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# Real Estate Law ALERT

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In the ever-evolving landscape of property transactions, conveyancing has undergone a transformative shift from traditional, paper-bound practices to a digital era marked by efficiency and accessibility. However, with these advancements comes a formidable adversary – cybercrime. This article delves into the multifaceted challenges posed by cyber threats in South African conveyancing and offers proactive solutions to fortify the integrity of property transactions.



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## Empowering cyber-resilience in South African conveyancing: Navigating challenges and crafting solutions

In the ever-evolving landscape of property transactions, conveyancing has undergone a transformative shift from traditional, paper-bound practices to a digital era marked by efficiency and accessibility. However, with these advancements comes a formidable adversary – cybercrime. This article delves into the multifaceted challenges posed by cyber threats in South African conveyancing and offers proactive solutions to fortify the integrity of property transactions.

South Africa has witnessed a surge in cyberattacks targeting the property sector, from business email compromise to ransomware assaults that target law firms and financial institutions. These attacks have one common aim: to exploit vulnerabilities, including property deeds and financial records. The consequences are dire, as they render buyers and sellers vulnerable to identity theft. Moreover, intercepted financial transactions can lead to substantial monetary losses, and the compromise of secure systems can erode trust in the legal profession.

While case law provides insights into how our courts address liability amid the onslaught of fraud and cybercrime, it is imperative for buyers and sellers to exercise due diligence. In the face of fraudulent property transactions, which can escalate into protracted legal battles, taking proactive steps is paramount. These measures are not mere precautions but are essential safeguards that can significantly enhance the security of property transactions, reducing the risk of fraudulent activity.

### Guidelines for cyber-resilience

Awareness emerges as the first line of defence against cybercriminal activities. This extends to the need for comprehensive awareness programmes aimed at educating conveyancing professionals and clients about the risks and preventive measures. Our guide provides actionable steps to bolster your financial security during property transactions:

- **Verify conveyancer's credentials:** Partner exclusively with reputable and licensed conveyancers or law firms and verify their credentials with the Legal Practice Council of South Africa.
- **Secure communication:** Embrace the prevailing practice of email encryption, especially in protecting bank account details. Transmit sensitive information through alternative, secure platforms like WhatsApp or SMS to thwart email interception.



## Empowering cyber-resilience in South African conveyancing: Navigating challenges and crafting solutions

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- Confirm bank account details: Verify the authenticity of bank account details through in-person or telephone verification. Do not rely solely on email for this purpose and double-check account information.
- Beware of email spoofing: Exercise caution against email fraud and phishing attempts. Scrutinise sender email addresses for discrepancies and remain vigilant for suspicious signs in email content.
- Use official websites: Access conveyancers' bank account details through their secure, official websites (<https://>) containing verified contact information.
- Avoid public Wi-Fi: Abstain from sharing sensitive data over public Wi-Fi networks, prioritising secure and private network connections.
- Monitor transactions: Regularly review bank accounts and transaction histories, promptly notify any suspicious or unauthorised activity to the Financial Intelligence Centre (FIC) Compliance Officer who will report the matter to the FIC.
- Education and awareness: Keep everyone informed about emerging cyber threats and evolving tactics through regular updates, workshops with cybersecurity experts, and real-world case studies, fostering a proactive approach to cybersecurity in property transactions.

The intersection of cybercrime and conveyancing in South Africa calls for heightened vigilance and robust cybersecurity measures. As the property sector continues to embrace digital transformation, professionals

must adapt to evolving threats. Through cybersecurity awareness, secure communication, encryption practices, and the reinforcement of legal frameworks, we can effectively mitigate the risks associated with cybercrime. Legislation such as the Protection of Personal Information Act 4 of 2013 and the Cybercrimes Bill signify substantial progress. In our digital age, security tools like multi-factor authentication and regular updates serve as bulwarks against cyber threats, safeguarding our online realm.

It is incumbent upon all stakeholders in the conveyancing process, including legal practitioners, buyers, sellers and estate agents, to remain informed and proactive in their cybersecurity approach. By doing so, we can ensure the continued integrity of property transactions in the digital era and defend South Africa's property market while upholding trust in its legal system.

**Fatima Gattoo and Fatima Essa**



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These frauds are typically perpetrated using emails or letters that appear materially **similar to letters or emails** that may be sent to you by the firm.

**Under no circumstances** will CDH notify you of a change of banking details via email, letter or SMS. If the firm's bank account details change, you will be notified **by phone or in person**, directly.



Take care in **checking** that emails emanate from the firm.



Double-check the **sender's email** address.



Consider the **font, logo, and language** (typos/grammatical errors/blurry logos).



Be **suspicious** of emails from unknown or external senders.



**"Forward,"** do not **"reply"** to business emails. (Forwarding ensures you use the intended recipient's correct email address).



Please **report suspicious emails** to CDH immediately.



Be alert to **impersonation** attempts to redirect funds.



Before making any payment, **double check the bank account** details.



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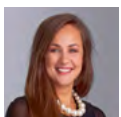
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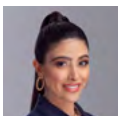
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**BBBEE STATUS:** LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

**PLEASE NOTE**

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