

PRIVACY POLICY (PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

The information displayed on our website, www.chennellsalbertyn.co.za is provided for general information purposes only and should not be construed as legal advice from any lawyer or representative of our firm.

Chennells Albertyn disclaims any responsibility for positions taken without due and proper consultation and no person shall have any claim of whatsoever nature arising out of, or in connection with, the contents of this website against Chennells Albertyn and/or any of its Partners, Professional Assistants and/or employees.

Privacy Policy

We at Chennells Albertyn respect your right to privacy, as the right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act of 2013 (“POPIA”). A person’s right to privacy entails having control over his or her Personal Information and being able to conduct his or her affairs relatively free from undesirable and unwanted intrusions.

Chennells Albertyn is committed to protecting its clients’ privacy and ensuring that their personal information is used appropriately, transparently, securely, and in accordance with the provisions of POPI.

Where we refer to “personal information”, it means “personal information” as defined in POPI and includes any information about a person that can be used to identify a person directly or indirectly. It includes information like a name, an identification number, location information, telephone number, or one or more factors specific to the physical, physiological, economic, cultural or social identity of that person. The firm will protect the personal information of juristic persons in the same manner as any other person’s personal information, which includes company registration numbers, trust details and other confidential information relating to the business enterprise.

Confidential information refers to all information or data disclosed to or obtained by Chennells Albertyn by any means whatsoever and shall include, but not limited to financial information and records, documents regarding legal personae, discussions relating to ongoing or past litigation, discussions relating to advice given and all other information relating to business affairs. For the purpose of this policy, clients include potential and existing clients.

The personal information we collect

We collect, amongst others, the following personal information:

- personal details, such as your name, email address, telephone number; identity number, location information or other particular assignment of a person;
- information relating to but not limited to race, gender, sex, pregnancy, marital status, nationality, ethnic or social origin, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
- billing information, such as relevant payment information and VAT registration number; and

- legally required information, which includes any additional information that the law requires from us to verify your identity.

How we collect personal information

- Directly from you if we request it from you. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, Chennells Albertyn will inform the client as to the required information and the information deemed optional.
- In limited instances, we collect personal information from third parties. We will only collect personal information this way where such information is publicly available or for legitimate business purposes to ensure that clients' needs are met.
- Through the use of Captcha, which will mainly be used to identify visitors that return to our website. You can prevent us from doing this through a setting on your browser. Captcha only store information from your browser and cannot access data on your computer.

How we use personal information

The clients' personal information will only be used for the purpose for which it was collected and agreed. We may use your personal information for any legitimate business purposes relating to our services and/or business activities. Some of the purposes for which we use your personal information include:

- responding to your queries emailed to us;
- verifying your identity (as required by law);
- to provide you with accurate legal services;
- to ensure that all documents contain the correct information;
- referring you to other service providers with your consent;
- improving our mailing list and sending you information (in the form of our newsletter) and inviting you to events; and/or
- complying with our regulatory or other obligations, such as but not limited to the detection and prevention of fraud, crime, money laundering or other offences, including but not limited to all those contained in Financial Intelligence Centre Act (FICA);
- for billing purposes; and
- audit and record keeping purposes.

According to Section 10 of POPI, personal information may only be processed if certain conditions listed below are met, along with supporting information for processing of Personal Information:

1. The client consents to the processing of the information - this consent will be obtained during the introductory appointment stage of the relationship;
2. The necessity of processing – in order to conduct an accurate analysis of the clients' needs for purposes of legal advice;

3. Processing complies with an obligation imposed by law; and that
4. Processing protects a legitimate interest of the client.

Mailing list and marketing

When you become a client, you will be added to our mailing list. We use this mailing list to send you important information about our business, the services we offer, legal developments, news and event invitations.

You can unsubscribe from our mailing list at any time which will result in us no longer marketing to you. We include a link in every marketing communication allowing you to unsubscribe from marketing communication and you can email us to ask us to remove you from our mailing list.

If you unsubscribe from our mailing list, we may still contact you in other instances, such as in the course of providing you with services or to collect outstanding fees. In these instances, the relevant practitioner will contact you directly and not through the mailing list.

Sharing of personal information and third party affiliations

We will only share your personal information for purposes of providing legal services to you or any other legitimate business purpose relating to our business activities, including but not limited to, the protection of our or your rights, complaints, marketing, or enforcing any agreement between us.

Where the law requires us to do so, we may also share your personal information with third party service providers, agents, contractors, property agents, employees, law enforcement agencies or business affiliates. We will only share your personal information in these instances where it is necessary for us to do so and only to the extent that your personal information is needed for such third parties to perform their services or obligations.

Chennells Albertyn may disclose a client's personal information to any Advocate legitimately hired to Defend a client's interests in court. In addition, third party platform suppliers of Chennells Albertyn may require the information to process any IT platform maintenance work and for bookkeeping purpose. Chennells Albertyn has a duty to ensure personal information is only used in terms of the processing limitations.

Chennells Albertyn may also disclose a clients' information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary to protect the firms' rights.

Security measures and security breach

It is a requirement of POPI to adequately protect personal information. Chennells Albertyn will take extensive measures to ensure the confidentiality and integrity of personal information in our possession, and will continuously review its security controls and processes to ensure that personal information is secure. We will take all reasonable steps to ensure that your personal information is protected. We protect and manage personal information that we hold about you by using electronic and computer safeguards like firewalls, data encryption, and physical and electronic access control to our buildings. We only authorise access to personal information to those employees who require it to fulfil their designated responsibilities.

The following procedures are in place in order to protect personal information:

- i. The Information Officer (IO) is Andrew Dorer whose details are available below and who is responsible for compliance with the conditions of lawful processing of personal information and other provisions of POPI.
- ii. This policy has been put in place at all our offices and training on this policy and the POPI Act has already taken place and will be conducted on an ongoing basis annually.
- iii. Chennells Albertyn archived information that is stored on site, shall only be accessible by authorised personnel.
- iv. Off-site storage facilities will be required to sign a service level agreement guaranteeing their commitment to the protection of personal information; this shall be conducted as and when required.

Chennells Albertyn takes appropriate organisational measures designed to ensure that personal data remain confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction and damage. We will report any security breach to the Information Regulator and to the individuals or companies involved.

Your legal right to object

You may, on reasonable grounds, object to us using your personal information. If you object, we will stop using your personal information, except if the law allows its use.

How to lodge a complaint

If you believe we are using your personal information unlawfully or if you want to be informed of the personal information we hold, please let us know first (at info@chennellsalbertyn.co.za or on 021 685 8354). You may lodge a complaint to the Information Regulator (South Africa) with the following contact details:

- Website: <https://www.justice.gov.za/inforeg/>.
- Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.
- Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017
- Complaints (complete form 5)
 - POPI: POPIComplaints@inforegulator.org.za
 - PAIA: PAIAComplaints@inforegulator.org.za
- General enquiries: enquiries@inforegulator.org.za

Retention of Personal Information

We retain personal information in accordance with the required retention periods in law or for legitimate business purposes. We may keep personal information indefinitely in a de-identified format for statistical purposes. This privacy policy also applies when we retain your personal information.

Information Officer Contact details

Andrew Dorer

andrew@chennellsalbertyn.co.za / 021 685 8354

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