

VETTER ATTORNEYS INC : POPIA POLICY STATEMENT AND MANUAL

Dated/updated as at: 30 June 2021

This is the Policy and Guideline document for **VETTER ATTORNEYS INCORPORATED** and all its operational divisions detailing the measures applied when processing of personal information occurs within its operations.

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PREAMBLE

VETTER ATTORNEYS INC is a company duly incorporated in terms of the laws of South Africa and registered with the Companies and Intellectual Property Commission (hereinafter '**CIPC**'), and has as its main objective to practice as Conveyancers and to facilitate all transactions relating to the transfer and alienation of immovable properties and various notarial attendances.

In doing so, it includes the necessary regulatory requirements in its operations and management, including as prescribed by the Companies Act, the Deeds Registries Act and others. **In addition, it is committed also to give effect to the provisions of the Protection of Personal Information Act 4 of 2013 (hereinafter 'POPIA') which comes into full operation on 1 July 2021.**

This document therefore constitutes both the **Privacy Policy statement of VETTER ATTORNEYS INC**, as well as its **Guideline for implementation.**

A: PRIVACY POLICY

1. INTRODUCTION

POPIA requires of VETTER ATTORNEYS INC to inform its shareholders, employees, any third party service providers and clients (hereinafter referred to as 'data subjects of VETTER ATTORNEYS INC) as to the manner in which their personal information is used, disclosed and destroyed.

VETTER ATTORNEYS INC is committed to protecting the privacy of the data subjects of VETTER ATTORNEYS INC and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

This document sets out the manner in which VETTER ATTORNEYS INC deals with the personal information it obtains and processes, and stipulates the purpose for which this information is used.

The Policy is available to any data subject of VETTER ATTORNEYS INC, on request made to the Information Officer of VETTER ATTORNEYS INC, whose details are recorded herein.

2. POPIA: BACKGROUND AND PURPOSE

2.1 What POPIA aims to achieve

POPIA seeks to ensure that the personal information of data subjects in South Africa is processed in a way that properly protects their right to privacy, a right derived from the Bill of Rights in the Constitution. It also regulates all organisations that collect, store and disseminate personal information of data subjects.

Personal information may only be processed if the processing meets certain conditions listed in the POPIA. There are eight distinct **conditions** which organisations need to meet for the processing of personal information to be lawful. These are:

1. Accountability

2. Processing limitation
3. Purpose specification
4. Use limitation
5. Information quality
6. Openness
7. Security safeguards
8. Individual/data subject participation

2.2 The meaning of “personal information” in the POPIA

The phrase “personal information” refers to any information relating to an identifiable, living, natural person (and existing juristic persons where applicable), including information relating to:

- Race, gender, sex, pregnancy, marital status, mental health, well-being, disability, religion, belief, culture, language and birth;
- Education, medical, financial, criminal or employment;
- Identity number, electronic and physical addresses, telephone numbers and on-line identifiers;
- Biometric information;
- Personal opinions, views or preference; and
- Correspondence sent by a person implicitly or explicitly of a personal nature or confidential.

Apart from general rules that allows for the processing of the above personal information, organisations, such as VETTER ATTORNEYS INC, may not:

2.2.1 process the personal information of a child

A child is someone who is below the age of 18 and the processing of his or her personal information is prohibited unless the processing:

- Is carried out with the consent of the child’s legal guardian;
- Is necessary to establish, exercise or defence of a right or obligation in law;
- Is necessary for historical, statistical or research purposes; or
- Is information that is deliberately been made public by the child with the consent of the guardian.

2.2.2 process special personal information

“Special personal information” refers to information regarding a person’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal behaviour.

The processing of a person’s special personal information is prohibited unless the processing:

- Is carried out with the consent of the data subject;
- Is necessary to establish, exercise or defence of a right or obligation in law;
- Is necessary for historical, statistical or research purposes; or
- Is information that is deliberately been made public by the data subject.

2.3 “Processing” of personal information: its meaning in the POPIA

Processing refers to any operation or activity, or set of activities, by automatic means or otherwise, in respect of personal information, including:

- Collecting, receiving, recording, collating, storing, updating, modifying, retrieving or use
- Disseminating by means of transmission, distribution or any other means
- Merging, linking, restricting, erasing or destructing of information.

2.4 Who must comply?

All public and private bodies must comply with the POPIA when they “process” personal information.

3. WHAT IS REQUIRED FOR VETTER ATTORNEYS INC TO LEGITIMATELY PROCESS PERSONAL INFORMATION?

POPIA lays down conditions with which a responsible party (ie VETTER ATTORNEYS INC) must apply when personal information is processed. The conditions are:

3.1 Accountability

This requires of VETTER ATTORNEYS INC to ensure that its operations are aligned with the principles listed in the POPIA. This is achieved by the operational requirements listed in the Guideline in Part B hereof.

3.2 Processing limitation

The POPIA prescribes that personal information may only be processed if the data collected is:

- adequate, relevant and necessary for the purpose for which it is processed;
- obtained with the **consent** of the data subject;
- necessary for the **performance of the contract** to which the data subject is party;
- necessary for the protection of a **legitimate interest of the data subject**;
- **required by law**; or
- necessary to pursue the legitimate interest of the organisation;

If the processing is based on **consent**, such consent must be:

- voluntary;
- specific; and
- informed (meaning that the data subject understands (i) what information is being collected/processed; why the information is being processed; (iii) how the information is being processed; where the information is being processed; and to whom the information is intended to be given).

It is a further a requirement that the **information should, where possible, be collected directly from the data subject**, except in certain circumstances (e.g. where the information is in the public domain or to do so would defeat the purpose for collecting and processing).

In part B hereof it is recorded how VETTER ATTORNEYS INC complies with this requirement.

3.3 Purpose specification

The data subject must be notified of the purpose for which the information is being collected and all data subject documentation will record a notification to this effect.

Information/records may further only be kept for as long as it is necessary for VETTER ATTORNEYS INC to achieve the identified purpose. In certain instances, however, there are prescribed statutory record keeping periods which may exceed the aforementioned period. After the retention period(s) has lapsed, the Information Officer shall ensure that the physical files and data files are safely destroyed, as soon as reasonably possible.

In part B hereof it is recorded how VETTER ATTORNEYS INC complies with this requirement.

3.4 Further processing limitation

Processing of personal information beyond fulfilment of the initial purpose for which it was obtained, is not allowed, unless such **further processing is in accordance with or compatible with the purpose for which it was initially collected.**

It is recorded that VETTER ATTORNEYS INC does not perform further processing in respect of data except in as far as this may be required in terms of legislative obligation. This is detailed in Part B hereof.

3.5 Information quality

The POPIA requires of the responsible party (VETTER ATTORNEYS INC) to ensure that the information that is collected and processed, is as accurate as possible, complete and updated if necessary. This is achieved by obtaining the data from the data subject personally, as far as possible; or otherwise from acceptable alternative sources.

3.6 Openness



The POPIA requires that VETTER ATTORNEYS INC must maintain the data it collected and ensure that access can be provided to the data subject, as proposed in the Promotion of Access to Information Act.

VETTER ATTORNEYS INC must furthermore take reasonable practical steps to ensure that the data subject is aware of what personal information is being collected, stored and used, whether or not collected directly from the data subject.

3.7 Security safeguards

VETTER ATTORNEYS INC secures the integrity and confidentiality of personal information and takes appropriate technical/organisational measures to prevent:

- the loss of or damage to personal information; and
- the unlawful access to or processing of personal information.

To do this, VETTER ATTORNEYS INC:

- identifies all reasonable foreseeable internal and external risks to personal information held
- establishes and maintains appropriate reasonable safeguards against the risks
- monitors the safeguards and regularly verify safeguards are effective
- ensures safeguards are updated to respond to new risks or deficiencies in previous safeguards; and
- liaises with their IT service provider to confirm the required safeguards are in place.

Implementation of this requirement is further detailed in Part B hereof.

3.8 Data subject access to the information and participation

Any person who can positively identify themselves, is entitled to access their own personal information held by VETTER ATTORNEYS INC. A data subject has the right to correct or amend any of their personal information that may be inaccurate, misleading or out of date.

Data held by VETTER ATTORNEYS INC will be made accessible to the data subject whether as prescribed in terms of POPIA, or other legislation such as the Companies Act, Legal Practice Act, Deeds Registries Act and the Financial Intelligence Centre Act.

Information must be available to the data subject to verify/object to the accuracy and or processing thereof. Such request may be directed to the Information Officer with the following details:

Information Officer: KATE VETTER

Tel number: 031-563 3903

Email address: kate@vetter.co.za

Physical address: 97 Edgeley Road, Durban North



Part B

4 PURPOSE FOR COLLECTING PERSONAL INFORMATION

The personal information collected by VETTER ATTORNEYS INC will only be used for the purpose for which it was collected and as agreed with the VETTER ATTORNEYS INC data subject. This may include:

- 4.1 To facilitate all Conveyancing related transactions such as, but not limited to, transfers and encumbrances of immovable property and various notarial attendances;
- 4.2 Confirming, verifying and updating data subject details;
- 4.3 For audit and record keeping purposes;
- 4.4 For purposes of compliance with specific legislation, particularly the Companies Act, Legal Practice Act, Deeds Registries Act and the Financial Intelligence Centre Act; labour laws and other;
- 4.5 In connection with legal proceedings;
- 4.6 Providing VETTER ATTORNEYS INC suite of services to residents, shareholders, to render additional or complementary services and to maintain and constantly improve the relationship;
- 4.7 Providing communication in respect of VETTER ATTORNEYS INC and regulatory matters that may affect data subjects;
- 4.8 In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

It is recorded that VETTER ATTORNEYS INC processes the personal information of:

- (i) **its shareholders** as required in terms of law, especially the Companies Act, Legal Practice Act, Deeds Registries Act and the Financial Intelligence Centre Act and tax legislation;
- (ii) **its clients** in accordance with the mandate or other instructions that it is processing;
- (ii) **its employees** in terms of labour and health laws and regulation and the agreement with the employee;
- (iii) **third party service providers** in accordance with the agreement with that service provider and in terms of POPIA.

5. PROCESSING OF PERSONAL INFORMATION BY VETTER ATTORNEYS INC

In terms of section 10 of POPIA, personal information may only be processed if certain conditions, listed below, are met along with supporting information for VETTER ATTORNEYS INC processing of personal information. VETTER ATTORNEYS INC complies with this requirement in the following ways:

- The data subject's consent to the processing is obtained, and the data subject is notified of the collection, during the introductory contact correspondence or other interaction at the commencement of VETTER ATTORNEYS INC relationship with the data subject;
- In the appointment of any service providers and contractors;
- The processing is performed to conduct an accurate analysis of the data subject's information so that the transaction can be fulfilled on behalf of the data subject's needs and/or legitimate interests;
- Processing otherwise complies with an obligation imposed by law on VETTER ATTORNEYS INC, especially by the Companies Act, Legal Practice Act, Deeds Registries Act and the Financial Intelligence Centre Act; or protects a legitimate interest of the client; or is necessary for pursuing the legitimate interests of VETTER ATTORNEYS INC or of a third party to whom information is supplied.

In order to provide VETTER ATTORNEYS INC clients with services, VETTER ATTORNEYS INC and any of its professional services require certain personal information from VETTER ATTORNEYS INC data subjects in order to make an informed decision on the unique and specific product and or service required.

6 DISCLOSURE OF PERSONAL INFORMATION

- 6.1 VETTER ATTORNEYS INC may disclose a data subject's personal information to an approved service or product supplier or third party service providers whose services or products VETTER ATTORNEYS INC elect to use. VETTER ATTORNEYS INC has agreements in place to ensure compliance by these third party service providers with confidentiality and privacy conditions.
- 6.2 VETTER ATTORNEYS INC may also share client personal information with, and obtain information about clients from third parties for the reasons already disclosed above.
- 6.3 VETTER ATTORNEYS INC may also disclose a client's 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 in order to protect VETTER ATTORNEYS INC rights.
- 6.4 All employees of VETTER ATTORNEYS INC have a duty of confidentiality in relation to VETTER ATTORNEYS INC and its data subjects.
- 6.5 VETTER ATTORNEYS INC data subjects' right to confidentiality is protected in the Constitution and in terms of POPIA. Information may be given to a third party if the client has consented in writing to that person receiving the information, or if it is in the clients interests to do so, or otherwise as prescribed in POPIA.
- 6.6 VETTER ATTORNEYS INC views any contravention of this policy seriously and employees who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

7 SAFEGUARDING PERSONAL INFORMATION

- 7.1 It is a requirement of POPIA that a responsible party (such as VETTER ATTORNEYS INC) adequately protects personal information that it holds. VETTER ATTORNEYS INC will continuously review its security controls and protocols to ensure that personal information is processed as prescribed in POPIA.
- 7.2 VETTER ATTORNEYS INC assigns responsibility to ensure compliance with POPI to the Information Officer. The Information Officer will decide on and record acceptance of the POPI policy and procedure as contained herein. The Information Officer must further perform an assessment of the data processed by VETTER ATTORNEYS INC to identify, assess and address risks, as far as indicated from the outcome of such assessment. The assessment will be repeated when necessary, by the Information Officer.
- 7.3 Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA. Every employee currently employed by VETTER ATTORNEYS INC will be required to sign an addendum to their employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA;
- 7.4 All VETTER ATTORNEYS INC electronic files or data are stored on site. All hardware and software made available on the premises belongs to VETTER ATTORNEYS INC and is subject to their control.
- 7.5 VETTER ATTORNEYS INC service providers, insurers and other third-party business partners will only engage with a third party who has agreed, whether tacitly or expressly, to comply with the requirements of POPIA. This is however an ongoing process that will be evaluated as needed. In all instances there will be an overview of VETTER ATTORNEYS INC data processing activities, to ensure that the purpose for the processing is notified to the data subject and that the processing thereof within VETTER ATTORNEYS INC is aligned to POPIA and this policy is aligned to the way the personal information should be processed.
- 7.6 All third party service providers must be advised to immediately notify VETTER ATTORNEYS INC (particularly the Information Officer) if there are any reasonable grounds to suspect a data breach.
- 7.7 Once notified of a suspicion of a data breach, the Information officer shall immediately investigate the matter. A decision shall be made whether or not this requires notification to the Regulator and/or data subject (if known). The Information Offer shall act accordingly.

8 CORRECTION OF PERSONAL INFORMATION

Data subjects have the right to access the personal information that VETTER ATTORNEYS INC holds about them. data subjects also have the right to ask the VETTER ATTORNEYS INC to update, correct or delete their personal information on reasonable grounds.

Once a data subject objects to the processing of their personal information, VETTER ATTORNEYS INC may no longer process said personal information, unless this is required by law in which case VETTER ATTORNEYS INC shall advise the data subject accordingly.



VETTER ATTORNEYS INC shall take all reasonable steps to confirm the data subject's identity before providing details of their personal information or making changes to their personal information.

9 AMENDMENTS TO THIS POLICY

Amendments to, or a review of this Policy, will take place on an ad hoc basis. Changes will take effect once approved by the Director of VETTER ATTORNEYS INC.

10. ACCESS TO DOCUMENTS

All company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- 10.1 where disclosure is under compulsion of law;
- 10.2 where there is a duty to the public to disclose;
- 10.3 where the interests of the company require disclosure; and
- 10.4 where disclosure is made with the express or implied consent of the client.

11 REQUESTS FOR VETTER ATTORNEYS INC INFORMATION:

11.1 These are dealt with in terms of the Promotion of Access to Information Act, 2 of 2000 ("PAIA"), which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like VETTER ATTORNEYS INC, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party client.

11.2 In terms hereof, requests must be made in writing on the prescribed form to the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information.

11.3 Confidential company and/or business information of VETTER ATTORNEYS INC may not be disclosed to third parties as this could constitute industrial espionage. The affairs of VETTER ATTORNEYS INC must be kept strictly confidential at all times.

12 RETENTION OF DOCUMENTS

12.1 Hard copy

The statutory periods for the retention of documents are as per the law. These are available on request.

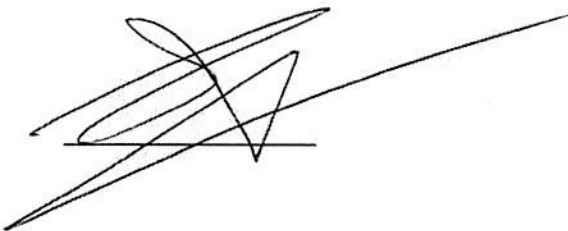
12.2 Electronic records

- 12.2.1 The internal procedure requires that electronic storage of information: important documents and information must be referred to and discussed with IT who will arrange for the indexing, storage and retrieval thereof. This will be done in conjunction with the departments concerned.
- 12.2.2 Scanned documents: If documents are scanned, the hard copy must be retained for as long as the information is used, with the exception of documents pertaining to personnel. Any document containing information on the written particulars of an employee, including: employee's name and occupation, time worked by each employee, remuneration and date of birth of an employee under the age of 18 years; must be retained for a period of 3 years after termination of employment.
- 12.2.3 Section 51 of the Electronic Communications Act No 25 of 2005 requires that personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information and a record of any third party to whom the information was disclosed must be retained for a period of 1 year or for as long as the information is used.

13 DESTRUCTION OF DOCUMENTS

- 13.1 Documents may be destroyed after the termination of the retention period specified in terms of the law.
- 13.2 The documents are then made available for collection by the removers of the Company's documents, who also ensure that the documents are shredded before disposal. This also helps to ensure confidentiality of information.
- 13.3 Documents may also be stored off-site, in storage facilities approved by the Company.

This Policy and Guideline was accepted by the Director of VETTER ATTORNEYS INC Incorporated on 30 JUNE 2021, and comes into operation on the same date.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.