

# RUFUS DERCKSEN INC.

ATTORNEYS / CONVEYANCERS / NOTARIES

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PRIVACY POLICY  
OF  
RUFUS DERCKSEN INC.

[PREPARED IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION  
ACT 4 OF 2013 (AS AMENDED) AND THE REGULATIONS THERETO (“POPIA”)]

## 1. INTRODUCTION

1.1. Rufus Dercksen Inc. (“**our/the Firm, we, us**”) is sensitive to the personal nature of the information you provide to us, and we are a Responsible Party who determines the purpose of and means for processing personal information, as defined in section 1 of POPIA.

1.2. This Privacy Policy (“**this Policy**”) has been prepared to give effect to the requirements of POPIA and shall be deemed applicable to any contractual and/or other relationship that the Firm has and/or may have with you and/or any other data subject in respect of which POPIA applies and this Policy subsequently explains how we protect and use your personal information.

1.3. By providing the Firm with your personal information, you:

1.3.1. agree to this Policy and authorise us to process such information

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### STELLENBOSCH

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<http://www.rufusdercksen.co.za/>

Director:

Consultants:

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Nicolene Müller LLB

Chandré van Emmenis BCom LLB

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as set out herein; and

- 1.3.2. authorise us and third parties / operators to process your personal information for the purposes set out in this Policy.
- 1.4. We herewith recommend that you familiarise yourself with the provisions of this Policy and should you be unsure of the application thereof and/or have any questions in relation to the content of this Policy you are invited to contact our Information Officer, Niel Dercksen, at [niel@rufusdercksen.co.za](mailto:niel@rufusdercksen.co.za) or (021) 8866 992.
- 1.5. Kindly take note that we may review and update this Policy from time to time and the latest version of this Policy is available on request.

## 2. **APPLICATION OF THIS PRIVACY POLICY**

- 2.1. This Policy applies to the processing of personal information of data subjects by our Firm.
- 2.2. Data subjects are those persons to whom personal information relates and they may be either identifiable, living natural persons or identifiable, existing juristic persons (e.g., data subjects are our clients, employees and suppliers).
- 2.3. The act of processing has a broad meaning and includes the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or making available in any other form, merging, linking as well as restriction, degradation, erasure, or destruction of information.

### 3. THE MEANING OF PERSONAL INFORMATION AND SPECIAL PERSONAL INFORMATION

#### PERSONAL INFORMATION

3.1. In order for you to comprehend the possible application of this Policy to you, you will have to understand what may be classified as personal information. The following is classified as personal information:

- 3.1.1. information which relates to the person's 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;
- 3.1.2. information which relates to the person's education or the medical, financial, criminal or employment history;
- 3.1.3. any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to a person;
- 3.1.4. a person's biometric information;
- 3.1.5. a person's opinions, views or preferences of a person;
- 3.1.6. any correspondence sent by a person which is implicitly or explicitly of a private or confidential nature or further correspondence which would reveal the contents of the original correspondence; and
- 3.1.7. a person's name if it appears with other personal information which relates to the person or if the disclosure of the name itself would reveal information about that person.

## SPECIAL PERSONAL INFORMATION

3.2. Some personal information, defined as special personal information, which our Firm might collect from you requires a greater degree of protection.

Special personal information includes:

3.2.1. the religious or philosophical belief, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject;

3.2.2. the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceeding in respect of any offence allegedly committed by a data subject or the disposal of such proceedings; and

3.2.3. personal and special personal information of children.

## 4. THE DATA SUBJECT'S LEGAL RIGHTS IN TERMS OF POPIA

4.1. POPIA provides you, as a data subject, with the following rights:

4.1.1. to be notified that:

4.1.1.1. personal information about you is being collected; or

4.1.1.2. your personal information has been accessed or acquired by an unauthorised person;

4.1.2. to determine whether a responsible party holds your personal information and to request access to your personal information;

4.1.3. if necessary, to request the correction, destruction or deletion of your personal information;

- 4.1.4. to object, on reasonable grounds, to the processing of your personal information;
- 4.1.5. to object to the processing of your personal information:
  - 4.1.5.1. at any time for purposes of direct marketing in terms of section 11(3)(b) of POPIA; or
  - 4.1.5.2. in terms of section 69(3)(c) of POPIA;
- 4.1.6. to not have your personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1) of POPIA;
- 4.1.7. to not be subject, under certain circumstances, to a decision which is exclusively based on the basis of the automated processing of personal information intended to provide a profile of you;
- 4.1.8. to submit a complaint to the Regulator regarding the alleged interference with the protection of your personal information or to submit a complaint to the regulator in respect of a determination of an adjudicator; and
- 4.1.9. to institute civil proceedings regarding the alleged interference with the protection of your personal information.

## **5. COLLECTION OF PERSONAL INFORMATION**

- 5.1. In order for us to interact with you and/or enter into an agreement with you and/or to provide you with assistance, to comply any legal requirements imposed on us and/or in circumstances where our Firm pursues a legitimate interest, it is necessary for us to collect certain personal information which relates to you.

- 5.2. Insofar as it is possible, we will always attempt to collect your personal information directly from you. However, we may also obtain your personal information from other sources such as through public records and/or via sources which you have made public and/or through other lawful means (e.g., authorised third parties or competent / authorised persons).
- 5.3. Should you fail to furnish us with your personal information and/or accurate personal information upon reasonable request by us, this could result in the suspension and/or termination of our relationship with you.
- 5.4. We may reasonably collect / process your personal information at any of the following times:
  - 5.4.1. initial stage of our engagement / contact with you;
  - 5.4.2. upon you entering our premises, i.e., by way of written logged entry;
  - 5.4.3. when our Firm enters into an agreement with you and at any stage thereafter;
  - 5.4.4. in the course of providing legal services to you and/or your organisation;
  - 5.4.5. when you make your personal information public;
  - 5.4.6. when you visit and/or interact with our website ([www.rufusderckseninc.co.za](http://www.rufusderckseninc.co.za)) or social media platforms (LinkedIn);
  - 5.4.7. when we receive your personal information from another responsible party;
  - 5.4.8. upon us giving effect to any statutory obligations relating to you and/or your personal information; and

5.4.9. once you conclude your relationship with our Firm or terminate our mandate to act on your behalf.

5.5. We will only collect special personal information (including information with regards to children) if and when it is necessary to determine, exercise or defend a right in law and/or with your consent.

## 6. **PURPOSES OF PROCESSING AND LEGAL BASES FOR PROCESSING**

6.1. The Firm will process your personal information in the ordinary course of business of providing legal and related services. We will primarily use your personal information only for the purpose for which it was originally or primarily collected, and we will only use your personal information for a secondary purpose, if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the personal information was collected.

6.2. The Firm may use and process your personal information during the course of various activities, including but not limited to the following:

6.2.1. operating our business, i.e., to provide legal services to our clients;

6.2.2. to carry out any contractual obligations with you and/or any third party / operator;

6.2.3. compliance with our statutory and regulatory reporting obligations and to detect, prevent and/or manage actual or alleged fraud, security breached and/or the abuse, misuse and/or unauthorised use of our system and files or any of our policies;

6.2.4. transfer of information to our third parties / operators and to pay such persons / entities, and for general administration in this regard;

- 6.2.5. to maintain and update our client or potential client's database for informational purposes and to monitor and record incoming and outgoing communications with you; and
  - 6.2.6. for any other activities and/or purposes which are lawful, reasonable, and adequate, relevant and not excessive in relation to the purpose for which it was collected.
- 6.3. We may further process your personal information for internal management and management reporting purposes, including but not limited to:
- 6.3.1. conducting internal audits;
  - 6.3.2. conducting internal investigations;
  - 6.3.3. implementing internal business controls;
  - 6.3.4. providing central processing facilities;
  - 6.3.5. for insurance purposes; and
  - 6.3.6. for management reporting analysis.
- 6.4. In general, once we have processed your personal information for its given purpose, we shall limit any further sharing and/or processing thereof as prescribed in section 15 of POPIA.

## **7. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES**

- 7.1. The Firm may disclose your personal information to third parties / operators, for legitimate business purposes and in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality.



- 7.2. In the event that our Firm transfers and/or stores your personal information by a third party / operator in a foreign country we undertake to do all that is reasonably possible to ensure that the country to which the data is transferred has adopted a law that provides for adequate levels of protection, substantially similar to POPIA, the operator / third party undertakes to protect the personal information in line with the applicable data protection legislation and that the transfer is necessary in order to provide the legal and other related services that are required by the Firm's clients.

## 8. DATA SECURITY

- 8.1. We implement appropriate technical and organisational security measures to protect your personal information that is in our possession against accidental and/or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.
- 8.2. Where there are reasonable grounds to believe that your personal information which is in our possession has been accessed and/or acquired by any unauthorised person, we will immediately notify the Information Regulator (whose details appear below) of such compromise, including the possible consequences thereof as well as the steps which will be taken by us to address and secure your personal information.
- 8.3. In the event of a compromise, as mentioned in clause 8.2 above, we shall also provide you with recommendations as to the steps which you can take to mitigate any possible adverse effects of the security compromise and the details of the unauthorised person(s) who have accessed / acquired your personal information, where known and if possible.
- 8.4. 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.

**9. DATA ACCURACY**

9.1. Our Firm will take reasonable steps to ensure that your personal information is complete, accurate, not misleading and updated where necessary.

9.2. Notwithstanding the above, we rely on you to provide the Firm with accurate, complete and up-to-date personal information and should such information change, the onus is on you to notify us of the change and to provide us with the updated / accurate data.

**10. ACCESS, AMENDMENT AND WITHDRAWAL OF CONSENT TO PROCESSING PERSONAL INFORMATION**

10.1. You have the right to access your personal information which is held by our firm and any request in this regard should be directed in writing to our Information Officer (whose details are mentioned below), together with proof of your identity and you may request us to:

10.1.1. confirm, free of charge, whether or not we hold personal information about you; or

10.1.2. provide you with the record or a description of the personal information about you which we hold, including information about the identity of all third parties who have, or have had, access to your personal information.

10.2. Any request as mentioned in clause 10.1 above, will be dealt with in a reasonable time, and if we require payment of a fee by you, a written estimate of such fee shall be provided in advance and a deposit may be payable by you.

10.3. You are further entitled to request that we correct, destroy, delete or restrict use of your personal information, except where otherwise provided for by law or common practice or you may object to the processing of your personal information by us, and we shall notify you of the result of any such request.

10.4. Where the processing of your personal information by us may be based on consent, you may at any time withdraw your consent and object to your personal information being processed and once you have objected, our Firm shall no longer process your personal information except where it is necessary by law or common practice.

## 11. DATA RETENTION

11.1. Our Firm is required to destroy or delete a record of personal information or de-identify it as soon as reasonably possible after we are no longer authorised to retain the personal information. This destruction or deletion must be done in a manner which prevents the personal information's reconstruction in an intelligible form.

11.2. The abovementioned, clause 11.1, shall not apply to the extent and for the period that:

11.2.1. retention of the record of personal information is required or authorised by law;

11.2.2. we reasonably require the record for lawful purposes relating to its functions and activities;

11.2.3. retention of the record is required by an agreement between you and our Firm;

11.2.4. you have consented to the retention of the record; or

11.2.5. any other lawful ground(s) to retain the record of personal information which exist(s).

11.3. Our Firm and any third parties / operators (where applicable) shall keep a record of your personal information, unless otherwise agreed upon in writing between yourself and our Firm or otherwise provided for in law, for a period not exceeding:

11.3.1. 7 years for clients' files and records;

11.3.2. 3 years for employees' files and records; and

11.3.3. 5 years for financial records.

## 12. LODGE A COMPLAINT

12.1. If you believe we are using your personal information unlawfully and in a way that does not comply with POPIA, please contact our Information Officer, whose contact details are as follows:

**Name:** Niel Dercksen  
**Email:** [niel@rufusdercksen.co.za](mailto:niel@rufusdercksen.co.za)  
**Tel:** (021) 8866 992.

12.2. You may also contact the Information Regulator with the following contact details:


**Website:** <https://www.justice.gov.za/inforeg/index.html>;  
**Physical Address:** JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

**Postal Address:** PO Box 31533  
Braamfontein  
Johannesburg  
2017

**Complaints Email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**General Enquiries Email:** [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

SIGNED AT STELLENBOSCH ON THIS 30<sup>TH</sup> DAY OF JUNE 2021.



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**D.J. (NIEL) DERCKSEN**  
(Information Officer)