in place are not immune to being compromised. In the event of Personal Information being compromised, BBV undertakes to notify the Data Subject and Information Regulator of such breach in accordance with POPIA.

12. RIGHT OF ACCESS

The Data Subject has the right to enquire whether BBV holds any of his/her/its Personal Information by requesting same in the prescribed manner. For details regarding this process, the Data Subject may contact the Information Officer.

13. WEBSITE USE

13.1 The BBV Protection of Personal Information Policy is applicable to all visitors and users of its website(s).

13.2 In addition to the Personal Information Processed in clause 5 above, BBV Processes certain technical information about visitors and users of its website(s) and/or their devices based on the Data Subject's interactions with such website(s). This includes, but is not limited to internet protocol (IP) addresses, device information, time zone settings, location and browser information.

13.3 By visiting and/or otherwise making use of the BBV's website(s), you consent to the aforesaid technical and other Personal Information from interactions with its website(s) being Processed.

13.4 BBV may makes use of cookies which allows the Data Subject to be identified upon re-visiting its website(s) and record their preferences in interacting with its website(s). If used, cookies can be disallowed by the Data Subject by disabling the necessary settings within the Data Subject's browser.

14. COMPLAINTS AND DISPUTE RESOLUTION

14.1 BBV takes the interests of its clients and employees seriously and respects their data privacy. Should the Data Subject have any concerns, issues or complaints in respect of the Processing of Personal Information, the relevant Information Officer or the Information Regulator can be contacted.

14.2 The contact details of the Information Officer is:

Physical Address: 317 Cape Road
Newton Park
Gqeberha
6056

Postal Address: P.O. Box 3073
North End
Gqeberha
6056

Telephone: 041 365 3668

Email: craig@bbv.co.za

14.3 The contact details of the Information Regulator are as follows:

Physical Address: JD House
27 Stiemens Street

Braamfontein
Johannesburg
2001

Postal Address:

P.O Box 31533
Braamfontein
Johannesburg
2017

E-mail (Complaints):

complaints.IR@justice.gov.za

E-mail (General Enquiries):

inforeg@justice.gov.za

15. GENERAL

15.1 This Protection of Personal Information Policy is effective immediately.

15.2 BBV reserves the right to amend its privacy policy at any time.