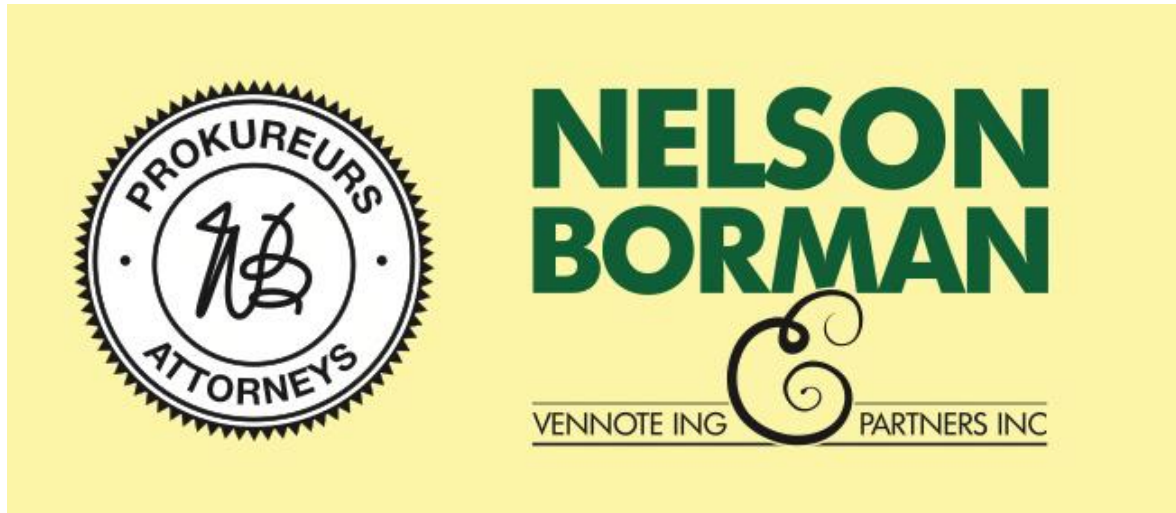


**COMPLIANCE MANUAL FOR THE IMPLEMENTATION OF THE PROTECTION
OF PERSONAL INFORMATION ACT, ACT 4 OF 2013 (“POPIA”)**

**COMPILED BY NELSON BORMAN & PARTNERS INC. ATTORNEYS
REGISTRATION NUMBER: 1991/001159/21**



1. INTRODUCTION

- 1.1 Nelson Borman & Partners Inc. Attorneys value each client's personal information. In this manual, we set out how we propose to process and protect your personal information.
- 1.2 By providing us with your personal information, you agree to the terms set out in this manual and thereby authorise us, our service providers and other third parties associated with us to process your personal information.
- 1.3 This manual may be updated from time to time and such amendments will be posted on our website.
- 1.4 We undertake not to use your personal information other than for the purposes set out in this manual, without obtaining your prior consent.

2. TYPES OF PERSONAL INFORMATION WE MAY PROCESS

We may process the following categories of Personal Information about you –

- 2.1 personal details: name, identity number / passport number and photograph.
- 2.2 demographic information: gender; date of birth / age; nationality; salutation; title; language preferences.
- 2.3 contact details: correspondence address; telephone number; email address; details of your public social media profile(s); utility provider details.

- 2.4 instruction details: details of individuals instructing us; Personal Information included in correspondence, documents, evidence or other materials that we process while providing legal services.
- 2.5 attendance records: details of meetings and other events organised by us that you have attended.
- 2.6 consent records: records of any consents you may have given, together with the date and time, means of consent and any related information.
- 2.7 payment details: billing address; payment method; bank account number or credit card number; invoice records; payment records; SWIFT details; payment amount; payment date; bank statements.
- 2.8 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 communications information.
- 2.9 employer details: where you interact with us in your capacity as an employee of an organisation, the name, address, telephone number and email address of your employer, to the extent relevant.

3. SPECIAL PERSONAL INFORMATION

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.

4. OUR UNDERTAKINGS TO OUR CLIENTS

- 4.1 We undertake to follow POPIA at all relevant times and to process personal information lawfully and reasonably, so as not to infringe unnecessarily on the privacy of our clients.
- 4.2 We undertake to process information only for the purpose for which it is intended, to enable us to do fulfil our instructions / mandate, as agreed with our clients.
- 4.3 We shall obtain consent to process personal information, and specifically special personal information.
- 4.4 We shall stop processing personal information if the required consent is withdrawn, or if a legitimate objection is raised.
- 4.5 We shall advise our clients of the purpose of the collection of the personal information.

- 4.6 We shall retain records of the personal information we have collected for the minimum period as required by law unless the client has furnished their consent or instructed us to retain the records for a longer period.
- 4.7 We shall destroy or delete records of the personal information as soon as reasonably possible after the time for which we were entitled to hold the records have expired.
- 4.8 The further processing of personal information shall only be undertaken with the consent of the client or where the further processing is necessary because of a threat to public health or public safety or to the life or health of the client, or a third person.
- 4.9 We will ensure that the personal information which we collect and process is complete, accurate, not misleading and up to date.
- 4.10 We undertake to take utmost care when processing special personal information which includes information concerning a child and personal information of a data subject concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, DNA, sexual orientation, criminal behaviour and specifically banking details.
- 4.11 We will minimise the processing of personal information to data which is sufficient for us to carry out the client's mandate and for the applicable legitimate purpose for which it was collected.

5. YOUR LEGAL RIGHTS

- 5.1 Rights afforded to you as our client may include to ask us to rectify, erase and restrict the use of 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.
- 5.2 Please refer to Form 1 of the POPIA Regulations attached hereto should you wish to object to the processing of your Personal Information.
- 5.3 Please refer to Form 2 of the POPIA Regulations attached hereto should you wish to request for the correction or deletion of your Personal Information.

6. SECURITY SAFEGUARDS

- 6.1 We strive to secure the integrity and confidentiality of the personal information in our possession, and to protect it against loss or damage or unauthorised access.

- 6.2 We do so by ensuring that our business premises where records are kept are protected by access control, burglar alarms and armed response.
- 6.3 We make use of the necessary firewall, anti-virus programmes, licenses and updates to secure personal information. We have a back-up system and disaster recovery plan in place.
- 6.4 We make use of a cloud-based server. All computers are protected by passwords which must be changed on a regular basis.
- 6.5 Archived files are stored behind locked doors and access control to these storage facilities are in place.
- 6.6 Our staff are trained to carry out their duties in compliance with POPIA, and this training will be ongoing.
- 6.7 We entered into confidentiality agreements with every staff member to ensure full confidentiality in respect of all of our clients' affairs, including our clients' personal information.
- 6.8 Staff is trained to notify their manager/supervisor immediately if there are reasonable grounds to believe that the personal information of a client has been accessed or acquired by any unauthorised person.
- 6.9 The digital work profiles and privileges of staff who have left out employ are being properly terminated.

7. SECURITY BREACHES

- 7.1 Should we become aware that the personal information of a client has been accessed or acquired by an unauthorised person, we have an obligation to notify the Information Regulator and the relevant client/s, unless we are no longer able to identify the client/s. This notification must take place as soon as reasonably possible, preferably immediately.
- 7.2 Such notification must be given to the Information Regulator first as it is possible that they, or another public body, might require the notification to the client/s be delayed.
- 7.3 The notification to the client must be communicated in writing to the client's last know email address or physical / postal address.
- 7.4 This notification to the client must give sufficient information to enable the client to protect themselves against the potential consequences of the security breach,

8. DATA ACCURACY

The Personal Information provided to us should be accurate, complete and up to date. Should Personal Information change, the onus is on the provider of such data to notify us of the change and provide us with the accurate data.

9. SHARING OF PERSONAL INFORMATION

- 9.1 We may disclose your Personal Information to our third-party service providers, where necessary.
- 9.2 We require that our service providers take appropriate, reasonable, technical and organisational measures to keep your Personal Information secure.
- 9.3 Our service providers may not use or disclose Personal Information for any purpose other than providing the services on our behalf.
- 9.4 We may also disclose your Personal Information:
 - 9.4.1 when such disclosure is necessary to protect the legitimate interests of our directors, employees, consultants, or any other person, or where required or permitted by law; or
 - 9.4.2 if we are under a duty to disclose or share your Personal Information in order to comply with any legal obligation.
- 9.5 There is a possibility that the Personal Information that we collect from you may have to be transferred to, and stored at, a destination outside of the Republic of South Africa (for example, by a third-party data hosting service provider).
- 9.6 Insofar as your information may be transferred outside of South Africa, we will take reasonable organisational and/or contractual measures to ensure that your personal information is processed by such third-party service providers for the purposes for which it has been provided to us and that the required levels of protection have been implemented by such third-party service providers to safeguard your Personal Information.

10. DIRECT MARKETING

- 10.1 We may utilise the Personal Information of an existing client of the firm for the purposes of providing our client with information regarding services that may be of interest to the client (direct electronic marketing). A client may unsubscribe / opt-out for free at any time. All of the firm's direct electronic marketing to existing clients must have an opt-out option.
- 10.2 New clients of the firm must be given an opportunity to object to receiving direct marketing material by electronic communication at the time that their personal information was collected.
- 10.3 We may only approach clients using their personal information, if we have obtained their personal information in the context of providing legal services to them, and we may then only market legal services to them.

- 10.4 We may only carry out direct marketing (using any form of electronic communication) to non-clients if we have received their consent to do so.
- 10.5 We may approach a person to ask for their consent to receive direct marketing material only once, and we may not do so if they have previously refused their consent.
- 10.6 Should we receive consent to send direct electronic marketing to a non-client of the firm, such direct electronic marketing material must have an opt-out option.
- 10.7 If you currently receive marketing information from us which you would prefer not to receive in the future, please email us at johann@nelsonborman.co.za.

11. OFFENCES AND PENALTIES

- 11.1 POPIA provides for serious penalties for the contravention of its terms. For minor offences, a guilty party can receive a fine or be imprisoned for up to 12 months. For serious offences, the period of imprisonment rises to a maximum of 10 years. Administrative fines for the company can reach a maximum of R10 million. Breaches of this Compliance Manual will also be viewed as a serious disciplinary offence.
- 11.2 It is therefore imperative that we comply strictly with the terms of this Compliance Manual to protect our client's personal information at all costs.

12. COMPLIANCE OFFICER

- 12.1 Our Information Officer is designated to be our Chief Executive Officer. Our CEO may however delegate his authority to a senior staff member, who is part of our management team. Our information Officers duties and responsibilities include:
- 12.1.1 Ensuring compliance with POPIA.
 - 12.1.2 Dealing with requests which we receive in terms of POPIA.
 - 12.1.3 Working with the Information Regulator in relation to investigations.
- 12.2 For any POPIA related queries, you may contact us at –

Nelson Borman & Partners Inc.
Telephone: +27 11 886 3675 / +27 11 476 2420
Contact person: Alma Swanepoel
Email: alma@nelsonborman.co.za

13. INFORMATION REGULATOR

Should you have any complaints with the way in which we are processing your personal information, you are entitled to lodge a complaint with the Information Regulator, whose contact details are as follows: -

JD House, 27 Stiemens Street, Braamfontein,
Johannesburg, 2001
P.O. Box 31533, Braamfontein, Johannesburg, 2017
Complaints email: complaints.IR@justice.gov.za
General enquiries email: infoereg@justice.gov.za.

*Version 2
June 2021*

**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:	

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

Signed at this day of20.....

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

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
Name(s) and surname / registered name of responsible party:	
Residential, postal	

or business address:	Code ()
Contact number(s):	
Fax number/ E-mailaddress:	
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 on this the day of
20.....

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

**SAMPLE OF ON-BOARDING LETTER TO CLIENTS TO BE PLACED
ON THE FIRM'S LETTERHEAD**

THE PROTECTION OF PERSONAL INFORMATION ACT, ACT 4 OF 2013 ("POPIA")

PART 1: OUR DUTY TO YOU

Dear Client,

We at Nelson Borman & Partners Inc. Attorneys value each client's personal information. POPIA obliges us to inform you of our responsibility to process your personal information in a lawful and responsible manner. If you wish to have greater insight into the way in which we implement POPIA, you may ask for a copy of our company's internal POPIA Compliance Manual.

THE COLLECTION AND PROCESSING OF PERSONAL INFORMATION

1. We will collect the majority of your personal information directly from yourself. Please co-operate with us when we do so. We may also collect your personal information from any intermediary that might have referred you to us, and from public records.
2. We will be collecting your personal information to enable us to fulfil the mandate that we have been given by you.
3. You are legally obliged to supply the information that we need to comply with the Financial Intelligence Centre Act, Act 38 of 2001 (FICA). This information is required to know our client and to combat money laundering and the financing of terrorism. Any other information that we ask for will be required to enable us to fulfil the mandate that we have been given by you. You have a choice as to whether you will supply us with this other information. Please note that if you fail to supply the information we ask for, we will not be able to do our work properly. You might also be placing yourself in breach of a contract, or the law.
4. We will be passing your personal information on to all third parties that require it for the purposes of doing their work which is related to what we are doing for you.
5. You can rest assured that unless we are legally obliged to share your personal information, we will only share so much of your personal information as is needed by the authority that requires it, and we will only do so when it is necessary for us to fulfil our mandate with you. In addition, all of our staff are bound by confidentiality clauses in their letters of employment.
6. If there is an international component to the work which we are doing for you, and if we are required to share your personal information with an overseas recipient, you are entitled to ask us how your personal information will be protected in this foreign country, and we will endeavour to assist you.
7. You have the right of access to your personal information and the right to correct any errors relating to the information that we have on record. In addition, you have the right to object to us continuing to process your personal information. In this regard, please note that if you do exercise this right, we will not be able to do our work properly. In addition, this might place you in breach of a contract, or the law.
8. The Legal Practice Council requires us to retain our records for a period of 7 (seven) years since the last entry into the file. During this period, your personal information will also remain protected. After this period has expired, your personal information will be destroyed in a way that de-identifies you.

THE SECURITY OF OUR SYSTEMS

14. We strive to secure the integrity and confidentiality of the personal information in our possession, and to protect it against loss or damage or unauthorised access.

15. We do so by ensuring that our business premises where records are kept are protected by access control, burglar alarms and armed response.
16. We make use of the necessary firewall, anti-virus programmes, licenses and updates to secure personal information. We have a back-up system and disaster recovery plan in place.
17. We make use of a cloud-based server. All computers are protected by passwords which must be changed on a regular basis.
18. Archived files are stored behind locked doors and access control to these storage facilities are in place.

Should you have any complaints with the way in which we are processing your personal information, you are entitled to lodge a complaint with the Information Regulator, whose contact details are as follows: -

JD House, 27 Stiemens Street, Braamfontein,
Johannesburg, 2001
P.O. Box 31533, Braamfontein, Johannesburg, 2017
Complaints email: complaints.IR@justice.gov.za
General enquiries email: inforeq@justice.gov.za.

However, we want to ensure you that the processing of your personal information will be handled in a lawful and responsible manner as required by law.

Yours faithfully

Nelson Borman & Partners Inc.
Per:

PART 2: CLIENT’S CONSENT TO PROCESS PERSONAL INFORMATION

CONSENT TO PROCESS (INCLUDING THE COLLECTION, USE, SAVING, STORAGE, ARCHIVING AND DELETION) OF PERSONAL INFORMATION IN TERMS OF POPIA

I/We the undersigned

(NAME & ID / PASSPORT NUMBER)

hereby give my/our consent for the processing of our personal information by Nelson Borman & Partners Inc. Attorneys for the purposes of carrying out the following work:

(PLEASE TICK THE APPROPRIATE BOX):

- The registration of a transfer of property
- The registration of a mortgage bond
- Other conveyancing work (please specify) _____

- Notarial contract (e.g.: Ante-Nuptial Contracts)
- Civil litigation
- The drafting of a will
- The winding up of an estate
- The drafting of a contract
- Other (please specify) _____

This consent specifically includes the right to obtain and utilize my/our bank account details as these details will be required either to ensure that I receive payments or refunds due to me/us or that any payments due to/by me/us, are debited or credited to the correct account.

This consent is furnished on condition that my/our personal information shall be used and processed in accordance with the Protection of Personal Information Act.

SIGNED AT _____ ON _____ 20____.

CLIENT

CLIENT

PART 3: APPLICATION FOR CONSENT TO DIRECT MARKETING

(In terms of Form 4 of the POPIA Regulations)

REQUEST FOR CONSENT TO RECEIVE DIRECT MARKETING MATERIAL IN TERMS OF SECTION 69(2) AND REGULATION 6 OF POPIA

Dear Client,

We regularly send out newsletters and other interesting information and communication using electronic means and this could be categorised as direct marketing. In order for us to have you on our mailing list, we need your consent.

If you would like to receive these communications, please sign off on the consent below.

We look forward to staying in touch.

I/We the undersigned

(NAME & ID / PASSPORT NUMBER)

- hereby **GIVE my/our CONSENT** to receive direct marketing of legal services to be marketed by means of electronic communications from Nelson Borman & Partners Inc. Attorneys by way of
 - Emails
 - SMS messages
 - Both email and SMS

- hereby **REFUSE my/our CONSENT** to receive direct marketing of legal services to be marketed by means of electronic communications from Nelson Borman & Partners Inc. Attorneys.

SIGNED AT _____ ON _____ 20_____.

CLIENT

CLIENT