

**ROSSOUW EN CONRADIE INC.**

**REGISTRATION NUMBER: 1997/006441/21**

**PRACITISING AS 'ROSSOUWS ATTORNEYS'**

**THE PROTECTION OF PERSONAL INFORMATION  
POLICY AND MANUAL**



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## 1. INTRODUCTION

- 1.1. The Protection of Personal Information Act 4 of 2013 (the Act), emanates from the South African Law Reform Commission's report on privacy and data protection. The Act aims to give effect to the right to privacy by introducing measures to ensure that the personal information of an individual (data subject) is safeguarded when it is processed by responsible parties. The Act aims to balance the right to privacy against other rights, particularly the right of access to information, and to generally protect important interests, including the free flow of information within and across the borders of the Republic.
- 1.2. Rossouw en Conradie Inc. is an incorporated entity which conducts its business as a law firm that is obliged to comply with the Protection of Personal Information Act 4 of 2013.
- 1.3. Rossouws Attorneys is required to inform its clients as to the manner in which their personal information is used, disclosed and destroyed.
- 1.4. Rossouws Attorneys is committed to protecting its clients privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.
- 1.5. This policy sets out the manner in which Rossouws Attorneys deals with its clients personal information as well as stipulates the purposes for which said information is used.

## 2. DEFINITIONS

- 2.1. In this POPI policy, the following words and expressions bear the meanings ascribed to them –
  - 2.1.1. "Data subject" means the person to whom personal information relates;
  - 2.1.2. "Personal Information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –
    - 2.1.2.1. Information relating to 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;
    - 2.1.2.2. Information relating to the education or the medical, financial, criminal or employment history of the person,

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- 2.1.2.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 2.1.2.4. The biometric information of the person;
  - 2.1.2.5. The personal opinions, views or preferences of the person;
  - 2.1.2.6. 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;
  - 2.1.2.7. The views or opinions of another individual about the person; and
  - 2.1.2.8. 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;
- 2.1.3. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –
- 2.1.3.1. The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 2.1.3.2. Dissemination by means of transmission, distribution, or making available in any other form; or
  - 2.1.3.3. Merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.1.4. "Responsible party" means Rossouw en Conradie Inc., registration number: 1997/006441/21, practising as Rossouws Attorneys;
- 2.1.5. "POPI" means the Protection of Personal Information Act 4 of 2013;
- 2.1.6. "Policy" means this POPI policy.

### 3. PERSONAL INFORMATION COLLECTED

- 3.1. Section 10 of POPI states that *"Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive."*
- 3.2. Rossouws Attorneys collects and processes clients' personal information pertaining to their respective business relationship with Rossouws Attorneys. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, we will inform the clients what information they are required to provide us with and what information is optional.
- 3.3. In terms of section 11(1)(b) of POPI the processing of personal information is necessary to carry out actions for the conclusion or performance of a contract (for example a deed of sale) to which a data subject (client) is a party.

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- 3.4. In terms of section 11(1)(c) of POPI processing of personal information is necessary to comply with an obligation imposed by law – for example compliance with the Financial Intelligence Centre Act (FICA).
  - 3.5. Examples of personal information we collect include, but is not limited to:
    - 3.5.1. Client's identity number, symbol, name, surname, physical address, postal code, e-mail address, telephone number, marital status, race, gender, age, national, ethnic or social origin, language and birth of the client;
    - 3.5.2. Information relating to education, business, assets, banking details, financial, criminal or employment history and tax numbers of clients;
    - 3.5.3. Biometric information of the client;
    - 3.5.4. Correspondence sent by the client that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
    - 3.5.5. The views or opinions of another individual about the client; and
    - 3.5.6. The name of the client if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the client.
  - 3.6. We may also supplement the information provided with information we receive from other operators in order to offer a more consistent and personalised experience in clients' interaction with us.
  - 3.7. For purposes of this Policy, clients include potential and existing clients.

#### **4. THE USAGE OF PERSONAL INFORMATION**

- 4.1. Clients persona information will only be used for the purpose for which it was collected and agreed. This may include, but not limited to:
  - 4.1.1. Providing services to clients and to carry out the transaction requested;
  - 4.1.2. Conducting credit reference searches or verification;
  - 4.1.3. Confirming, verifying and updating client's details;
  - 4.1.4. For the detection and prevention of fraud, crime, money laundering or other malpractice;
  - 4.1.5. For audit and record keeping purposes;
  - 4.1.6. In connection with legal proceedings;
  - 4.1.7. Providing our services to clients to carry out the services requested and to maintain and constantly improve the relationship;

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- 4.1.8. Providing communications in respect of Rossouws Attorneys and regulatory matters that may affect the client; and
  - 4.1.9. In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.
  - 4.2. In terms of the provisions of POPIA, personal information may only be processed if certain conditions are met, as listed below, along with supporting documents for Rossouws Attorneys processing for personal information:
    - 4.2.1. Client consent to the processing – consent only required where the information will be used for something other than the intended use for which the information was supplied by the client;
    - 4.2.2. The processing is necessary – in order to provide the client with the required service;
    - 4.2.3. Processing complies with an obligation imposed by law on Rossouws Attorneys;
    - 4.2.4. Processing protects the legitimate interest of the client;
    - 4.2.5. Processing is necessary for pursuing the legitimate interest of Rossouws Attorneys or of a third party to whom information is supplied.

## **5. DISCLOSURE OF PERSONAL INFORMATION**

- 5.1. We may disclose clients' personal information to our providers/operators whose services or products clients elect to use. (have agreements in place to ensure that they comply with confidentiality and privacy conditions?)
- 5.2. We may share client personal information with and obtain information about clients from third parties for the reasons discussed in clause 4 above.
- 5.3. We may also disclose client's information where we have a duty or a right to disclose in terms of applicable legislation or where it may be necessary to protect our rights.

## **6. SAFEGUARDING CLIENT INFORMATION**

- 6.1. It is a requirement of POPIA to adequately protect the personal information we hold and to avoid unauthorised access and use of your personal information. We will continuously review our security controls and processed to ensure that your personal information is secure.
- 6.2. When we contract with third parties, we impose appropriate security, privacy and confidential obligations on them to ensure that your personal information is kept secure.

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- 6.3. We will ensure that anyone to whom we pass your personal information agrees to treat your information with a similar level of protection as afforded to you by us.
  - 6.4. Information and records of the client's personal information will not be retained for any longer periods of time than which is necessary for the purpose that it was collected or required by law. After such period has lapsed all information will be destroyed or deleted.

## **7. ACCESS AND CORRECTION OF PERSONAL INFORMATION**

- 7.1. Clients have the right to access the personal information we hold about them.
- 7.2. Clients also have the right to request us to update, correct or delete their personal information on reasonable grounds.
- 7.3. Once a client objects to the processing of their personal information, Rossouws Attorneys may no longer process said personal information.
- 7.4. We will take all reasonable steps to confirm our clients' identity before providing details of their personal information or making changes to their personal information.

## **8. DETAILS OF INFORMATION OFFICER**

The details of our Information Officer are as follows:

Name and surname:	Mauritz Holtzhausen
Telephone number:	051 506 2500
Postal address:	P O Box 7595 Bloemfontein 9300
Physical address:	119 President Reitz Avenue Westdene Bloemfontein 9301
E-mail address:	<a href="mailto:mauritz@rossouws.com">mauritz@rossouws.com</a>
Website:	<a href="http://www.rossouws.com">www.rossouws.com</a>

## **9. DETAILS OF DEPUTY INFORMATION OFFICERS**

The details of our Information Officers are as follows:

Name and surname:	Neria Photolo
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Telephone number: 051 506 2500  
Postal address: P O Box 7595  
Bloemfontein  
9300  
Physical address: 119 President Reitz Avenue  
Westdene  
Bloemfontein  
9301  
E-mail address: [neria@rossouws.com](mailto:neria@rossouws.com)  
Website: [www.rossouws.com](http://www.rossouws.com)  
Name and surname: Retha Terblanche  
Telephone number: 051 506 2500  
Postal address: P O Box 7595  
Bloemfontein  
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Physical address: 119 President Reitz Avenue  
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E-mail address: [retha@rossouws.com](mailto:retha@rossouws.com)  
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E-mail address: [tanya@rossouws.com](mailto:tanya@rossouws.com)  
Website: [www.rossouws.com](http://www.rossouws.com)

## 10. AMENDMENTS TO POLICY

Amendments to this Policy will take place on an ad hoc basis or at least once a year. Clients are advised to check our website periodically to inform themselves of any changes. Where material changes take place, clients will be notified directly.