



Policy on the Protection of Personal Information

1. INTRODUCTION

The Protection of Personal Information Act, 4 of 2013 or “POPIA” is enacted to promote the protection of personal information (herein referred to as “the Act”).

This manual is Minitzers Incorporated’s policy to protect personal information of data subjects. As a firm of attorneys, Minitzers Incorporated receives conveyancing, litigation, commercial and estate instructions and in attending to the execution of instructions they require personal information. The processing of this information is necessary to carry out the performance of the instructions received by the firm.

The Act will be used to interpret and apply this manual.

2. DEFINITIONS

Consent	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
Data Subject	means the person to whom personal information relates;
Information officer	means the appointed person in Minitzers Incorporated dealing with the compliance with the conditions for the lawful processing of personal information, who will work with the Regulator and will assist the public with their questions, requests and interpretation of the Act.
Processing	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including <ol style="list-style-type: none">(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;(b) dissemination by means of transmission, distribution or making available in any other form; or(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
Responsible Party	means the person who determines the purpose of and means for processing personal information and will be the chairman of the board of directors;
Personal information	personal information according to POPIA is the following:



Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- a) Information relating to the 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;
- b) Information relating to the education or the medical, financial, criminal or employment history of the person;
- c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person
- d) The biometric information of the person;
- e) The personal opinions, views or preferences of the person;
- f) 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;
- g) The views or opinions of another individual about the person; and
- h) 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.”

Kindly take note that Sub-clauses a) to h) aforesaid are examples.

3. THE RIGHTS OF DATA SUBJECTS

A data subject has the right to have personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3, including the right

3.1 To be notified that:

- 3.1.1. The personal information about him, her or it is being collected or
- 3.1.2 his, her or its personal information has been accessed or acquired by an unauthorised person.

3.2 To establish whether Minitzers Incorporated holds personal information of a data subject and to request access to his, her or its personal information.



- 3.3 To request, where necessary, the correction, destruction or deletion of his, her or its personal information.
- 3.4 To object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information.
- 3.5 To object to the processing of his, her or its personal information—
 - 3.5.1. at any time for purposes of direct marketing in terms of section 11(3)(b); or
 - 3.5.2 in terms of section 69(3)(c) of the Act.
- 3.6 Not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1) of the Act;
- 3.7 Not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person as provided for in terms of section 71 of the Act;
- 3.8 To submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74 of the Act; and
- 3.9 To institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99 of the Act.

4. PROCESSING, CONSENT, JUSTIFICATION AND OBJECTION

- 4.1 Personal information may only be processed if consent is granted, processing is necessary to carry out the actions for the conclusion or performance of a contract to which the data subject is a party or to comply with an obligation imposed by law on the responsible party or protects



a legitimate interest of the data subject or is necessary for the proper performance of a public law duty by a public body or is necessary for pursuing the legitimate interests of Minitzers Incorporated or of a third party to whom the information is supplied.

- 4.2 Minitzers Incorporated will bear the burden of proof relating to whether consent has been obtained or is in place by virtue of the provisions of section 11 of the Act.
- 4.3 The data subject may withdraw consent, provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information will not be affected.
- 4.4 A data subject may object, at any time, to the processing of personal information in the prescribed manner, on reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing; or for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as referred to in section 69 of the Act.
- 4.5 If a data subject has objected to the processing of personal information Minitzers Incorporated may no longer process the personal information.

5. COLLECTION OF INFORMATION DIRECTLY FROM THE DATA SUBJECT

5.1.1 Personal information must be collected directly from the data subject, **except**

if—

- 5.1.1 the information is contained in or derived from a public record or has deliberately been made public by the client;
- 5.1.2 the data subject or a competent person where the data subject is a child has consented to the collection of the information from another source;
- 5.1.3 collection of the information from another source would not prejudice a legitimate interest of the data subject;



5.1.4 collection of the information from another source is necessary as per the provisions of section 12 of the Act.

5.1.5 compliance would prejudice a lawful purpose of the collection; or

5.1.6 compliance is not reasonably practicable in the circumstances of the particular case.

6. DISCLOSURE OF PERSONAL INFORMATION

6.1 If a third-party requests access to records held by Minitzers Incorporated, the information officer will deny such third party's request if the disclosure of the information is unreasonable.

6.2 A data subject, has the right to request Minitzers Incorporated

6.2.1 to confirm whether or not it holds personal information about him, her or it; and

6.2.2 to furnish the record of the personal information to the data subject, this includes information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

6.3 A data subject may request Minitzers Incorporated to —

6.3.1 correct or delete personal information about him, her or it in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

6.3.2 destroy or delete a record of personal information about the data subject that Minitzers Incorporated is no longer authorised to retain.

6.4 On receipt of a request, Minitzers Incorporated, will as soon as reasonably practicable —

6.4.1 correct the information;



6.4.2 destroy or delete the information; or

6.4.3 provide the client, to his or her satisfaction, with credible evidence in support of the information.

7. PROTECTING PERSONAL INFORMATION

7.1 Minitzers Incorporated will secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent

7.1.1 loss of, damage to or unauthorised destruction of personal information; and

7.1.2 unlawful access to or processing of personal information.

7.2 In order to give effect to this commitment, Minitzers Incorporated will take reasonable measures to identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control; establish and maintain appropriate safeguards against the risks identified; regularly verify that the safeguards are effectively implemented; and ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

7.3 Minitzers Incorporated will have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.

7.4 Minitzers Incorporated instructed its employees and suppliers not to use the Company's access to any data subject's personal information for personal gain on any such purposes as soliciting or proselytizing for commercial ventures, religious or personal causes or outside organizations or other similar, non-job-related solicitations. If the Company discovers that any employee or supplier misuses the information available in the Company's systems, that particular employee and/or supplier will be subject to disciplinary action and/ or breach of contract and dealt with in terms of the breach clauses in a contract.



- 7.5 Minitzers Incorporated expect all in its employees to use and apply information for the purpose acquired and to treat it with respect and confidential.
- 7.6 Minitzers Incorporated uses an external company for IT support and services.
- 7.7 CrewTech is responsible for the company's IT security. Secure measures have been installed and adopted to allow for firmer measures from 1 JULY 2021.
- 7.8 Minitzers Incorporated continually develops its internal rules dealing with screen locks, pass words, the sharing of opinions, social media and security of information.

8. RETENTION OF RECORDS

- 8.1 Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless—
 - 8.1.1 retention of the record is required or authorised by law;
 - 8.1.2 Minitzers Incorporated reasonably requires the record for lawful purposes related to its functions or activities;
 - 8.1.3 retention of the record is required by a contract between the parties thereto; or
 - 8.1.4 the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 8.2 Records of personal information may be retained for longer periods for historical, statistical or research purposes once established appropriate safeguards against using the information for any other purpose are in place.
- 8.3 When Minitzers Incorporated uses a record of personal information of a data subject to make a decision about a data subject it must—
 - 8.3.1 retain the record for such period as may be required or prescribed by law or a code of conduct; or



- 8.3.2 if there is no law or code of conduct prescribing a retention period, retain the record for a period which will afford the data subject a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.

- 8.4 Minitzers Incorporated must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after Minitzers Incorporated is no longer authorised to retain the record. It will be guided by the Legal Practice Act 28 of 2014 and internally the existing practice is to retain file information inclusive of data subjects' information for a period of 5 years from closure of a matter.

- 8.5 The destruction or deletion of a record of personal information must be done in a manner that prevents its reconstruction in an intelligible form.

- 8.6 Minitzers Incorporated must restrict processing of personal information if—
 - 8.6.1 its accuracy is contested by the data subject, for a period enabling Minitzers Incorporated to verify the accuracy of the information;
 - 8.6.2 Minitzers Incorporated no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof;
 - 8.6.3 the processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or
 - 8.6.4 the data subject requests to transmit the personal data into another automated processing system.

- 8.7 Personal information herein may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or with the consent of a competent person in respect of a child, or for the protection of the rights of another natural or legal person or if such processing is in the public interest.



8.8 Where processing of personal information is restricted, Minitzers Incorporated must inform the data subject before lifting the restriction on processing.

9. INFORMATION OFFICER AND RESPONSIBLE PERSON

Information Officer:

Name and surname: Brent Meyer

E – mail address: Brent@minitzers.co.za

Responsible Person:

Name and surname: Stefan van Niekerk

Email address: Stefan@minitzers.co.za

10. MINITZERS INCORPORATED PARTICULARS

Telephone number: (021) 8711224

Physical addresses: 45 Lady Grey Street, Paarl and

Unit A1 The Yard Offices, Val de Vie.

E – mail address: Info@minitzers.co.za

11. ACCESS TO DOCUMENTS HELD BY MINITERS INCORPERATED

Any request for access to documents will be dealt with in terms of the Act read with the Promotion of Access to Information Act 2 of 2000.

12. POLICY AMENDMENTS

The information officer along with the directors of Minitzers Incorporated may amend, supplement or modify this policy from time to time.

Dated 1 July 2021- 1st issued manual