



KA-MBONANE COOPER

ATTORNEYS | NOTARIES | CONVEYANCERS

**PRIVACY POLICY
IN TERMS OF THE
PROTECTION OF PERSONAL
INFORMATION ACT**

Table of Contents

1. DEFINITIONS	3
2. PURPOSE OF THIS POLICY.....	6
3. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER	7
4. INFORMATION WHICH KA-MBONANE COOPER MAY COLLECT	8
5. HOW KA-MBONANE COOPER COLLECTS INFORMATION	9
6. USE OF INFORMATION COLLECTED.....	9
7. DISCLOSURE OF INFORMATION	11
8. ACCESS TO, CORRECTION AND DELETION OF PERSONAL INFORMATION ..	13
9. RETENTION OF INFORMATION	14
10. PRIVACY AND SECURITY	14
11. INDEMNITY	15
12. AMENDMENT OF THIS POLICY	15
13. HOW TO CONTACT US	16
14. COMPLAINTS.....	16

1. **DEFINITIONS**

“Agreement” means a written agreement between Ka-Mbonane Cooper and a third party;

“Applicable Laws” means all laws, regulations that Ka-Mbonane Cooper is required to comply with;

“Client” means any prospective, new or existing client of Ka-Mbonane Cooper and its subsidiaries;

“Consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

“Data Subject/s” for the purpose of this document includes all living individuals and juristic persons about whom Ka-Mbonane Cooper holds Personal Information;

“Electronic correspondence” means content sent or received electronically, including email, faxes, incoming voice mail messages, internal instant messages, text messages and voice notes. This also include “email communication”;

“Employee/s” means any person who works for or provides services to or on behalf of Ka-Mbonane Cooper and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Ka-Mbonane Cooper. This includes directors, all permanent, temporary and part-time Employees;

“Ka-Mbonane Cooper” means Ka-Mbonane Cooper Inc. with registration number 2012/142226/21

“IO” means the Information Officer appointed as such by Ka-Mbonane Cooper in terms of section 56 of POPIA and who will have the ultimate responsibility to ensure that Ka-Mbonane Cooper complies with the provisions of POPIA;

"**PAIA**" means the Promotion of Access to Information Act, No 2 of 2000;

"**Personal Information**" means information about an identifiable, natural person or an identifiable, existing juristic person, including, but not limited to—

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, criminal or employment history of the person or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol location information, online identifier or other particular assigned to the person;
- d) the email address, physical address, telephone number, fingerprints or blood type of the individual;
- e) the personal opinions, views or preferences of the person ;
- f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about person; and
- h) the name of the person where it appears with other personal information relating to the person or where the disclosure of the name itself would reveal information about the individual ;

"POPIA" mean the Protection of Personal Information Act, No 4 of 2013, including any regulations and/or code of conduct made under that Act;

"Processing" means any use, operation or activity or any set of operations, whether or not by automatic means concerning personal information, including –

- (a) the collection, receipt, recording, organising, collating, storage, updating or modification, retrieval, alternation, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form;
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

"Record" means any recorded information:

- (a) regardless of form or medium, including any of the following:
 - i. writing on any material;
 - ii. 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;
 - iii. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - iv. book, map, plan, graph or drawing;
 - v. 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;

- (b) in the possession or under the control of Ka - Mbonane Cooper;
- (c) whether or not it was created by Ka - Mbonane Cooper; and
- (d) regardless of when it came into existence;

"Responsible party/parties" means, in terms of POPIA, the public or private body (or any other person which, alone or in conjunction with others) which determines the purposes for which, and the manner in which, any personal information is processed. Ka-Mbonane Cooper is the responsible party of all personal information used in its business.

"Special Personal Information" includes personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life or biometric information of a data subject; or the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings;

"Policy" means this Privacy Policy of Ka-Mbonane Cooper.

2. PURPOSE OF THIS POLICY

2.1. This Policy sets out how your Personal Information will be used by Ka-Mbonane Cooper and applies to any information, including Personal Information and Special Personal Information, which is given to Ka-Mbonane Cooper by data subjects or which Ka-Mbonane Cooper may collect from third parties in respect of such data subjects.

2.2. It is important that you carefully read this Policy (together with our Mandate) before submitting any Personal Information to Ka-Mbonane Cooper.

- 2.3. By submitting any Personal Information to Ka-Mbonane Cooper you are consenting to the processing of your Personal Information as set out in this Policy.
- 2.4. We do not collect any information about children on purpose, unless parental consent is obtained.
- 2.5. The provisions of this Policy are subject to mandatory, unalterable provisions of Applicable Laws.
- 2.6. Please do not submit any Personal Information to Ka-Mbonane Cooper if you do not agree to or with any of the provisions of this Policy. If you do not consent to the provisions of this Policy, or any parts of the Policy, Ka-Mbonane Cooper may not be able to provide its products and services to you.

3. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

- 3.1. Ka-Mbonane Cooper has appointed an Information Officer and a Deputy Information Officer who are responsible for overseeing compliance with POPIA and dealing with any complaints and/or questions data subject may have in respect of this Policy or POPIA.
- 3.2. The appointed Information Officer is Athisten Kwezi Cooper and the appointed Deputy Information Officer is Lesedi Monamodi.
- 3.3. Some of the responsibilities of the Information Officers include, but are not limited to:
- 3.3.1. reviewing this Policy periodically;
 - 3.3.2. ensuring Personal Information is processed correctly in terms of this Policy;

- 3.3.3. handling requests for access to information held by Ka – Mbonane Cooper;
- 3.3.4. ensuring adequate safeguards are in place to protect information in the company's possession and under its control;
- 3.3.5. handling all aspects of the company's relationship with the Information Officer;
- 3.3.6. assisting the Information Regulator in respect of any investigation(s);
- 3.3.7. notifying individuals as well as the Information Regulator immediately in the event of a breach or unauthorised access; and
- 3.3.8. ensuring Personal Information is destroyed when required.

4. INFORMATION WHICH KA-MBONANE COOPER MAY COLLECT

4.1. We may collect and store the following information about you:

- 4.1.1. Personal Information, including, but not limited to, full names (including former and/or preferred names), identity numbers (or passport numbers and/or permit numbers), date of birth, physical and postal addresses, telephone numbers, email address(es), banking details, qualifications, occupation;
- 4.1.2. records of correspondence or enquiries by you or anyone acting on your behalf;
- 4.1.3. details of transactions carried out by you or on your behalf;
- 4.1.4. details of contracts, sales or leases entered into by you;

4.1.5 sensitive or special categories of Personal Information, including biometric information, such as images, fingerprints and voiceprints;

4.1.6 any other Records as determined by the Company from time to time.

4.2. Where any client provides Ka-Mbonane Cooper with the Personal Information of third parties, such client must take steps to obtain the consent of the relevant third party and notify them of the need to disclose their details to us by specifically identifying the Company. Ka-Mbonane Cooper will process any such Personal Information in accordance with this Policy.

5. HOW KA-MBONANE COOPER COLLECTS INFORMATION

5.1. Personal Information may be provided to Ka-Mbonane Cooper either directly or indirectly by data subjects.

5.2. We may also collect Personal Information from an appointed agent, any regulator, or any other third party that may hold such information.

6. USE OF INFORMATION COLLECTED

6.1. Ka-Mbonane Cooper may process Personal Information for the purposes of:

6.1.1. providing data subjects with the services, products or offerings which have been requested, and notifying you about important changes to these services, products or offerings;

6.1.2. managing your account or business relationship and complying with instructions or requests received;

- 6.1.3. detecting and preventing fraud and money laundering and/or in the interest of security and crime prevention;
- 6.1.4 assessing and dealing with complaints and requests;
- 6.1.5. operational, marketing, auditing, legal and record keeping requirements;
- 6.1.6. verifying data subjects' identity or the identity of a beneficial owner;
- 6.1.7. complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- 6.1.8. recording and/or monitoring telephone calls and electronic correspondence to/with Ka-Mbonane Cooper in order to accurately carry out instructions and requests, to use as evidence and in the interests of crime prevention;
- 6.1.9. conducting market research and providing data subjects with information about Ka-Mbonane Cooper's products or services from time to time via email, telephone or other means (for example, events);
- 6.1.10. disclosing any Personal Information to third parties for reasons set out in this Policy or where it is not unlawful to do so;
- 6.1.11. monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from Ka-Mbonane Cooper or any of its Employees, agents or contractors, including monitoring, recording and using as evidence all telephone communications between you and Ka-Mbonane Cooper;

6.1.12. improving or evaluating the effectiveness of Ka-Mbonane Cooper's business or products, services or offerings; and

6.1.13. prevention and control of any disease.

6.2. Ka-Mbonane Cooper will not process Special Personal Information unless:-

6.2.1. processing is carried out with your consent;

6.2.2. processing is necessary for the establishment, exercise or defence of a right or obligation in law;

6.2.3. processing is necessary to comply with an obligation of international public law;

6.2.4. processing is for historical, statistical or research purposes;

6.2.5. information has deliberately been made public by you; or

6.2.6. the provisions of sections 28 and 33 of POPIA are complied with, as the case may be.

7. DISCLOSURE OF INFORMATION

7.1. Personal Information may be shared within Ka-Mbonane Cooper and with selected third parties who shall process the information on Ka-Mbonane Cooper's behalf with your consent or as required in terms of Applicable Laws. Such third parties are required to comply with this policy and POPIA.

7.2. We may also disclose your Personal Information to third parties in the following circumstances:

- 7.2.1 to have a better understanding of your circumstances and needs to provide and improve Ka-Mbonane Cooper's products and services;
 - 7.2.2 to any relevant person and/or entity for purposes of prevention, detection and reporting of fraud and criminal activities, the identification of the proceeds of unlawful activities and the combatting of crime;
 - 7.2.3 to any regulator or supervisory authority, including those in foreign jurisdictions, if Ka-Mbonane Cooper is required to do so in terms of Applicable Laws;
 - 7.2.4 to a prospective buyer or seller of any of Ka-Mbonane Cooper's businesses or assets;
 - 7.2.5 to any person if Ka-Mbonane Cooper is under a duty to disclose or share your Personal Information in order to comply with any Applicable Laws, or to protect the rights, property or safety of Ka-Mbonane Cooper, other Clients or other third parties;
 - 7.2.6 to your agent or any other person acting on your behalf, or an introducer; and/or
 - 7.2.7 to the various rankings and awards agencies.
- 7.3. Special personal information will generally not be disclosed or distributed unless as envisaged in paragraphs 6.2.1 to 6.2.6 above.
- 7.4. If you do not wish Ka-Mbonane Cooper to disclose your information to third parties, please contact Ka-Mbonane Cooper using the contact details contained herein. Please note, however, that Ka-Mbonane Cooper may not be able to provide products or services to you if such disclosure is necessary.

8. ACCESS TO, CORRECTION AND DELETION OF PERSONAL INFORMATION

8.1. Access to the Personal Information held by Ka-Mbonane Cooper may be sought by the submission of a written request to the Information Officer for defamation. Any person requesting access to Personal Information must include, at least, the following:-

8.1.1. your full details;

8.1.2. proof of identity;

8.1.3. details of information sought;

8.1.4. reasons information is required (including any right to such information or any risk which you are seeking to protect).

8.2. The procedure to be followed in respect of any request for access is set out more fully in Ka-Mbonane Cooper's PAIA Manual.

8.3. Confirmation of whether or not Ka-Mbonane Cooper holds Personal Information about you may be requested free of charge.

8.4. Copies of any information which Ka-Mbonane Cooper may have in its possession may be provided at a fee.

8.5. It is important to ensure that the information held by Ka-Mbonane Cooper about you is complete, accurate and up to date. You may request the correction of any Personal Information Ka-Mbonane Cooper holds about you. If you fail to keep your information updated, or if your information is incorrect, Ka-Mbonane Cooper may limit the products and services offered to you or elect not to offer you any services.

8.6. You have a right to object, on reasonable grounds, to the processing of your Personal Information where the processing is carried out in order to protect Ka-Mbonane Cooper's legitimate interests or your legitimate interests, unless the law provides for such processing.

8.7. All data subjects have a right in certain circumstances, to request the destruction or deletion of Personal Information held and, where applicable, to obtain restriction on the processing of such Personal Information held about you. If you wish to exercise this right, please contact Ka-Mbonane Cooper's Information officers.

9. RETENTION OF INFORMATION

9.1. We may retain your Personal Information indefinitely, unless you object, in which case Ka-Mbonane Cooper will only retain it if we are permitted or required to do so in terms of Applicable Laws. However, as a general rule, Ka-Mbonane Cooper will retain your information in accordance with retention periods set out in Applicable Laws, unless the company deems it necessary to retain it for longer for a lawful purpose (for example, for the purposes of complaints handling, legal processes and proceedings).

10. PRIVACY AND SECURITY

10.1. Ka-Mbonane Cooper takes the privacy and the protection of all Personal Information very seriously, and will only use Personal Information in its possession and under its control, in accordance with this Policy and the applicable data protection legislation.

10.2. Whilst the company has measures to secure the integrity and confidentiality of Personal Information in its possession, it is also important for all data subjects to take all necessary and appropriate steps to protect the Personal Information themselves (for example,

by ensuring that all personal passwords and access codes are kept secure).

10.3. Ka-Mbonane Cooper has implemented appropriate, reasonable technical and operational measures to keep your Personal Information secure. Such measures include the use of encryptions, firewalls and password protection facilities for information stored electronically. Anti-virus and system – monitoring are also in place to ensure the protection of information and to prevent any loss or unauthorised destruction thereof. Where hardcopies of records are kept, these records are stored under lock and key.

10.4. Access to all information is strictly restricted to authorised personnel.

11. INDEMNITY

11.1. All data subjects hereby indemnify and hold Ka-Mbonane Cooper harmless from any loss, damages or injury that may be incurred as a result of any act or omission by Ka – Mbonane Cooper or any breach of security including accidental or unlawful destruction, loss, alteration, or unauthorised access, of any Personal Information in the company's possession or under its control.

12. AMENDMENT OF THIS POLICY

12.1. This Policy may be amended from time to time.

12.2. Any such amendment will come into effect and become part of any Agreement you have with Ka-Mbonane Cooper when notice is given of the change by publication on Ka-Mbonane Cooper's website. It is the responsibility of all data subjects to check the website often.

13. HOW TO CONTACT US

13.1. If you have any comments or questions about this Policy, please contact:-

13.1.1 The Information Officer, Mr Athisten Kwezi Cooper, at athisten@kclaw.africa or the Deputy Information Officer, Ms Lesedi Monamodi, at lesedi@kclaw.africa;

13.1.2 Telephone number: +27 (0) 11 442 6969 / 6982;

13.1.3 Address: 26 Baker Street, 1st floor, North Building, Rosebank, Gauteng, 2196

14. COMPLAINTS

14.1. Should you believe that Ka-Mbonane Cooper has utilised your Personal Information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with Ka-Mbonane Cooper's Information Officer.

14.2. Should you remain dissatisfied, you are encouraged to engage Ka-Mbonane Cooper's senior management with a view to resolving the matter.

14.3. If you are still not satisfied with the outcome of such process, you may lodge a complaint with the Information Regulator, using the contact details listed below:

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Email address: POPIAComplaints@inforegulator.org.za / enquiries@inforegulator.org.za

KA-MBONANE COOPER