



## PRIVACY STATEMENT

### Introduction and Purpose

The purpose of this Privacy Statement is to inform Data Subjects (*the person whom the personal information relates to*) about how Tim du Toit & Co Incorporated (referred to in this Privacy Statement as “TDT” or “we” and through similar words such as “us,” “our”) collects, uses and processes personal Information. It further sets out the Data Subject’s rights under law, TDT’s responsibilities and how one can contact TDT.

TDT encourages our clients, visitors, associates, and other interested parties to read this Privacy Statement. By making use of our services or submitting personal information to TDT, you acknowledge that you understand and agree to be bound by this Privacy Statement, and agree that TDT may collect, process, transfer, use, and disclose your personal information as described in this Statement.

### Application

TDT, in its capacity as Responsible Party and/or Operator, shall strive to adopt, and comply with its obligations under the Protection of Personal Information Act 4 of 2013 (“POPI” Act) as well as accepted information protection principles and guidelines, when it processes Personal Information from or in respect of a Data Subject.

### What personal information do we collect about you?

Personal information is information that can be used to identify you, or any other individual to whom the information may relate.

The personal information that we collect and/or process includes the following categories:

- Identity Information (includes name, identity/registration number, nationality, tax reference number, marital status, title, occupation, date of birth, gender);
- Contact information (includes address, phone number, email, fax);
- Financial Information (includes bank account details, information related to funds which we invest and hold on your behalf for a matter);
- Transactional Information, which includes details about payments made to or received from you or information related to a financial activity;
- Education and work experience information (such as the contact details for your current/former employer, information about your educational background, your work experience and other experience, your qualifications);
- Other application data, such as the information included in your application form/CV and current compensation details;
- Information collected as part of the interview process, such as notes taken from your interview or information provided from recruitment agencies;
- Special Personal Information “in certain circumstances” by engaging with TDT, we may collect certain Special Personal Information about you. Special Personal Information is defined as details about your religious or philosophical beliefs, race or ethnic origin, trade union



membership, political persuasion, health or sex life, biometric information or information about your criminal offences or convictions.

- Personal information of children “in limited instances” we may process Personal Information of children including in the course of providing legal services to you. In such instances, it is conducted with the consent of a competent person or to comply with an obligation in law.

### **What are the sources of the personal information collected by TDT?**

The personal information is collected in the following ways:

- directly from Data Subjects;
- through automated or passive interactions with the Data Subjects;
- Third parties such as our clients when we handle Personal information on their behalf, credit reference agencies, other companies providing services to TDT;
- Public sources such as publicly available sources of information.

### **Why does TDT collect your personal information?**

Subject to the terms of this Privacy Statement, TDT uses the above-mentioned categories of personal information in several ways. Unless otherwise stated specifically, the above information may be used for any of the following purposes:

- to act on your instructions;
- to provide legal services to you;
- to respond to your requests;
- to communicate with you and retain a record of our communications with you and your communications with us;
- in relation to supplier information - to create, maintain and update our supplier database on our systems, pay suppliers, and for general supplier administration;
- to grant you access to our premises;
- to process employment applications;
- Respond to and/or comply with our regulatory or statutory requests and/or obligations;
- Other purposes, after prior notice is provided to you and/or your consent is obtained, if necessary.

### **How do we share your Personal Information with third parties?**

Third Parties of TDT, including data storage and processing providers, may from time to time also have access to a Data Subject’s personal information in connection with purposes for which the personal information was initially collected to be processed.

Except as provided herein, we do not share personal information with third parties unless the person who has submitted the information has authorized us to do so or if we are required to by law.



### How do we retain your personal data?

We retain your Personal Information:

- at our premises in the form of hard copies;
- at the premises of third-party service providers such as document storage service providers;
- on our servers;
- on the servers of our third-party service providers, such as IT systems or hosting service providers.

### How long will we retain your personal data for?

TDT will retain your personal information only for as long as is necessary for the purposes set out in this statement.

We will retain and process personal information to the extent necessary to comply with our legal and statutory obligations, resolve disputes and enforce our legal agreements and policies.

### What rights do I have in respect of my personal data?

- **Right of access**

You have the right to access any personal information we hold about you. You can request a copy of your personal information at a fee as well as the reasons why we hold such information.

- **Right to rectification**

We have an obligation to process accurate personal information. You thus have the right to request an update to any of your personal information that is outdated or incorrect. We encourage you to review your personal data regularly to ensure that it is accurate and current.

- **Right to deletion**

You have the right to ask us to delete your information, to the extent permitted by law.

- **Right to restriction of processing**

In certain circumstances, you may have the right to request that we restrict processing of your personal information.

### Consent provided in terms of the POPI Act

- The Data Subject acknowledges that all Personal Information provided by it to TDT shall be, to the best of its knowledge, accurate and correct.
- The Data Subject hereby consents to the processing of its Personal Information by TDT for the limited purpose of enabling TDT to perform its obligations and to exercise its rights in terms of its engagement with TDT.



- The above consents provided by the Data Subject, and/or its duly authorised representative are strictly subject to the lawful processing of the Personal Information by TDT, and/or third-party service providers, and/or Suppliers, in accordance with the POPI Act, which include but are not limited to TDT's compliance with the provisions contained herein below.
- TDT shall secure the integrity and confidentiality of Data Subject's Personal Information, in its possession by implementing appropriate and reasonable measures to protect such information, from any loss, damage to or unauthorised disclosure or use of the Personal Information.

### **Reasonable Measures**

TDT shall, to the best of its ability and depending on external and internal resources, implement reasonable measures to:

- Identify internal and external risks to the Personal Information in its possession or under its control;
- Establish and maintain appropriate measures against any risks identified and regularly verify that the measures implemented are effectively working to the best of TDT's knowledge and ability; and,
- Ensure that TDT or any external service provider continually updates measures and strategies in response to new risks or deficiencies in previously implemented safeguards.

### **Transfer of Personal Information outside the Republic of South Africa**

The Data Subject acknowledges that TDT may store the Personal Information of the Data Subject electronically via an online/ cloud service provider which could be located either in South Africa, or via a third-party based in a foreign country or through such other third-party performing the same function, and that the aforesaid Personal Information shall be transferred by TDT to such third-party.

TDT is entitled to transfer the Personal Information to the third-party mentioned above subject thereto that:

- TDT shall ensure that the third-party receiving the Personal Information is subject to legal, binding corporate rules or a binding agreement which provides an adequate level of protection that is considerably comparable to Section 72 of the POPI Act, which relates to the transfer of Personal Information from the Data Subject to the recipient and to third parties who are situated in a foreign country.
- The third-party has and abides by similar principles relating to the lawful processing and storage of the Personal Information relating to a data subject who is a natural person and, where applicable, to the lawful processing and storage of Personal Information relating to a juristic person; and



- The Data Subject hereby consents to the transfer of the Data Subject's Personal Information and of the Data Subjects' Personal Information to the third-party concerned and warrants that the Data Subject shall obtain the Data Subjects' consent in this regard.
- The Data Subject is aware and accepts that TDT may, in the course and scope of rendering legal services and in exercising its rights and performing its obligations in terms of the engagement, transfer Personal Information of the Data Subject and its Data Subjects to third-parties who may be based in a foreign country. The Data Subject and representatives thereof, further accepts TDT's undertaking in this regard that the aforesaid transfer of Personal Information will be done in accordance with the POPI Act and in consideration of the legal requirements governing the transfer of Personal Information.
- TDT shall only transfer data if it is line with this policy, in order to be compliant with legal and statutory retention requirements, in terms of an engagement with a Data Subject or in terms of an agreement such as a Service Level Agreement. The Data Subject hereby agrees and accepts that the transfer of Personal Information shall be necessary for the performance of legal services provided by TDT to the Data Subject or for the conclusion or performance of a contract concluded by TDT and the Data Subject or, in the interest of the Data Subject, between TDT and a third-party; and
- Shall be for the benefit of the Data Subject as the case may be, that it shall not be reasonably practicable to obtain an additional/ separate consent of the Data Subject, for each and every transfer and that if it were reasonably practicable for TDT to obtain such consent, the Data Subject as the case may be, would be likely to give their consent.

### **Who can I contact at TDT about this?**

If you have concerns or questions regarding this statement or if you would like to exercise your rights as a Data Subject, you can direct your enquiries or request to the Compliance Officer on [Joshna@timdutoit.co.za](mailto:Joshna@timdutoit.co.za)

### **Changes to this statement**

TDT reserves the right to make amendments to this statement from time to time and will use reasonable efforts to notify Data Subjects of such amendments. Taking into consideration the large volumes of Personal Information processed by TDT, Data Subjects are advised to regularly review the Privacy Statement which is available on the TDT website for any updates, amendments or changes.