



PRIVACY POLICY

OF

HARRIS NUPEN MOLEBATSI INCORPORATED

(“HNM”)

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1 DEFINITIONS

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings –

- 1.1 "Child" means any natural person under the age of 18 (eighteen) years;
- 1.2 "Data Breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of HNM;
- 1.3 "Data Subject" has the meaning ascribed thereto under POPIA;
- 1.4 "Employees" means any employee of HNM;
- 1.5 "Operator" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.6 "HNM" means Harris Nupen Molebatsi Incorporated;
- 1.7 "Personal Information" has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 1.8 "Policy" means this Privacy Policy;
- 1.9 "POPIA" means the Protection of Personal Information Act No. 4 of 2013;
- 1.10 "Processing" has the meaning ascribed thereto under POPIA. "Process" has a corresponding meaning;
- 1.11 "Regulator" means the Information Regulator established in terms of the Act;
- 1.12 "Responsible Party" means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- 1.13 "Special Personal Information" means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and
- 1.14 "Third Party" means any independent contractor, agent, consultant, sub-contractor or other representative of HNM.

2 PURPOSE OF THIS POLICY

- 2.1 The purpose of this Policy is to inform Data Subjects about how and when HNM processes their Personal Information.
- 2.2 HNM, in its capacity as the Responsible Party, shall strive to observe and comply with its obligations under POPIA, as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.
- 2.3 This Policy applies to Personal Information collected by HNM in connection with the services which HNM provides and offers.

3 PURPOSE FOR PROCESSING PERSONAL INFORMATION

- 3.1 HNM understands its obligation to make Data Subjects aware that it is Processing their Personal Information and inform them of the purpose for which HNM Processes such Personal Information.
- 3.2 HNM will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.
- 3.3 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, HNM will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).
- 3.4 HNM will generally use Personal Information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non-exhaustive purposes –
 - 3.4.1 providing legal services;
 - 3.4.2 anti-money laundering compliance;
 - 3.4.3 for sending you marketing and other business development related material which HNM believes may be of interest to you;
 - 3.4.4 for purposes of market research;
 - 3.4.5 in connection with the execution of payment processing functions, including payment of HNM suppliers' invoices;
 - 3.4.6 for employment-related purposes such as recruitment, administering payroll and carrying out background checks;

- 3.4.7 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- 3.4.8 in connection with external audit purposes, HNM engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;
- 3.4.9 to respond to any correspondence that HNM receives, including via email, fax, post or by telephone;
- 3.4.10 for such other purposes to which the Data Subject may consent from time to time; and
- 3.4.11 for such other purposes as authorised in terms of applicable law.

4 **LAWFUL PROCESSING OF PERSONAL INFORMATION**

- 4.1 Where HNM is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –
 - 4.1.1 consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
 - 4.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
 - 4.1.3 Processing complies with an obligation imposed by law on HNM;
 - 4.1.4 Processing protects a legitimate interest of the Data Subject; and/or
 - 4.1.5 Processing is necessary for pursuing the legitimate interests of HNM or of a third party to whom the information is supplied.
- 4.2 HNM will only Process Personal Information where one of the legal grounds referred to in paragraph 4.1 above are present.
- 4.3 Where required (i.e., where we are not relying on a legal ground listed in paragraph 4.1 above), HNM will obtain the Data Subject's consent prior to collecting, and in any case prior to using or disclosing, the Personal Information for any purpose.
- 4.4 HNM will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.
- 4.5 Where HNM is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to HNM Processing of the Personal Information at any time. However, this will not affect the

lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.

- 4.6 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, HNM will ensure that the Personal Information is no longer Processed.

5 SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

- 5.1 Special Personal Information is sensitive Personal Information of a Data Subject and HNM acknowledges that it will generally not Process Special Personal Information unless –

- 5.1.1 Processing is carried out in accordance with the Data Subject's consent;
- 5.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- 5.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;
- 5.1.4 information has deliberately been made public by the Data Subject; or
- 5.1.5 specific authorisation applies in terms of POPIA.

- 5.2 HNM acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

6 KEEPING PERSONAL INFORMATION ACCURATE

- 6.1 HNM will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.
- 6.2 HNM may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.
- 6.3 HNM, however, expects that the Data Subject will notify HNM from time to time in writing of any updates required in respect of his/her/its Personal Information.

7 STORAGE AND PROCESSING OF PERSONAL INFORMATION BY HNM AND THIRD PARTY SERVICE PROVIDERS

- 7.1 HNM may store your Personal Information in hardcopy format and/or in electronic format using HNM's own secure on-site servers or other internally hosted technology. Your

Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom HNM has contracted with, to support HNM's business operations.

- 7.2 HNM's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.
- 7.3 HNM will ensure that such Third Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.
- 7.4 These Third Parties do not use or have access to your Personal Information other than for purposes specified by us, and HNM requires such parties to employ at least the same level of security HNM uses to protect your personal data.

8 RETENTION OF PERSONAL INFORMATION

- 8.1 HNM may keep records of the Personal Information it has collected, correspondence, or comments in an electronic or hardcopy file format.
- 8.2 In terms of POPIA, HNM may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –
 - 8.2.1 where the retention of the record is required or authorised by law;
 - 8.2.2 HNM requires the record to fulfil its lawful functions or activities;
 - 8.2.3 retention of the record is required by a contract between the parties thereto;
 - 8.2.4 the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or
 - 8.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 8.3 Accordingly, HNM will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.
- 8.4 Where HNM retains Personal Information for longer periods for statistical, historical or research purposes HNM will ensure that appropriate safeguards have been put in place to

ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

- 8.5 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, HNM will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify your Personal Information, HNM may use such de-identified information indefinitely.

9 SECURING OF PERSONAL INFORMATION

- 9.1 HNM shall preserve the security of Personal Information and strive to take steps to prevent its alteration, loss and damage, or access by non-authorised third parties.
- 9.2 HNM will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent interference loss, misuse modification unlawful access and unauthorised destruction or disclosure of Personal Information.
- 9.3 HNM has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, HNM maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.
- 9.4 Should you disclose your Personal Information to any third party other than HNM, HNM shall not be liable for any loss or damage arising or suffered by you as a result of the disclosure of such Personal Information to any third party. This is because we do not regulate or control how that third party uses your Personal Information. You should always ensure that you read the privacy policy of any third party.

10 BREACHES OF PERSONAL INFORMATION

- 10.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 10.2 HNM will address any Data Breach in accordance with the terms of POPIA.
- 10.3 HNM will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data

Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

- 10.4 HNM will provide such notification as soon as is reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

11 PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

- 11.1 HNM may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy and POPIA.

- 11.2 HNM notes that such Third Parties may assist HNM with the purposes listed in paragraph 3 above – for example, service providers may be used, *inter alia*,

11.2.1 for data storage;

11.2.2 to assist HNM with auditing processes (external auditors); and/or

11.2.3 to notify the Data Subjects of any pertinent information concerning HNM

- 11.3 HNM will disclose Personal Information with the consent of the Data Subject or if HNM is permitted to do so without such consent in accordance with applicable laws.

- 11.4 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa, HNM will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where HNM, is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.

- 11.5 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

12 ACCESS TO PERSONAL INFORMATION

- 12.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") confers certain access rights on Data Subjects. These rights are set out in HNM's PAIA Manual, which can be found at <https://www.hnmmattorneys.co.za/s/2021-HNM-PAIA-Manual-incorp-POPIA.pdf>

13 CHANGES TO THIS POLICY

- 13.1 HNM, reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.
- 13.2 The current version of this Policy will govern the respective rights and obligations between you and HNM.

14 CONTACT US

- 14.1 All comments, questions, concerns or complaints, regarding your Personal Information or this Policy, should be forwarded to our Information Officer; email: basetsana@hnmattorneys.co.za or telephone: 011 017 3100 or our Deputy Information Officer: email is suzanne@hnmattorneys.co.za.
- 14.2 The Data Subject also has the right to lodge a complaint with the Information Regulator, the details of which are: Website: <http://justice.gov.za/infoereg/>; Telephone: 012 406 4818; Fax: 086 500 3351; Email: infoereg@justice.gov.za