



## **MALAN LOURENS VILJOEN INC. PRIVACY POLICY**

### **1. INTRODUCTION**

- 1.1 The purpose of this notice is to explain how Malan Lourens Viljoen Inc. obtain, use and disclose personal information of clients in accordance with the requirements of the Protection of Personal Information Act, no. 4 of 2013 (“the POPI Act”) and declares our commitment to comply with the provisions of the POPI Act.
- 1.2 Malan Lourens Viljoen Inc processes personal information and other confidential information of individuals and juristic persons to deliver legal services to our clients. The nature of the personal information which we process, depends on the legal service we render in each matter, as well as the legislative requirements to be adhered to by us.
- 1.3 We are obliged to process personal information in accordance with the provisions of the POPI Act. This notice constitutes our policy statement to declare our firm’s commitment to comply with the POPI Act when processing personal information and special personal information, as defined in paragraphs 3.5 and 3.9 below.
- 1.4 The policy further sets out your rights, obligations and responsibilities relating to your personal information, as well as Malan Lourens Viljoen Inc.’s undertakings regarding the processing and protection of your personal information.
- 1.5 This notice forms part of our agreement with you and is available upon request, from our office.

### **2. SCOPE**

- 2.1 This policy applies to any natural or juristic person whose personal information Malan Lourens Viljoen Inc., in its capacity as a responsible party, collects, uses, shares or otherwise processes in terms of its client’s mandate, contractual, regulatory and/or legal obligations.

### 3. DEFINITIONS OF TERMS USED IN THIS NOTICE

In this notice, the following terms and expressions, will have the meaning as assigned to them by the POPI Act:

- 3.1. Confidential information means any personal information, as defined in the POPI Act, and any other information or data of any nature, tangible or intangible, oral or in writing and in any format or medium, which by its nature or content is, or ought reasonably to be identifiable as confidential and/or is provided or disclosed in confidence to our firm.
- 3.2. Data subject is an individual or juristic person to whom personal information relates.
- 3.3. 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.
- 3.4. Information security breach is any incident:
  - 3.4.1. in which sensitive and/or protected and/or private and/or confidential information has been lost, disclosed, stolen, copied, transmitted, viewed, altered, destructed or otherwise used or processed in an unauthorised manner; or
  - 3.4.2. that results in the unauthorized access of information, applications, services, networks and/or devices by bypassing our firm's security mechanisms.
- 3.5. Personal information is Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –
  - 3.5.1. 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;
  - 3.5.2. information relating to the education or the medical, financial, criminal or employment history of the person;
  - 3.5.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 3.5.4. the biometric information of the person;
  - 3.5.5. the personal opinions, views or preferences of the person;
  - 3.5.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

- 3.5.7. the views or opinions of another individual about the person; and
- 3.5.8. 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.
- 3.6. Processing means any operation or activity or any set of operations of the responsible party, whether or not by automatic means, concerning personal information, including —
  - 3.6.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use of personal information;
  - 3.6.2. dissemination of personal information by means of transmission, distribution or making available in any other form; and
  - 3.6.3. merging, linking, as well as restriction, degradation, erasure or destruction of personal information.
- 3.7. Record means any recorded information regardless of form or medium, including any of the following:
  - 3.7.1. writing on any material;
  - 3.7.2. 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;
  - 3.7.3. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
  - 3.7.4. book, map, plan, graph or drawing; and
  - 3.7.5. 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;  
  
in the possession or under our firm's control, whether or not it was created by us; and regardless of when it came into existence.
- 3.8. Responsible party means Malan Lourens Viljoen Inc.
- 3.9. Special personal information is information that relates to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject. It also includes criminal behaviour relating to alleged commissions of offences or any proceeding dealing with alleged offences.

#### **4. PURPOSE OF PROCESSING PERSONAL INFORMATION**

- 4.1. We process personal information primarily to deliver legal services to our clients. We also process personal information –
  - 4.1.1. for personalised marketing purposes, if you are a client of our firm or if you elected to receive marketing material from us. Please note that you have a choice not to have their personal information used for marketing purposes.
  - 4.1.2. to send newsletters to our clients and others who have elected to receive newsletters from us. Please note that clients have a choice not to receive newsletters from us.
  - 4.1.3. to conduct client satisfaction research.
  - 4.1.4. for audit and record keeping purposes.
  - 4.1.5. to deal with requests and enquiries about personal information held by us and to update this information, when advised by you.
  - 4.1.6. should you apply for employment at our firm, to process your application.
  - 4.1.7. for the detection and prevention of fraud, crime, money laundering or other malpractices.
  - 4.1.8. in connection with legal proceedings.
  - 4.1.9. in connection with and to comply with legal and regulatory requirements (eg the requirements of the Financial Intelligence Centre Act no. 38 of 2001) or when it is otherwise required by law.
- 4.2. When you contact us by email, other means of electronic communication, telephone, post, or telefax, we collect, store, use and keep record of certain personal information that you disclose to us. This includes details such as your name, address, telefax number, mobile phone number and email communication data. By providing us with your personal information, you authorise us and associated entities or third parties (where applicable) to process such information as set out herein.
- 4.3. We do not intentionally collect or use personal information of children (persons under the age of 18 years), unless with express consent of a parent or guardian, or if the law otherwise allows or requires us to process such personal information.
- 4.4. We do not process special personal Information about you unless –
  - 4.4.1. it is necessary to establish, exercise or defend a right or obligation in law (eg we have to process information relating to your health as part of our screening processes when you access our premises, in order to comply with Covid-19 regulations and protocols).

- 4.4.2. we have obtained your consent to do so (eg should you apply for employment at our firm, we require your permission to do a criminal record check to process information which relates to your criminal record, if any).
- 4.5. We are committed to process personal information and special personal information –
  - 4.5.1. fairly and lawfully, for specific lawful purposes.
  - 4.5.2. in accordance with any agreement we may have with you and in accordance with the legal standards applicable to such information or information categories.
  - 4.5.3. which is accurate and kept up to date.
  - 4.5.4. which is adequate, relevant and not excessive or misleading.

## **5. SHARING OR TRANSFER OF PERSONAL INFORMATION**

- 5.1. We undertake to use your personal Information only for the purpose for which the information is essential and not to share or further process your personal information without your consent.
- 5.2. Please note that in certain circumstances,
  - 5.2.1. We must share personal information with third parties as part of the legal services we render to our clients. Subject to paragraph 5.2.4 below, we must inform you when we do so and will share only what is needed for those purposes. We aim to have agreements in place with our service providers to ensure that the personal information that we remain responsible for, is safeguarded by our service providers. Anyone to whom we pass on your personal information, will be required by us to treat your information with the same level of protection as we are obliged to do.
  - 5.2.2. We have to obtain personal information about clients and other persons or entities from third parties as part of the legal services which we render. We will inform you when we have to obtain personal information about you from a third party.
  - 5.2.3. We release account and other personal information to third parties when we believe that such release is appropriate to comply with the law; to enforce our client agreements and other agreements; or to protect the rights, property or safety of our firm and our clients. We will inform you when we decide to do so and will share only what is needed for those purposes.
  - 5.2.4. South African legislation allows for the disclosure of personal information to law enforcement or other agencies without your consent. In circumstances where we are required to disclose information because we are legally obliged to do so, we will first consider the legitimate interests of all concerned.

- 5.3. We may need to transfer your personal information to another country for processing or storage of data or when it is otherwise required by virtue of the nature of the legal services rendered to you. This will be done only in limited circumstances and in strict adherence of the requirements of the POPI Act and other relevant legislation.

## **6. RETENTION OF PERSONAL INFORMATION**

- 6.1. We will retain your personal information for as long you permit us to do so and/or in accordance with the provisions of any applicable legislation.
- 6.2. Please note that we are obliged in law to retain documents containing personal information for at least seven years from the date of the last entry recorded in each particular book or other document of record or file.

## **7. SAFEGUARDING OF PERSONAL INFORMATION**

- 7.1. We are required to take reasonable measures to adequately protect all the personal information we hold and to avoid unauthorized access and use of such personal information. To comply with this requirement, we maintain reasonable industry-standard physical, electronic and procedural safeguards in respect of the personal information we collect, store, disclose and destruct.
- 7.2. Our written communication with clients and third parties occurs mostly via the internet. For this reason, we have implemented general accepted and up-to-date electronic communication safety measures. However, the internet is not entirely secure and therefore we cannot unconditionally guarantee the security of any information you provide to us via email, social media, or other communication platforms. Should you be particularly concerned about the safety of specific personal information you intend to send to us, you should liaise with your contact person at the firm regarding the appropriate communication platform to be used.
- 7.3. In the unlikely event that an information security breach in respect of your personal information should occur, we will inform you thereof. We will also investigate the security breach and will take all reasonable measures to limit any possible damage which may arise from such breach.

## **8. ACCESS TO AND AMENDMENT OF PERSONAL INFORMATION HELD BY US**

- 8.1. Our information officer is Mr. Ruan Herbert, a director at the firm. Our deputy information officer is Mrs. Lelani Fernandez. Please phone Mrs. Fernandez on 021 853 1535, or write to her at [admin@mlalaw.co.za](mailto:admin@mlalaw.co.za) if you:
  - 8.1.1. have any queries about this notice.
  - 8.1.2. need further information about our privacy practices.
  - 8.1.3. wish to request a copy of the personal information we hold in respect of yourself and the purpose for holding it. We will take all reasonable steps to confirm your identity before providing details of your personal information to you. There may be a reasonable charge for providing any information so requested.
  - 8.1.4. wish to amend, correct or destroy your personal information held by us. Please contact us to update your personal information whenever your details change.
- 8.2. If we do not respond to a request from yourself pertaining to your personal information to your satisfaction, you may lodge a complaint at the office of the Information Regulator at the following addresses:
  - 8.2.1. Website: <https://www.justice.gov.za/inforeg/index.html>
  - 8.2.2. Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
  - 8.2.3. Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017
  - 8.2.4. Complaint email address: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)
  - 8.2.5. General enquiry email address: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za).

## **9. WEBSITE SECURITY**

- 9.1 In conjunction with the developer of our website, PrimeLogic cc, we take the security of personal data very seriously and always do our best to comply with applicable data protection laws. We will implement and maintain appropriate technical and organisational measures to protect the security and confidentiality of the personal data. Our website is hosted on a secure server environment that uses a firewall and other advanced security measures to prevent interference or access from outside intruders. All personal data is securely stored in our customer database. We authorize access to personal data only for those employees who require it to fulfil their job responsibilities.
- 9.2 Password Policy: PrimeLogic does not store passwords anywhere. All password are automatically hashed with a SALT value when passwords are changed, only the hashes are stored in the database. This means that the original password entered is unknown to PrimeLogic.

- 9.3 Encryption: Transport layer encryption is used to protect all connections to and from websites with SSL certificates (HTTPS). All new websites and web applications (business management systems) developed by PrimeLogic after May 2018 are issued with SSL certificates.

## **10. WEBSITE DATA POLICY**

### 10.1 Cookies:

Cookies are small files that store selective data on the web browser platform (on your computer's hard drive). All cookies created by PrimeLogic's software are anonymous except for the "Remember Me" cookie that has to be enabled with a tick box on the sign in page. This cookie remembers your username (typically an email address) to make it easier for you to sign in the next time as the username will be prepopulated. No cookies created by PrimeLogic's software store passwords or any personal information about the user.

Cookies are typically used to enhance your online experience by remembering some settings and preferences. These cookies are anonymous and completely harmless.

You may change the settings on your browser to refuse or prevent the use of "cookies". While most browsers are initially set up to accept cookies you can reset your browser to refuse all cookies or indicate when a cookie is being sent.

### 10.2 Database Storage:

This website stores its data in a SQL database. This database is located on a PrimeLogic web server and is completely secure. Various levels of security are in place, PrimeLogic follows a high level of database security best practices as published by industry leaders such as Microsoft.

PrimeLogic's SQL and web servers for public websites and web applications are located in high security data centres managed by Cyberlogic. Some customer have elected to provide their own servers hosted by alternative providers.

### 10.3 Uploaded files:

When a user uploads a document or image to our website, it is stored on PrimeLogic's web server in a dedicated and secure folder. Access to uploaded documents is strictly controlled, only authorized users have access to confidential data files.

Please note that some data files or images that are intended for public access, such as marketing material, and therefore has open read-only web access.



#### 10.4 Log Data:

This website logs diagnostic data to the PrimeLogic server. This log data is typically used for tracing code execution to assist with software diagnostics and maintenance purposes. The log data is completely secure and only authorized and authenticated PrimeLogic staff has access to the log data. User are identified in the log data by name or email address only, but no personal information is stored in the logs. All log data are tagged with time stamps.

#### 10.5 Backup Policy

We implement disaster recovery procedures where appropriate. All backups made by PrimeLogic are for internal purposes and on behalf of our customers. Backups are encrypted and then stored physically on dedicated backup servers that are located within the borders of the Republic of South Africa.

### **11. EXTERNAL PARTIES**

#### 11.1 Links to other sites:

Our Service may contain links to other sites. If you click on a third-party link, you will be directed to that site. Note that these external sites are not operated by us. Therefore, we strongly advise you to review the Privacy Policy of these websites. We have no control over and assume no responsibility for the privacy of information on these sites.

#### 11.2 Data collection for web usage statistics:

We do not have any control over Data collected by Google and Bing Webmaster and Google Analytics – please refer to individual 3<sup>rd</sup> party privacy statements. PrimeLogic adheres to Google Analytics Terms of Service.

### **12. CHANGES TO THIS NOTICE**

- 12.1. We may amend our personal information practices and review this notice from time to time. Amendments will be communicated as necessary and will appear on our website.