

PRIVACY NOTICE AND INFORMED CONSENT NOTICE

(ALSO, THE “PRIVACY POLICY”)

By entering our Website and accepting the POPIA Notice pop-up or by entering our Office and providing us with your Personal Information you consent to Boshoff Smuts Incorporated (“Boshoff Smuts”) Processing your Personal Information set out herein after, which Boshoff Smuts undertakes to Process strictly in accordance with this Privacy Policy.

CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT 4 OF 2013 (POPIA) AND THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)

The Constitution of South Africa, in particularly section 14, the right to privacy is an integral human right which is given effect in terms of the Protection of Personal Information Act 4 of 2013 (“POPIA”) and the Promotion of Access to Information Act 2 of 2000 (“PAIA”).

POPIA aims to promote the protection of Personal Information processed by introducing certain conditions and minimum requirement for the processing of Personal Information by public and private bodies without necessarily stemming the flow of information.

By providing quality goods and services, Boshoff Smuts Incorporated (“Company”) is involved in the collection, use and disclosure of certain aspects of the Personal Information of clients, employees, and other stakeholders such as Service Providers.

The right to privacy entails that a person should have control over his/her Personal Information and should be able to conduct his/her affairs relatively free from unwanted intrusions. The Company is committed to effectively deal with Personal Information as required by POPIA and PAIA, while using certain Personal Information as required in the course of their business.

DEFINITIONS:

- 1.1. **“Cookie”** – means a small file that is placed on your device when you visit a website. In this Policy, a reference to “Cookie” includes analogous technologies such as web beacons and clear Graphic Interchange Format files (“GIFs”).
- 1.2. **“Company”** – means Boshoff Smuts Incorporated, (Registration number: 2007/006650/21), a law firm and a personal liability company, duly incorporated in terms of the company laws of the Republic of South Africa, with registered address

situated at Waterford Court Office Park, Block A, Unit 3, Corner Rabie and Glover Avenue, Lyttleton, Centurion.

- 1.3. **“Data Subject”** – means the person to whom Personal Information relates.
- 1.4. **“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.
- 1.5. **“PAIA”** – means the Promotion to Access to Information Act 2 of 2000.
- 1.6. **“Personal Information”** – means information that is about any individual or juristic person, or from which any individual is directly or indirectly identifiable, in particular by reference to an identifier such as a name, an identification number, physiological, genetic, mental, economic, cultural, or social identity of that individual.
- 1.7. **“POPIA”** – means the Protection of Personal Information Act 4 of 2013.
- 1.8. **“Process,” “Processing” or “Processed”** – means anything that is done with any Personal Information, whether or not by automated means, such as collection, recording, organising, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.
- 1.9. **“Responsible Party”** – means the entity that decides how and why Personal Information is Processed.
- 1.10. **“Sensitive Personal Information”** – means Personal Information about race or ethnicity, political opinion, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under the applicable law.
- 1.11. **“Service Provider”** – means third party providers of various services whom we engage, including, but not limited to, providers of information technology, communication, file storage, data storage, copying, printing, accounting, or auditing services, legal or counsel services, experts, investigators, insurers, and professional advisors.
- 1.12. **“Office”** – means the registered business address of the Company

- 1.13. **“Website”** – means any website operated or maintained by the Company or on the Companies behalf.

2. INTRODUCTION

- 2.1. Boshoff Smuts Incorporated (“Company, we, us, our”), also the Responsible Party, is a company who renders legal services to our clients, whether individual or a juristic person.
- 2.2. We are sensitive to the personal nature of information you provide to us at any stage during your business with us.
- 2.3. This privacy policy (“this policy”) explains how we protect and use your Personal Information.
- 2.4. By providing us with your Personal Information you:
 - 2.4.1. agree to this Policy and authorise us to Process such information as set out herein; and
 - 2.4.2. authorise us, our Service Providers and other third parties to Process your Personal Information for the purposes stated in this Policy.
- 2.5. By accessing or using our electronic platforms (including our Website, or sending emails to us or receiving emails from us) and visiting our Office, you, the Data Subject:
 - 2.5.1. acknowledge that you have read and understand this Policy;
 - 2.5.2. agree to be bound and comply with the Policy; and
 - 2.5.3. provide us with consent to Process and further Process the required Personal Information for the required purpose, in accordance with this Policy.
- 2.6. This Policy applies to all external parties with whom we interact, including but not limited to individual clients, representatives of client organisations, visitors to our Office, visitors to our Website and social media platforms, Operators, and other users of our legal and related services.
- 2.7. We shall only retain and store Personal Information for the period for which the data is required to serve its primary purpose or a legitimate interest or for the period required to comply with an application requirement, whichever is longer.

- 2.8. We will not use your Personal Information for any other purpose than that set out in this Policy and will endeavour to protect your Personal Information that is in our possession from unauthorised alteration, loss, disclosure, or access.

3. COLLECTION OF PERSONAL INFORMATION

- 3.1. We may collect or obtain Personal Information:
- 3.1.1. directly from you;
 - 3.1.2. during the course of our relationship with you;
 - 3.1.3. while providing legal services to you;
 - 3.1.4. while providing legal services to your organisation;
 - 3.1.5. when you visit our Website and/or interact with our Website or our various social media platforms;
 - 3.1.6. when you register on our platforms, such as our Website, in order to be provided a legal service, including to receive legal updates, newsletters or other forms of direct marketing relating to our legal services;
 - 3.1.7. when you visit our Office to be provided a service;
 - 3.1.8. when you make your Personal Information public.
- 3.2. We may also receive Personal Information about you from third parties.
- 3.3. In addition to the above, we may create Personal Information about you such as records of your communication and interaction with us, including any communication concerning the legal service we provide you with, your interviews in the course of applying for a job, and other related forms of communication in the ordinary course of our business.

4. CATEGORIES OF PERSONAL INFORMATION WE MAY PROCESS:

- 4.1. We may Process the following categories of Personal Information about you:
- 4.1.1. personal details: name and surname;

- 4.1.2. contact details: address, telephone number(s), email address and details about your public social media profile;
 - 4.1.3. demographic information: age, date of birth, gender, language preferences, nationality, title, and gender;
 - 4.1.4. Identifier information: national identity number; passport number, bank statements, proof of residence;
 - 4.1.5. payment details: billing address, payment method, bank account number or credit card number, invoice records, payment records, payment amount, payment date and records of all payments made;
 - 4.1.6. data relating to your visits to our Website, your device type, operating system, browser type, browser settings, IP address, language settings, dates, and times of connecting to a Website and other technical communication information;
 - 4.1.7. employer details: where you interact with us in your capacity as an employee of an organisation (client or third party), the name, address, telephone number and email address of your employer, to the extent relevant and required; and
 - 4.1.8. content and advertising data: any correspondence you may have with us, records of your interaction with our online advertising and content, records of advertising and content displayed on pages displayed to you, and any interaction you may have with such content or advertising and forms you complete online or at our Office; and
 - 4.1.9. other information relating to instructions provided, consent records or attendance records such as may be required to provide a legal service to you.
- 4.2. With specific reference to the Personal Information of children, we will only process such Personal Information with:
- 4.2.1. the prior consent of a competent person;
 - 4.2.2. when it is necessary for the establishment, exercise, or defence of a right or obligation; or
 - 4.2.3. as allowed in terms of any other law.

- 4.3. Where we need to Process your Sensitive Personal Information, we will do so in the ordinary course of our business, for legitimate purpose, and in accordance with the applicable law.

5. PURPOSES OF PROESSING AND LEGAL BASES FOR PROCESSING

- 5.1. We will Process your Personal Information in the ordinary course of our business, whether it be dealing with you as a client, employee or third party. We will primarily use your Personal Information only for the purpose for which it was primarily collected. We will only use your Personal Information for a secondary purpose if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected. We may subject your Personal Information to Processing during the course of various activities, including, without limitation, the following:
 - 5.1.1. operating our business;
 - 5.1.2. to provide legal services such as legal advice, legal opinions, memorandums, agreements, correspondence, reports, publications, compiling documents for legal proceedings and other documents and records (electronic or otherwise) through analysing, evaluating, reviewing, and collating information to determine legal issues and potential disputes,
 - 5.1.3. transfer of information to our Service Providers and other third parties;
 - 5.1.4. to comply with any applicable law and preventing fraud; and
 - 5.1.5. recruitment.
- 5.2. Your Personal Information may be Processed by us for relationship management and marketing purposes in relation to our services, for account management, and for marketing activities in order to establish, maintain and/or improve our relationship with you and with our Service Providers.
- 5.3. We may Process your Personal Information for internal management and management reporting purposes (including, but not limited to): internal audits, internal investigations, implementing internal business controls, providing central Processing facilities, for management reporting analysis.

- 5.4. We will only Process Personal Information for the purpose it was collected as far as it will be sufficient to fulfil our mandate or obligations to you in the ordinary course of our business.

6. PERSONAL INFORMATION FOR THIRD PARTIES DISCLOSURE

- 6.1. We may disclose your Personal Information to our Service Providers, for legitimate business purposes, in accordance with the applicable law and subject to applicable professional and regulatory requirements regarding confidentiality.
- 6.2. In addition, we may disclose your Personal Information
- 6.2.1. if required by law;
 - 6.2.2. to legal and regulatory authorities when requested, including when we suspect a breach of Personal Information in terms of POPIA;
 - 6.2.3. third party Operators (including, but not limited to, data processors such as providers of data hosting services and documents review technology and services), located anywhere in the world, subject to 6.3;
 - 6.2.4. where it is necessary for purposes of or in connection with actual or threatened legal proceedings or establishment, exercise, or defence of legal rights;
 - 6.2.5. to any relevant third-party acquirer(s), in the event that we sell or transfer all or any portion of our business or assets (including, but not limited to, in the event of a reorganisation, dissolution or liquidation);
 - 6.2.6. where necessary for purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.
 - 6.2.7. to any relevant third-party provider, where our Websites use third party advertising, plugins, or content; and
 - 6.2.8. to courier companies to ensure the delivery of documents or other required material of whatever nature to provide our service sufficiently.
- 6.3. If we engage a third-party Operator to Process any of your Personal Information, we will ensure that these third-party Operators adhere to an adequate level of protection

of your Personal Information. Should the Operator be based in a foreign country such protection should provide adequate protection similar to POPIA.

7. INTERNATIONAL TRANSFER OF DATA RELATING TO PERSONAL INFORMATION

- 7.1. Your Personal Information may be transferred to a recipient outside of the Republic of South Africa when necessary;
- 7.2. Such international transfer of data relating to Personal Information may only be transferred subject to 6.3. and to a country who adopted a law that provides for adequate protection of your Personal Information, similar to POPIA.

8. SECURITY OF PERSONAL DATA

- 8.1. Appropriate technical and organisational security measures are implemented to protect your Personal Information which is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.
- 8.2. Should we become aware that reasonable grounds exist to believe that your Personal Information has been accessed by any unauthorised person, we will notify the relevant regulator and yourself.
- 8.3. The internet is an open system, where the transmission of information via the internet is not completely secure. Although we will implement reasonable measures to protect your Personal Information, in our possession, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during the course of such transmission.

9. DATA ACCURACY

The Personal Information you provide to us should be accurate, complete, and up to date. If your Personal Information changes, you are required to notify us of such change in order for us to keep our data accurate.

10. YOUR LEGAL RIGHTS

Under South African legislation, you may have rights to have access to your Personal Information. You may also have rights to object to your Personal Information being used, to ask for the transfer of Personal Information you have made available to us and to withdraw consent to the use of your Personal Information. You may also ask us to rectify, erase and restrict use of your Personal Information.

11. COOKIES AND RELATED TECHNOLOGIES

11.1. We may Process your Personal Information by our use of Cookies and similar technology.

11.2. When you visit our Website we may place Cookies onto your device or read Cookies already on your device, subject always to obtaining your consent where required, in accordance with applicable law. We use Cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits. We may Process your Personal Information through Cookies and related technologies.

12. CONTACT DETAILS

Please note that we may review and update this Policy from time to time. In the event that you need to contact us, please make use of the following contact details:

Telephone: (012) 644 2661

Email: hanlie@boshoffsmuts.co.za

Physical Address: Waterford Court Office Park, Block A, Unit 3, 234 Glover Avenue (Cnr Rabie & Glover Ave) Lyttelton, Centurion, South Africa, 0140

Dated: 26/06/2024