

GMI ATTORNEYS

PRIVACY POLICY

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1. INTERPRETATION

1.1 In this policy, unless the context clearly indicates the contrary, the following words and expressions bear the meanings assigned to them below –

1.1.1 “**Act**” – the Protection of Personal Information Act (Act no. 4 of 2013”);

1.1.2 “**Data Subject**” - any living, identifiable natural person or existing, identifiable juristic person;

1.1.3 “**GMI, we, us, our**” – GMI Attorneys, and also including GMI' shareholders, GMI' directors, employees and consultants or any GMI's subsidiaries (if applicable);

1.1.4 “**Operator**” - any Person who processes Personal Information for GMI in terms of a contract or mandate, without coming under the direct authority of GMI;

1.1.5 “**Personal Information**” - information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to -

1.1.5.1 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;

1.1.5.2 information relating to the education or the medical, financial, criminal or employment history of the person;

1.1.5.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

1.1.5.4 the biometric information of the person;

- 1.1.5.5 the personal opinions, views or preferences of the person,
- 1.1.5.6 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;
- 1.1.5.7 the views or opinions of another individual about the person; and
- 1.1.5.8 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;
- 1.1.6 “**Policy**” – this Privacy Policy, as may be revised from time to time;
- 1.1.7 “**Process**” - any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including -
 - 1.1.7.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 1.1.7.2 dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, degradation, erasure or destruction of information,and “Processing” has the same meaning where the context so requires;
- 1.1.8 “**Special Personal Information**” - includes Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of an information subject; or the criminal behaviour of a Data Subject.

2. **INTRODUCTION**

- 2.1 GMI Attorneys is sensitive to the personal nature of the Personal Information you provide to us.

- 2.2 By providing us with your Personal Information, you –
- 2.2.1 agree to this Policy and authorise us to Process such information as set out herein; and
 - 2.2.2 authorise GMI, our service providers and other third parties to Process your Personal Information for the purposes stated in this Policy.
- 2.3 We will not use your Personal Information for any other purpose than that set out in this Policy and will try to protect your Personal Information that is in our possession from any unauthorised alteration, loss, disclosure or access.
- 2.4 We may review and update this Policy from time to time.
- 2.5 This Policy applies to all Data Subjects, whether or not as users of our legal and related services ("**you**").

3. **PURPOSE OF THE POLICY**

- 3.1 The purpose of this Policy is to ensure that we proactively comply with the provisions of the Act.
- 3.2 It further explains how we collect and Process your Personal Information.

4. **SCOPE AND APPLICATION OF THE POLICY**

This Policy applies to the Processing of any Personal Information by us in relation to a Data Subject.

5. **COLLECTION OF PERSONAL INFORMATION**

- 5.1 We may collect or obtain Personal Information about you -
 - 5.1.1 directly from you;
 - 5.1.2 in the course of our relationship with you;

- 5.1.3 in the course of providing legal services to you or your organisation;
 - 5.1.4 when you make your Personal Information public;
 - 5.1.5 when you visit and/or interact with our website or our various social media platforms;
 - 5.1.6 when you register to use any of our legal and related services including but not limited to, newsletters, publications, seminars and presentations, and legal updates;
 - 5.1.7 when you interact with any third party content or advertising on our website; or
 - 5.1.8 when you visit our offices.
- 5.2 We may also receive Personal Information about you from third parties.
- 5.3 In addition to the above, we may create records of Personal Information about you such as your communications and interactions with us, including, but not limited to, your attendance at events or at interviews in the course of applying for a position with us, subscription to our newsletter and other mailings and interactions with you during the course of any marketing campaigns (whether digital or otherwise).

6. **CATEGORIES OF PERSONAL INFORMATION WE MAY PROCESS**

We may process the following categories of Personal Information about you -

- 6.1 personal details: your name and surname;
- 6.2 demographic information: your gender; date of birth, age; nationality; title and language preferences;
- 6.3 identifier information: your passport or national identity number; utility provider details; bank statements or tenancy agreements;

- 6.4 contact details: your correspondence address, telephone number, email address and details of your public social media profile(s);
- 6.5 instruction details: details of instructions to GMI, Personal Information included in correspondence, documents, evidence or other materials that we Process in the course of providing legal services;
- 6.6 attendance records: details of meetings and other events organised by or on behalf of GMI that you have attended;
- 6.7 consent records: records of any consents you may have provided, together with the date and time, means of consent and any related information;
- 6.8 payment details: billing address, payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, IBAN details, payment amount, payment date and records of cheques;
- 6.9 data relating to your visits to our website: your device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to a website and other technical communication information;
- 6.10 employer details: where you interact with us in your capacity as an employee of an organisation, the name, address, telephone number and email address of your employer, to the extent relevant; and
- 6.11 content and advertising data: records of your interactions with our online advertising and content, records of advertising and content displayed on pages displayed to you, and any interaction you may have had with such content or advertising (including, but not limited to, any forms that you complete).

7. **SPECIAL PERSONAL INFORMATION**

- 7.1 Special Personal Information is particularly sensitive Personal Information that are afforded higher levels of protection.

- 7.2 We will only collect and Process Special Personal Information if we have a valid justification for Processing thereof.
- 7.3 We may process Special Personal Information under the following circumstances -
 - 7.3.1 in limited circumstances, with your explicit written consent;
 - 7.3.2 where we need to carry out our legal obligations or exercise rights in connection with any contract we may have with you or the organisation for whom you work; or
 - 7.3.3 where it is required in the public interest.
- 7.4 We may also process Special Personal Information where it is needed in relation to legal claims or where it is needed to protect your (or someone else's) interests and you are not capable of giving your consent, or where you have already made the information public.

8. **PURPOSES OF PROCESSING AND LEGAL BASES FOR PROCESSING**

- 8.1 We will Process your Personal Information in the ordinary course of our business of providing legal and related services to you.
- 8.2 We will primarily use your Personal Information only for the purpose for which it was originally collected.
- 8.3 We will use your Personal Information for a secondary purpose only if such purpose constitutes a legitimate interest and is closely related to the original purpose for which the Personal Information was collected.
- 8.4 We may subject your Personal Information to Processing during the course of various activities, including, without limitation, the following -
 - 8.4.1 operating our business;

- 8.4.2 analysis, evaluation, review and collation of information in order to determine legal issues and potential disputes, provide legal advice and prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents and records (whether in electronic or any other medium whatsoever) -
- 8.4.3 compliance with applicable laws and fraud prevention;
- 8.4.4 transfer of information to our Service Providers and other third parties; or
- 8.4.5 recruitment.
- 8.5 We may process your Personal Information for relationship management and marketing purposes in relation to our services (including, but not limited to, Processing that is necessary for the development and improvement of our legal and related services), for accounts management, and for marketing activities in order to establish, maintain and/or improve our relationship with you and with our Service Providers. We may also analyse your Personal Information for statistical purposes.
- 8.6 We may process your Personal Information for internal management and management reporting purposes, including but not limited to: conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and for management reporting analysis.
- 8.7 We may Process your Personal Information for safety and security purposes.
- 8.8 We will as far possible, limit the Processing of Personal Information to data which is sufficient for the fulfilment of the primary purpose and applicable legitimate purpose for which it was collected.

9. **DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES**

- 9.1 We may disclose your Personal Information to our service providers for legitimate business purposes, in accordance with the provisions of the Act and any other applicable laws, and subject to applicable professional and regulatory requirements regarding confidentiality. In addition, we may disclose your Personal Information -
- 9.1.1 if required by any law;
 - 9.1.2 to legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of any applicable law or regulation;
 - 9.1.3 to third party Operators (including, but not limited to, data processors such as providers of data hosting services and document review technology and services), located anywhere in the world;
 - 9.1.4 where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or for the establishment, exercise or defence of any legal rights;
 - 9.1.5 to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including, but not limited to, safeguarding against, and the prevention of threats to, public security;
 - 9.1.6 to any relevant third party acquirer(s), in the event that we sell or transfer all or any portion of our business or assets (including, but not limited to, in the event of a reorganization, dissolution or liquidation); and
 - 9.1.7 to any relevant third party provider, where our website uses third party advertising, plugins or content.
- 9.2 If we engage a third party Operator to Process any of your Personal Information, we recognise that any Operator who is in a foreign country must

be subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA. We will review our relationships with Operators we engage and, to the extent required by any applicable law in force, we will require such Operators to be bound by contractual obligations to -

- 9.2.1 only Process such Personal Information in accordance with our prior written instructions; and
- 9.2.2 use appropriate measures to protect the confidentiality and security of such Personal Information.

10. **CROSS BORDER TRANSFER OF PERSONAL INFORMATION**

- 10.1 We may transfer your Personal Information to recipients outside of the Republic of South Africa.
- 10.2 Personal Information may be transferred outside of the Republic of South Africa provided that the country to which it is transferred has adopted a law that provides for an adequate level of protection substantially similar to the Act, the Operator or third party undertakes to protect the Personal Information in line with the Act and all other applicable data protection laws and the transfer is necessary in order to provide the legal and other related services that are required by GMI' clients.

11. **SECURITY**

- 11.1 We implement appropriate technical and organisational security measures to protect your Personal Information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with the Act and all other applicable laws.
- 11.2 Where there are reasonable grounds to believe that your Personal Information that is in our possession has been accessed or acquired by any unauthorised person, we will notify the Information 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.

- 11.3 Because the internet is an open system, the transmission of information via the internet is not completely secure. Although we will implement all reasonable measures to protect your Personal Information that is in our possession, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during the course of such transmission.

12. **ACCURACY**

The Personal Information that you provide to GMI must be accurate, complete and up-to-date. Should any of your Personal Information change, the onus is on the provider of such Personal Information to notify us and provide us with the updated and accurate Personal Information.

13. **STORAGE AND RETENTION OF PERSONAL INFORMATION**

We will only retain and store Personal Information for the period for which it is required to serve the purpose for which it was collected and Processed, or to protect or exercise a legitimate interest or for the period required to comply with an applicable legal or regulatory requirement, whichever is longer.

14. **YOUR LEGAL RIGHTS**

14.1 In terms of the Act, you have the right to -

14.1.1 access to your Personal Information in our possession and to ask us to rectify, erase and restrict the use thereof;

14.1.2 to object to your Personal Information being collected and processed;

14.1.3 request the transfer of Personal Information you have made available to us; and

14.1.4 withdraw consent to the Processing of your Personal Information.

14.2 Note that if you exercise any of your above-mentioned rights, we may not be able to provide you with our services any more.

15. COOKIES AND SIMILAR TECHNOLOGIES

15.1 We may Process your Personal Information by our use of Cookies and similar technologies.

15.2 When you visit our website we may place Cookies onto your device, or read Cookies already on your device, subject always to obtaining your consent, where required, in accordance with applicable law. We use Cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits.

16. DIRECT MARKETING

16.1 We may Process your Personal Information for the purposes of providing you with information regarding services that may be of interest to you. You may unsubscribe for free at any time.

16.2 If you currently receive marketing information from us which you would prefer not to receive, please email us at

17. DETAILS OF GMI'S INFORMATION OFFICER

Information Officer:	Aneeza Mahomed
Physical Address:	Harlequins Office Park, 164 Totius Street, Groenkloof, Pretoria
E-Mail Address:	amahomed@gminc.co.za
Telephone Number:	(012) 428 8660
Postal Address:	PO Box 619, Pretoria, 0001

18. **DETAILS OF THE INFORMATION REGULATOR**

Physical Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg
E-Mail Address (General Enquiries):	enquiries@info regulator.org.za.
E-mail Address (Complaints):	POPIAComplaints@info regulator.org.za
Postal Address:	PO Box 31533, Braamfontein, Johannesburg