



CATTO | NEETHLING | WIID
A FAMILY LAW PRACTICE

**PROTECTION OF PERSONAL INFORMATION
POLICY AND MANUAL**

1. Introduction

1.1 We recognise the importance of and commit to protecting your privacy and your personal information (as defined in the Protection of Personal Information Act 4 of 2013, ("POPI")). Your personal information may be either collected by us or provided by you. As we process personal information about you and also about third parties (when relevant to the issue(s) in dispute that you have approached us for advice regarding), please note the following:

1.1.1 personal information includes any information by which you can be identified and which relates to you as an identifiable individual. This may include your name, identity number, date of birth, physical and postal addresses, e-mail address, race, gender, age, occupation;

1.1.2 your personal information will be collected and processed by us (or we will ask you to provide it) for the purposes of:

1.1.2.1 assisting you with the dispute(s) that you have approached us for assistance with;

1.1.2.2 to deal with requests and enquiries about personal information held by us and to update this information, when advised by you;

1.1.2.3 should you apply for employment at our firm, to process your application;

1.1.2.4 to comply with our legal and regulatory obligations (e.g. the requirements of the Financial Intelligence Centre Act no. 38 of 2001 and the Legal Practice Act 38 of 2014) or when it is otherwise required by law;

1.1.2.5 for audit and record keeping purposes;

1.1.2.6 for the detection and prevention of fraud, crime, money laundering or other malpractices;

1.1.2.7 in connection with legal proceedings;

1.1.2.8 for legitimate and lawful business practices.

1.1.3 we undertake to not sell, distribute or disclose any personal information that you have disclosed to us or which we have collected about you, unless we obtain your voluntary and informed consent to do so;

1.1.4 we will only collect your personal information by lawful and fair means and, where appropriate, with your knowledge or consent;

1.2 By continuing to use this website, engaging with us via telephone, email or post and/or instructing our firm as your attorneys you agree that we may "collect, collate, process and/or store" personal information about you that may be required or which you voluntarily provide to us.

1.3 We do not intentionally collect or use personal information of children (persons under the age of 18 years), unless with express consent of a parent or guardian, or if the law otherwise allows or requires us to process such personal information. Having regard to the nature of the assistance that we provide to our clients, it is highly likely that we will require the personal information of children; however, this will only be collected in consultation with you.

1.4 We do not process special personal Information about you unless:

1.4.1 it is necessary to establish, exercise or defend a right or obligation in law (e.g. we have to process information relating to your health as part of our screening processes when you access our premises, in order to comply with Covid-19 regulations and health protocols);

1.4.2 we have obtained your consent to do so (e.g. should you apply for employment at our firm, we may require your permission to do a criminal record check to process information which relates to your criminal record, if any).

1.5 You are always at liberty to refuse to provide the information sought; however,

that will cause us to not be able to assist you (e.g. you may be refused access to our offices; you may be unsuccessful in your application for employment at our firm; the advice given to you as a client may be impacted materially).

2. Safeguarding your Personal Information

- 2.1. We take reasonable measures to adequately protect all the personal information we hold and to avoid unauthorised access and use of such personal information. To comply with this requirement, we maintain reasonable industry-standard physical, electronic and procedural safeguards in respect of the personal information we collect, store, disclose and destruct.
- 2.2. Where there are reasonable grounds to believe that your personal information has been accessed or acquired by any unauthorised person, we will notify the relevant regulator and you, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs us that notifying you will impede a criminal investigation. We will also investigate the security breach and will take all reasonable measures to limit any possible damage which may arise from such breach.

3. When will we collect and process your Personal Information?

- 3.1. Personal information may be collected and processed when:
 - 3.1.1. you make contact with our firm (including to check whether we are conflicted from assisting you, as determined by the standards for legal practitioners provided for in the Legal Practice Act 38 of 2014 (as well as the Rules and Regulations promulgated in terms of that Act) and also the common law);
 - 3.1.2. you instruct us to represent you;
 - 3.1.3. you voluntarily provide us with personal information;
 - 3.1.4. we subpoena your information and the information of third parties relevant to pending litigation.

- 3.2. You acknowledge that all personal information collected and processed by us may be stored by us and used for purposes specified in this manual.

4. Retention of Personal Information

- 4.1. We retain your personal information for as long as it is necessary for us to fulfil your mandate to us to assist you with the dispute(s) that you have approached us for assistance with and in order to comply with legislation (e.g. personal information needs to be retained in order for us to ensure that we do not act against persons whom we have previously acted for).
- 4.2. Please note that we are obliged in law to retain documents containing personal information for at least seven years from the date of the last entry recorded in each particular book or other document of record or your file. Your personal information may be retained for a period in excess of seven years if your matter is ongoing and then also as provided for in paragraph 4.1.1 above.
- 4.3. We will not retain your personal information longer than is necessary to achieve the purpose for which the information was collected and processed, unless we are required to do so by law or there is a lawful purpose to retain your information for a longer period.

5. Sharing of your Personal Information

- 5.1. As a client of the firm, you consent to us sharing your personal information with the following persons or under the following circumstances:
 - 5.1.1. to our service providers, suppliers, cost consultants, expert witnesses, mediators and advocates, when relevant to the litigation or legal dispute with which we are assisting you;
 - 5.1.2. to attorneys or litigants against whom you are litigating, when required in terms of law;

- 5.1.3. to government and law enforcement agencies: where the law requires us to do so; where it is necessary to identify, contact or bring legal action against a party who may be in breach of this privacy policy and manual and who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, or anyone else that could be harmed by such contravening activities.

6. Your Rights

- 6.1. You have the right to request that we correct, destroy or delete any of your personal information that we have processed in accordance with this manual. The personal information that you may request us to correct, destroy or delete is personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or that we are no longer authorised to retain; but does not include personal information that we are required to retain for the purposes set out in this privacy policy and manual.
- 6.2. You have the right to withdraw your consent for us to process your personal information at any time. The withdrawal of your consent can only be made by you on condition that:
 - 6.2.1. the withdrawal of your consent does not affect the processing of your personal information commenced before the withdrawal of your consent; or
 - 6.2.2. the withdrawal of your consent does not affect the processing of your personal information if the processing is in compliance with an obligation imposed by law on us; or
 - 6.2.3. the withdrawal of your consent does not affect the processing of your personal information where such processing is necessary for the proper performance of a public law duty by a public body; or
 - 6.2.4. the withdrawal of your consent does not affect the processing of your personal information as required to finalise the performance of a contract

to which you are a party and you have previously given your irrevocable consent for us to perform on your behalf; or

- 6.2.5. the withdrawal of your consent does not affect the processing of your personal information as required to protect your legitimate interests or our own legitimate interests or the legitimate interests of a third party to whom the personal information was supplied (previously with your consent).
- 6.3. You have the right to object to the processing of your personal information at any time, on reasonable grounds, unless the processing is required by law.
- 6.4. You can make the objection if the processing of your personal information if it is being used in a manner not provided for in this privacy policy and manual.
- 6.5. You have the right to object to the processing of your personal information, at any time, if the processing is for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications and you have not given your consent for that processing. We do not engage in any direct marketing activities.
- 6.6. You have the right not to be subjected to a decision which is based solely on the basis of the automated processing of your personal information intended to provide a profile of you.
- 6.7. You have the right to submit a complaint to the Information Regulator for any misuse of your personal information.
- 6.8. You have the right to institute civil proceedings regarding an alleged interference with the protection of your personal information processed in accordance with this manual.

7. Contact Information

- 7.1. We encourage you to review this privacy policy and manual from time to time as it may be updated when necessary and appropriate.

- 7.2. You may request access and/or correct any of your personal information that we hold by sending an email to grant@cattonw.co.za.
- 7.3. If you have any questions in relation to this privacy policy and manual please contact us at grant@cattonw.co.za.
- 7.4. Our contact details and details relevant to this privacy policy and manual are:

Physical Address:	Ground Floor 35 on Rose 35 Rose Street Bo-Kaap Cape Town Republic of South Africa 8001
Telephone Number:	Telephone: +27 21 487 9300
Email Addresses (including for all post):	info@cattonw.co.za grant@cattonw.co.za
Information Officer:	Grant Wiid