



PRIVACY POLICY

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1. DEFINITIONS

- 1.1. “Child” means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself;
- 1.2. “Data subject” – means the person to whom personal information relates;
- 1.3. “MAINC, Us, Our or We” – means Moodley Attorneys Incorporated with registration number 2016/182512/21, an incorporation which renders legal services including legal advice and legal representation to individuals, businesses and organizations;
- 1.4. “Person” – means a natural or juristic person;
- 1.5. “Personal information” – means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-
 - 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;
 - 1.5.2. Information relating to the education or the medical, financial, criminal or employment history of the person;
 - 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;

- 1.5.4. The biometric information of the person;
- 1.5.5. The personal opinions, views or preferences of the person;
- 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;
- 1.5.7. The views or opinions of another individual about the person; and
- 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 about the person;
- 1.6. "PAIA" – means the Promotion of Access to Information Act 2 of 2000 as amended from time to time;
- 1.7. "Policy" – means this Privacy Policy, as amended from time to time;
- 1.8. "POPIA" – means the Protection of Personal Information Act 4 of 2013 as amended from time to time;
- 1.9. "Processing or process" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 1.9.1. The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 1.9.2. Dissemination by means of transmission, distribution or making available in any other form; or

1.9.3. Merging, linking, as well as restriction, degradation, erasure or destruction of information;

1.10. “Special person information” – means personal information concerning –

1.10.1. The religious or philosophical beliefs, race or ethnic, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject; or

1.10.2. The criminal behaviour of a Data Subject to the extent that such information relates to –

1.10.2.1. The alleged commission by a Data Subject of any offense; or

1.10.2.2. Any proceedings in respect of any offence committed by a Data Subject or the disposal of such proceedings;

1.11. “Website” – means www.mainc.co.za

2. PREAMBLE

2.1. This purpose of this Policy is to explain how MAINC collects and uses Personal Information. It contains information regarding the rights of natural and juristic persons to whom Personal Information relates.

2.2. MAINC reserves the right to amend this Policy or add provisions to it at any time by publishing an updated version on its Website.

3. COLLECTION OF INFORMATION

3.1. MAINC collects Personal Information in various instances, including when:

3.1.1. Data subjects contact MAINC or request information or services;

3.1.2. MAINC provides services to Data Subjects;

3.1.3. Persons apply for employment at MAINC;

3.1.4. When persons use MAINC's Website or engage with MAINC through social media.

3.2. MAINC may collect the information directly from a Data Subject or from third parties with the Data Subjects consent unless such Personal Information is made public by the Data Subject or is contained or derived from a public record.

3.3. The interaction with us on the MAINC Website will result in the collection of information regarding the person's activities on the website. Similarly, when anyone engages with the firm via any one of MAINC's social media platforms. This information includes, but is not limited to, the person's name, contact details and information regarding the matter with which they need assistance.

3.4. In the course of engaging with clients on matters, MAINC will naturally be exposed to and collect personal information which includes the Data Subject's name, contact details, financial information as well as information regarding the matters that we assist them with.

3.5. As part of its recruitment processes, MAINC collects information from graduates and employment applicants. This information includes educational information as well as

employment history. By enquiring regarding employment opportunities at MAINC or applying for employment, applicants are deemed to provide their consent to MAINC's processing of their personal information for recruitment purposes, which may include screening as well as background and reference checks.

4. BASIS AND PURPOSE FOR PROCESSING PERSONAL INFORMATION

4.1. MAINC may Process Personal Information:

- 4.1.1. to provide services to clients;
- 4.1.2. to comply with legal or regulatory obligations;
- 4.1.3. if a Data Subject has provided their consent; or
- 4.1.4. if the Processing is allowed by law.

4.2. The purposes for which MAINC Processes Personal Information include, but are not limited to:

- 4.2.1. marketing and promotion of MAINC's services;
- 4.2.2. providing and improving services to clients;
- 4.2.3. improving users' experience when using MAINC's Website;
- 4.2.4. communicating with persons for MAINC's internal purposes;

4.2.5. enabling MAINC's internal operations;

4.2.6. exercising and defending legal rights.

5. SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

5.1. Special Personal Information is sensitive Personal Information of a Data Subject and MAINC acknowledges that it will generally not Process Special Personal Information unless –

5.1.1. (i) processing is carried out in accordance with the Data Subject's explicit consent; or

5.1.2. (ii) information has been deliberately made public by the Data Subject; or

5.1.3. (iii) processing is necessary for the establishment, exercise or defence of a right or legal claim or obligation in law); or

5.1.4. (iv) processing is for historical, statistical or research purposes, subject to stipulated safeguards;

5.1.5. specific authorisation has been obtained in terms of POPIA;

5.2. MAINC 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.

6. DISCLOSURE OF PERSONAL INFORMATION

6.1. MAINC may release Personal Information or disclose it to third parties in certain circumstances. These include, but are not limited to:

6.1.1. If MAINC is required or authorised to do so by law or a court order;

6.1.2. In order for MAINC to enforce its rights;

6.1.3. In order for MAINC to provide services to its clients.

6.2. The third parties to whom we disclose personal information include, but are not limited to:

6.2.1. Attorneys, advocates and other parties involved in legal services;

6.2.2. Third party service providers to MAINC or its clients;

6.2.3. Third parties who provide research services to MAINC or its clients;

6.2.4. Government authorities and registries, organs of state, regulators, courts, tribunals and law enforcement agencies.

7. TRANSFER OF PERSONAL INFORMATION

7.1. Personal information collected by MAINC may be transferred to persons in other countries. MAINC will take reasonable steps to ensure that recipients in other countries have appropriate privacy measures in place even in the event that those countries' laws might not

protect personal information in the same way or on the same level as the law in the Data Subject's country.

8. RETENTION OF PERSONAL INFORMATION

8.1. MAINC retains Personal Information for as long as may be reasonably necessary in accordance with applicable law.

9. DIRECT MARKETING

9.1. MAINC may send marketing and promotional communications and material to persons. Recipients may opt out from receiving such communications by contacting MAINC at the details provided below or by clicking on the opt-out link that will be contained in the relevant electronic communication.

10. SECURITY

10.1. MAINC takes all reasonable steps to protect and avoid unauthorised access to Personal Information. It has implemented various policies, procedures and software to safeguard Personal Information and routinely reviews its operations in order to ensure that Personal Information is adequately protected.

10.2. 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.

10.3. A Data Breach can happen for many reasons, which include:

10.3.1. Loss or theft of data or equipment on which Personal Information is stored;

10.3.2. Inappropriate access controls allowing unauthorised use;

10.3.3. Equipment failure;

10.3.4. Human error;

10.3.5. Unforeseen circumstances, such as a fire or flood;

10.3.6. Deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or

10.3.7. Alteration of Personal Information without permission and loss of availability of Personal Information.

10.4. MAINC will address any Data Breach in accordance with the terms of POPIA.

10.5. MAINC will notify the Information Regulator (established in terms of section 39 of POPIA) 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.

10.6. MAINC 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.

11. DATA SUBJECT RIGHTS

11.1. Right of access: a Data Subject having provided adequate proof of identity has the right to:

11.1.1. Request MAINC to confirm whether any Personal Information is held about the Data Subject; and/or

11.1.2. Request from MAINC a description of the Personal Information held by the Responsible Party including information about third parties (clause 5) who have or have had access to the Personal Information. A Data Subject may request:

11.1.2.1. MAINC to confirm, free of charge, whether it holds any Personal Information about them; and

11.1.2.2. To obtain from MAINC the record or description of Personal Information concerning them 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:

11.1.2.2.1. Within a reasonable time; and

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

11.2. Right to request correction or deletion: a Data Subject may also request MAINC to –

11.2.1. 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

11.2.2. Destroy or delete a record of Personal Information about the Data Subject that MAINC is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions. On receipt of such a request, MAINC is required to, as soon as is reasonably practicable –

11.2.2.1. Correct the information;

11.2.2.2. Delete or destroy the information;

11.2.2.3. Provide the Data Subject with evidence in support of the information; or

11.2.2.4. Where the Data Subject and MAINC cannot reach agreement on the request and if the Data Subject requests this, MAINC will take reasonable steps to attach to the information an indication that correction has been requested but has not been made.

11.3. Right to withdraw consent and to object to processing: a Data Subject that has previously consented to the Processing of their Personal Information has the right to withdraw such consent and may do so by providing MAINC with notice to such effect at the address set out below. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to them.

11.4. Accordingly, MAINC 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.

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

11.6. The Data Subject can request in writing to review any Personal Information about the Data Subject that MAINC holds including Personal Information that MAINC has collected, utilised or disclosed, as well as the following information:

11.6.1. the purposes of Processing;

11.6.2. the categories of Personal Information concerned;

11.6.3. where possible, the envisaged period for which the Personal Information will be stored or, if not possible, the criteria used to determine that period;

11.6.4. the existence of the right to request from MAINC rectification or erasure of Personal Information or restriction of Processing of Personal Information concerning the Data Subject or to object to such processing;

11.6.5. the right to lodge a complaint with the Information Regulator established in terms of section 39 of POPIA ;

11.6.6. where the Personal Information is not collected from the Data Subject, any available information as to their source; and

11.6.7. 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.

11.7. MAINC shall respond to these requests in accordance with POPIA and will provide the Data Subject with any such Personal Information to the extent required by law and any of MAINC's policies and procedures which apply in terms of PAIA.

11.8. The Data Subject can challenge the accuracy or completeness of their Personal Information in MAINC's records at any time.

11.9. If a Data Subject successfully demonstrates that their Personal Information in MAINC's records is inaccurate or incomplete, MAINC will ensure that such Personal Information is amended or deleted as required (including by any third parties (clause 5)).

12. CONTACT DETAILS

12.1. In order to contact MAINC for purposes relating to this privacy policy, please contact us using these contact details:

Moodley Attorneys Incorporated

The Business Exchange

116 Oxford Road

Rosebank

Johannesburg

Telephone: 010 745 2292

E-mail: info@mainc.co.za / ginen@mainc.co.za