



Cliffe Dekker Hofmeyr Incorporated

# PRIVACY POLICY





# TABLE OF CONTENTS

1. Definitions	3
2. Purpose of this policy	4
3. Application	4
4. Process of collecting personal information	4
5. Lawful processing of personal information	4
6. Special personal information and personal information of children	5
7. Purpose for processing personal information	5
8. Keeping personal information accurate	6
9. Storage and processing of personal information by CDH and third party service providers	6
10. Personal information for direct marketing purposes	6
11. Retention of personal information	7
12. Failure to provide personal information	7
13. Safe-keeping of personal information	7
14. Breaches of personal information	8
15. Provision of personal information to third party service providers	8
16. Access to personal information	9
17. Time periods	10
18. Costs to access to personal information	10
19. Use of website cookies	10
20. Changes to this policy	10
21. CDH's contact details	10



## 1. DEFINITIONS

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings -

- 1.1 "CDH" means Cliffe Dekker Hofmeyr Incorporated (registration number 2008/018923/21), a professional company which renders legal services including legal advice and legal representation to individual clients, businesses and organisations, and includes CDH Associated Entities. The terms "we", "us", and "our" shall have a corresponding meaning;
- 1.2 "CDH Associated Entities" means (i) Cliffe Dekker Hofmeyr Trustees (Proprietary) Limited, registration number 2001/013133/07; (ii) Cliffe Dekker Hofmeyr Tax (Proprietary) Limited, registration number 2005/010304/07; (iii) Praetor Management Services (Proprietary) Limited, registration number 1997/002011/07; (iv) Clidet No.887 (Proprietary) Limited, registration number 2008/024488/07; and Kieti Law LLP, registration number LLP-YP17JK;
- 1.3 "Child" -
  - 1.3.1 where the child is in the Republic of South Africa, means any natural person under the age of 18 (eighteen) years; and
  - 1.3.2 where the child is in the European Union, any natural person under the age of 16 (sixteen) years;
- 1.4 "Data Breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of CDH;
- 1.5 "Data Subject" means the person to whom Personal Information relates;
- 1.6 "Direct Marketing" means to approach a person, by electronic communication, for the purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject;
- 1.7 "Direct Marketer" means a supplier who employs Direct Marketing as an advertising mechanism;
- 1.8 "Employees" means any employee of the CDH;
- 1.9 "GDPR" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);
- 1.10 "Operator" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.11 "Personal Information" means information relating to a Data Subject (for purposes of the GDPR, this is specifically limited to natural persons only), including but not limited to (i) views or opinions of another individual about the Data Subject; and (ii) information relating to such Data Subject's -
  - 1.11.1 race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language and birth;
  - 1.11.2 education, medical, financial, criminal or employment history;
  - 1.11.3 names, identity number and/or any other personal identifier, including any number(s), which may uniquely identify a Data Subject, account or client number, password, pin code, customer or Data Subject code or number, numeric, alpha, or alpha-numeric design or configuration of any nature, symbol, email address, domain name or IP address, physical address, cellular phone number, telephone number or other particular assignment;
  - 1.11.4 blood type, fingerprint or any other biometric information;
  - 1.11.5 personal opinions, views or preferences;
  - 1.11.6 correspondence that is implicitly or expressly of a personal, private or confidential nature (or further correspondence that would reveal the contents of the original correspondence); and
  - 1.11.7 corporate structure, composition and business operations (in circumstances where the Data Subject is a juristic person) irrespective of whether such information is in the public domain or not;
- 1.12 "Policy" means this Privacy Policy;
- 1.13 "POPIA" means the Protection of Personal Information Act 4 of 2013;
- 1.14 "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including -
  - 1.14.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 1.14.2 dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or
  - 1.14.3 merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition. "Process" has a corresponding meaning;



- 1.15 "Regulator" means either (i) the South African Information Regulator established in terms of POPIA; or (ii) the relevant supervisory authority under the GDPR;
- 1.16 "Responsible Party" means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- 1.17 "Special Personal Information" means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, sexual orientation, genetic information, biometric information or criminal behaviour;
- 1.18 "Third Party" means any independent contractor, agent, consultant, sub-contractor or other representative of CDH; and
- 1.19 "Website" means the CDH website currently located at [www.cliffedekkerhofmeyr.com](http://www.cliffedekkerhofmeyr.com).

## 2. PURPOSE OF THIS POLICY

The purpose of this Policy is to inform Data Subjects about how CDH Processes their Personal Information.

## 3. APPLICATION

- 3.1 CDH, in its capacity as Responsible Party and/or Operator, shall strive to observe, and comply with its obligations under POPIA and, where relevant, the GDPR, as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.
- 3.2 This Policy applies to Personal Information collected by CDH in connection with the services which we offer and provide. This includes information collected directly from you as a Data Subject, as well as information we collect indirectly through our Direct Marketing campaigns and online through our websites, branded pages on Third Party platforms and applications accessed or used through such websites or Third Party platforms which are operated by or on behalf of CDH.
- 3.3 This Privacy Policy does not apply to the information practices of Third Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that CDH does not manage or employ. These Third Party sites may have their own privacy policies and terms and conditions and we encourage you to read them before using them.

## 4. PROCESS OF COLLECTING PERSONAL INFORMATION

- 4.1 CDH collects Personal Information directly from Data Subjects, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).
- 4.2 CDH will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.
- 4.3 CDH often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties.
- 4.4 Where CDH obtains Personal Information from Third Parties, CDH will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where CDH is permitted to do so in terms of clause 4.1 above.
- 4.5 An example of such Third Parties include: (i) our clients when CDH handles Personal Information on their behalf; (ii) credit reference agencies; (iii) background and criminal check agencies; (iv) other companies providing services to CDH; and (v) where CDH makes use of publicly available sources of information.

## 5. LAWFUL PROCESSING OF PERSONAL INFORMATION

- 5.1 Where CDH is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –
  - 5.1.1 consent of the Data Subject (or a competent person where the Data Subject is a Child) is obtained;
  - 5.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
  - 5.1.3 Processing complies with an obligation imposed by law on CDH;
  - 5.1.4 Processing protects a legitimate interest of the Data Subject;
  - 5.1.5 Processing is necessary for pursuing the legitimate interests of CDH or of a third party to whom the information is supplied; and/or
  - 5.1.6 Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in CDH.



- 5.2 CDH will only Process Personal Information where one of the legal bases referred to in paragraph 5.1 above are present.
- 5.3 CDH will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.
- 5.4 Where CDH is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to CDH's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent.
- 5.5 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, CDH will ensure that the Personal Information is no longer Processed.

## 6. SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

- 6.1 Special Personal Information is sensitive Personal Information of a Data Subject and CDH acknowledges that it will generally not Process Special Personal Information unless (i) processing is carried out in accordance with the Data Subject's explicit consent; or (ii) information has been deliberately made public by the Data Subject; or (iii) processing is necessary for the establishment, exercise or defence of a right or legal claim or obligation in law); or (iv) processing is for historical, statistical or research purposes, subject to stipulated safeguards; or –  
for purposes of POPIA –
  - 6.1.1 specific authorisation has been obtained in terms of POPIA; and
 for purposes of the GDPR –
  - 6.1.2 Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of CDH or of the Data Subject in the field of employment and social security and social protection law;
  - 6.1.3 Processing is necessary to protect the vital interests of the data subject or of another natural person where the Data Subject is physically or legally incapable of giving consent;
  - 6.1.4 Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
  - 6.1.5 Processing is necessary for reasons of substantial public interest;

- 6.1.6 Processing is necessary for the purposes of preventative or occupational medicine; or
- 6.1.7 Processing is necessary for reasons of public interest in the area of public health.
- 6.2 CDH acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

## 7. PURPOSE FOR PROCESSING PERSONAL INFORMATION

- 7.1 CDH understands its obligation to make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the purpose for which CDH Processes such Personal Information.
- 7.2 CDH will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.
- 7.3 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, CDH will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).
- 7.4 CDH will generally use Personal Information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non-exhaustive purposes –
  - 7.4.1 For the purposes of providing its services to the Data Subject from time to time;
  - 7.4.2 Personal Information is processed as part of the "Know Your Customer"/"KYC" process as per the requirements of the Financial Intelligence Centre Act 38 of 2001;
  - 7.4.3 Personal Information is processed in order to conduct due diligence processes on CDH Clients;
  - 7.4.4 Personal Information is processed in order to comply with obligations imposed on the CDH under the Based Black Economic Empowerment Act 53 of 2003 (BEE Act) read together with the Department of Trade and Industry's Codes of Good Practice on Broad-Based Black Economic Empowerment published in terms of Government Gazette No. 36928 on 11 October 2013 under section 9(1) of the BEE Act, as amended or reissued from time to time;



- 7.4.5 Personal Information is processed for the purposes of performing general information technology-related functions for all business functions within CDH;
- 7.4.6 For purposes of interacting with you on our Website and generally monitoring your use of our Website, including for purposes of improving same;
- 7.4.7 Personal Information is processed in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- 7.4.8 Personal Information is processed for pre-employment related purposes, such as assessing the documentation you have provided to assess your qualifications and suitability for a position you have applied for;
- 7.4.9 Personal Information is processed for employment-related purposes such as administering payroll, assessing credit and criminal history, and determining Employment Equity Act 55 of 1998 statistics;
- 7.4.10 To respond to any correspondence that the Data Subject may send to CDH, including via email, CDH's site(s) or by telephone;
- 7.4.11 In connection with the execution of payment processing functions, including payment of CDH's suppliers' invoices;
- 7.4.12 To contact the Data Subject for direct marketing purposes subject to the provisions of clause 10 below;
- 7.4.13 For such other purposes to which the Data Subject may consent from time to time; and
- 7.5 For such other purposes as authorised in terms of applicable law.

## 8. KEEPING PERSONAL INFORMATION ACCURATE

- 8.1 CDH will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.
- 8.2 CDH may not always expressly request the Data Subject to verify and update his/her/its Personal Information, unless this process is specifically necessary.
- 8.3 CDH, however, expects that the Data Subject will notify CDH from time to time in writing of any updates required in respect of his/her/its Personal Information.

## 9. STORAGE AND PROCESSING OF PERSONAL INFORMATION BY CDH AND THIRD PARTY SERVICE PROVIDERS

- 9.1 CDH may store your Personal Information in hard copy format and/or in electronic format using CDH's own secure on-site servers or other internally hosted technology. Your Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom CDH has contracted with, to support CDH's business operations.
- 9.2 CDH's Third Party service providers, 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.
- 9.3 CDH will ensure that such Third Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA and, where relevant, the GDPR.
- 9.4 These Third Parties do not use or have access to your Personal Information other than for purposes specified by us, and CDH requires such parties to employ at least the same level of security that CDH uses to protect your personal data.
- 9.5 Your Personal Information may be Processed in South Africa or another country where CDH, its affiliates and their Third Party service providers maintain servers and facilities and CDH will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law.

## 10. PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES

- 10.1 To the extent that CDH acts in its capacity as a Direct Marketer, it shall strive to observe, and comply with its obligations under POPIA and, where relevant, the GDPR when implementing principles and practices in relation to Direct Marketing.
- 10.2 CDH acknowledges that it may only use Personal Information to contact the Data Subject for purposes of Direct Marketing from time to time where it is permissible to do so.
- 10.3 It may use Personal Information to contact any Data Subject and/or market CDH's services directly to the Data Subject(s) if the Data Subject is one of CDH's existing clients, the Data Subject has requested to receive marketing material from CDH or CDH has the Data Subject's consent to market its services directly to the Data Subject.





- 10.4 If the Data Subject is an existing client, CDH will only use his/her/its Personal Information if it has obtained the Personal Information through the provision of a service to the Data Subject and only in relation to similar services to the ones CDH previously provided to the Data Subject.
- 10.5 CDH will ensure that a reasonable opportunity is given to the Data Subject to object to the use of their Personal Information for CDH's marketing purposes when collecting the Personal Information and on the occasion of each communication to the Data Subject for purposes of Direct Marketing.
- 10.6 CDH will not use your Personal Information to send you marketing materials if you have requested not to receive them. If you request that we stop Processing your Personal Information for marketing purposes, CDH shall do so. We encourage that such requests to opt-out of marketing be made via forms and links provided for that purpose in the marketing materials sent to you. .

## 11. RETENTION OF PERSONAL INFORMATION

- 11.1 CDH may keep records of the Personal Information it has collected, correspondence, or comments in an electronic or hard copy file format.
- 11.2 CDH will not retain personal information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –
  - 11.2.1 where the retention of the record is required or authorised by law;
  - 11.2.2 CDH requires the record to fulfil its lawful functions or activities;
  - 11.2.3 retention of the record is required by a contract between the parties thereto;
  - 11.2.4 the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or
  - 11.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 11.3 Where you have applied to CDH for a position via our HR portal, we will retain such data for a period of 24 months from the date of submission of application. After this period, your Personal Information will be securely deleted or anonymised, unless you request that we retain your information for future opportunities. If at any point before the 24-month retention period expires, you would like your Personal Information to be deleted, you can contact us to request deletion. Upon receiving your request, we will delete your data unless we are required by law to retain it.

- 11.4 Accordingly, CDH will, subject to the exceptions noted herein, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.
- 11.5 Where CDH retains Personal Information for longer periods for statistical, historical or research purposes, CDH will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and the applicable laws.
- 11.6 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, CDH will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information.
- 11.7 In instances where we de-identify your Personal Information, CDH may use such de-identified information indefinitely.

## 12. FAILURE TO PROVIDE PERSONAL INFORMATION

- 12.1 Should CDH need to collect Personal Information by law or under the terms of a contract that CDH may have with you and you fail to provide the Personal Information when requested, we may be unable to perform the contract we have or are attempting to enter into with you.
- 12.2 In such a case, CDH may have to decline to provide or receive the relevant services, and you will be notified where this is the case. .

## 13. SAFE-KEEPING OF PERSONAL INFORMATION

- 13.1 CDH shall preserve the security of Personal Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised third parties.
- 13.2 CDH will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.
- 13.3 Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of Data Subjects, CDH implements appropriate technical and organisational measures to ensure a level of security appropriate to the risk of Processing, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification, including –
  - 13.3.1 the pseudonymisation and encryption of Personal Information;



- 13.3.2 the ability to ensure the ongoing confidentiality, integrity, availability and resilience of Processing systems and services;
- 13.3.3 the ability to restore the availability and access to Personal Information in a timely manner in the event of a physical or technical incident; and
- 13.3.4 a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of Processing.

13.4 Further, CDH maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

## 14. BREACHES OF PERSONAL INFORMATION

- 14.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 14.2 A Data Breach can happen for many reasons, which include:
  - (a) loss or theft of data or equipment on which Personal Information is stored;
  - (b) inappropriate access controls allowing unauthorised use;
  - (c) equipment failure;
  - (d) human error;
  - (e) unforeseen circumstances, such as a fire or flood;
  - (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or
  - (g) alteration of Personal Information without permission and loss of availability of Personal Information.
- 14.3 CDH will address any Data Breach in accordance with the terms of POPIA and, where relevant, the GDPR.
- 14.4 CDH will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.
- 14.5 CDH will provide such notification as soon as reasonably possible and, where feasible, not later than 72 (seventy two) hours after having become aware of any Data Breach in respect of such Data Subject's Personal Information.
- 14.6 Where CDH acts as an 'Operator' and should any Data Breach affect the data of Data Subjects whose information CDH Processes as an Operator, CDH shall (in terms of POPIA and, where applicable, the GDPR) notify the relevant Responsible Party immediately where there are reasonable

grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.

## 15. PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

- 115.1 CDH may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA and, where relevant, the GDPR.
- 15.2 CDH notes that such Third Parties may assist CDH with the purposes listed in paragraph 7.4 above – for example, service providers may be used, inter alia: (i) to notify the Data Subjects of any pertinent information concerning CDH, (ii) for data storage and/or (iii) to assist CDH with auditing processes (external auditors).
- 15.3 CDH will disclose Personal Information with the consent of the Data Subject or if CDH is permitted to do so without such consent in accordance with the applicable laws.
- 15.4 Further, CDH may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa, including for Processing and storage by Third Parties.
- 15.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa (including to any CDH Associated Entity), CDH will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where CDH is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA and, where applicable, the GDPR.
- 15.6 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.



## 16. ACCESS TO PERSONAL INFORMATION

16.1 A Data Subject has certain rights under POPIA and, where applicable, the GDPR, including the following:

16.1.1 a right of access: a Data Subject having provided adequate proof of identity has the right to: (i) request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or (ii) request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request:

16.1.1.1 CDH to confirm, free of charge, whether it holds any Personal Information about him/her/it; and

16.1.1.2 to obtain from CDH the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided:

16.1.1.2.1 within a reasonable time; and

16.1.1.2.2 in a reasonable manner and format and in a form that is generally understandable.

16.1.2 a right to request correction or deletion: a Data Subject may also request CDH to –

16.1.2.1 correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

16.1.2.2 destroy or delete a record of Personal Information about the Data Subject that CDH is no longer authorised to retain records in terms of POPIA's and, where applicable, the GDPR's retention and restriction of records provisions.

On receipt of such a request, CDH is required to, as soon as is reasonably practicable –

16.1.2.2.1 correct the information;

16.1.2.2.2 delete or destroy the information;

16.1.2.2.3 provide the Data Subject with evidence in support of the information; or

16.1.2.2.4 where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, CDH will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

16.1.3 a right to withdraw consent and to object to processing: a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing CDH with notice to such effect at the address set out in paragraph 21. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

16.2 Accordingly, CDH may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information.

16.3 Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.

16.4 The Data Subject can request in writing to review any Personal Information about the Data Subject that CDH holds including Personal Information that CDH has collected, utilised or disclosed, as well as the following information: (i) the purposes of Processing; (ii) the categories of Personal Information concerned; (iii) where possible, the envisaged period for which the Personal Information will be stored or, if not possible, the criteria used to determine that period; (iv) the existence of the right to request from CDH rectification or erasure of Personal Information or restriction of Processing of Personal Information concerning the Data Subject or to object to such processing; (v) the right to lodge a complaint with the Regulator; (vi) where the Personal Information is not collected from the Data Subject, any available information as to their source; and (vii) the existence of automated Processing, including profiling and, at least in those cases, meaningful information about the logic involved as well as the significance and the envisaged consequences of such processing for the Data Subject.



- 16.5 CDH shall respond to these requests in accordance with POPIA and, where applicable, the GDPR and will provide the Data Subject with any such Personal Information to the extent required by law and any of CDH's policies and procedures which apply in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA).
- 16.6 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in CDH's records at any time in accordance with the process set out in CDH's manual developed in terms of PAIA for accessing information.
- 16.7 If a Data Subject successfully demonstrates that their Personal Information in CDH's records is inaccurate or incomplete, CDH will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

## 17. TIME PERIODS

- 17.1 CDH will respond to each written request of a Data Subject not later than 30 (thirty) days after receipt of such requests. Under certain circumstances, CDH may, however, extend the original period of 30 (thirty) days once for a further period of not more than 30 (thirty) days.
- 17.2 A Data Subject has the right to make a complaint to CDH in respect of this time limit by contacting CDH using the contact details provided in paragraph 21 below.

## 18. COSTS TO ACCESS TO PERSONAL INFORMATION

The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed in the PAIA Manual.

## 19. USE OF WEBSITE COOKIES

- 19.1 Our Website uses cookies, which are small text files sent by a web server to store on a web browser. They are used to ensure websites function properly, store user preferences when needed and collect anonymous statistics on website usage.
- 19.2 You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you log on to the website. If you accept a "cookie" or fail to deny the use of "cookies", you agree that we may use your personal information collected using "cookies" (subject to the provisions of this Policy). Where you either reject or decline cookies, you are informed that you may not be able to fully experience the interactive features of our Website.

## 20. CHANGES TO THIS POLICY

- 20.1 CDH reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.
- 20.2 The current version of this Policy will govern the respective rights and obligations between you and CDH each time that you access and use our Website.

## 21. CDH'S CONTACT DETAILS

### NAME OF BODY

**Cliffe Dekker Hofmeyr Incorporated**

### PHYSICAL & POSTAL ADDRESSES

#### Johannesburg Office:

Physical:

1 Protea Place Sandown Sandton 2146

Postal:

Private Bag X7 Benmore 2010

#### Cape Town Office:

Physical:

11 Buitengracht Street Cape Town 8001 South Africa

Postal:

PO Box 695 Cape Town 8000 South Africa

### HEAD OF BODY

Name:

Mr Brent Williams

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T: +27 (0)11 562 1167

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- 21.1 If a Data Subject is unsatisfied with the manner in which CDH addresses any complaint with regard to CDH's Processing of Personal Information, the Data Subject can contact the office of the relevant Regulator.