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This document can be accessed on Werksmans Sharepoint under the "Data Privacy" page, in the "Policies & Procedures" folder.



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ANNEXURES

ANNEXURE A - DEFINITIONS



1 INTRODUCTION

- 1.1 Werksmans Inc. ("**Werksmans, we, us, our**") is sensitive to the personal nature of the Personal Information you provide to us and we are committed to protecting your privacy and to ensuring that personal information provided to us is collected and used properly, lawfully and transparently in line with the Protection of Personal Information Act 4 of 2013 ("**POPIA**").
- 1.2 This privacy policy ("**Policy**") explains how we protect and use your Personal Information.
- 1.3 This Policy applies to all Data Subjects with whom we interact, including but not limited to individual clients, representatives of client organisations, visitors to our offices, and other users of our legal and related services. Defined terms used in this Policy are explained in **Annexure A**.

2 WHY DO WE PROCESS YOUR PERSONAL INFORMATION?

- 2.1 We will use and process your personal information in the ordinary course of the business of providing legal and related services to you.
- 2.2 We will primarily use your personal information only for the purpose for which it was originally collected. In circumstances where we have to use your personal information for a different purpose, we will only do so if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the personal information was collected, alternatively when you have provided consent.
- 2.3 Specific processing purposes include -
- operating the business of Werksmans;
 - the 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;



- complying with applicable law and fraud prevention;
- transferring information to the service providers and other third parties;
- recruitment;
- relationship management and marketing purposes;
- internal management and management reporting purposes including conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and for management reporting analysis; and
- safety and security purposes.

3 PERSONAL INFORMATION WE COLLECT

Categories of Personal Information that we collect include -

- contact and biographical information such as name, job title, business, residential and/or postal address, email address, telephone or mobile number, employer information;
- payment and financial information necessary for processing payments, investing funds and tax compliance as well as conducting fraud prevention;
- business information when you or your organisation becomes a client, and as necessary to provide legal service in relation to instructions given, requests and mandates;
- identification information required for client onboarding purposes which includes information required for anti-money laundering and counterterrorist financing;
- information sourced from publicly available resources, integrity data bases and credit agencies;
- marketing, communication preferences and related information such as feedback and survey responses. we may ask for information about your health for the purpose of identifying and being considerate of any disabilities or special dietary requirements you may have, and any use of such information will be based on your consent;
- technical information, such as information from your visits to our website or in relation to electronic communications we send to you;
- details of your visits to our premises and attendance at events;
- CCTV footage which is recorded via our CCTV cameras.



4 COLLECTION OF PERSONAL INFORMATION

4.1 We may collect or obtain Personal Information about you -

- directly from you;
- in the course of our relationship with you;
- in the course of providing legal services to you or your organisation;
- when you make your Personal Information public;
- when you visit and/or interact with our website or our various social media platforms;
- when you register to use any of our legal and related services including but not limited to newsletters, seminars and legal updates;
- when you interact with any third party content or advertising on our website; or
- when you visit our offices.

4.2 In addition to the above, we may create Personal Information about you such as records of 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 job with us, when you give us feedback (by completing a survey) subscription to our newsletters and other mailings and interactions with you during the course of our digital marketing campaigns.

4.3 We may also use automated technologies or interactions to collect technical data and usage data about your equipment and behaviour (e.g. browsing actions and patterns). We collect this Personal Information by using cookies, server logs and other similar technologies. Please see our Cookies Notice for further details.

5 SPECIAL PERSONAL INFORMATION

5.1 Where we need to process your Special Personal Information, we will do so in the ordinary course of our business, for a legitimate purpose, and in accordance with applicable law, particularly POPIA.



5.2 Our services are neither aimed at nor intended for children. However, we may process children's Personal Information when we act for you in relation to certain private matters (for instance, when we are advising you regarding your inheritance taxes). We process such personal information only where necessary for the specific client services we are providing. In such cases, we act on behalf of the parent or guardian. If the specific client service for which we need children's Personal Information is not entirely clear, please contact your relationship partner, who will be able to explain further.

6 PURPOSES OF PROCESSING

6.1 We will process your Personal Information in the ordinary course of the 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.

6.2 We will use your Personal Information for a different purpose only if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected.

6.3 We may subject your Personal Information to processing during the course of various activities, including, without limitation, the following -

- operating our business;
- 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)
- safety and security purposes;
- compliance with applicable law and fraud prevention;
- transfer of information to our Service Providers and other third parties or
- recruitment.

6.4 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.

6.5 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.

7 PROCESSING THE PERSONAL INFORMATION OF NON-CLIENTS

7.1 If you are not our client, we may need to process your Personal Information in order to provide client services to our client, including the provision of legal advice. This Personal Information may be provided to us through the course of the matter for example, provided to us as part of a disclosure process or provided by another third party. Where this is the case, your Personal Information may be used in legal proceedings on behalf of our client.

7.2 We will process your Personal Information in these circumstances, subject to applicable law, as -

- this is in our legitimate interests, our client's legitimate interests or those of another third party (such as the courts); and/or
- we may be required to process that Personal Information to comply with our legal or regulatory obligations.

7.3 If you have any questions about how we will process your Personal Information please contact our Information Officer at the contact details set out in paragraph 18 below.



8 LEGAL BASES FOR PROCESSING

8.1 We will only process (i.e. use) your Personal Information when the law allows us to, that is, when we have a legal basis for processing.

8.2 We rely on the following legal bases to process your Personal Information -

8.2.1 **performance of a contract:** where we need to perform a contract which we are about to enter into or have entered into with you as a party or to take steps at your request before entering into such a contract;

8.2.2 **legal or regulatory obligation:** where we need to comply with a legal or regulatory obligation that we are subject to;

8.2.3 **legitimate interests:** where necessary for our interests (or those of a third party), provided that your fundamental rights do not override such interests. This can mean, for instance, that it is in our interest, to monitor how you are using our website or any other electronic portals and platforms or access to systems to ensure that the security of our website or other electronic portals and platforms or systems is maintained. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Information for our legitimate interests; and

8.2.4 **consent:** where you have provided your consent to processing your Personal Information.

9 DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

9.1 We may disclose your Personal Information to our Associates and Service Providers, for legitimate business purposes, in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality. In addition, we may disclose your Personal Information -

- if required by law, our professional obligations and any terms of business which we may enter into with you;



- legal and regulatory authorities (such as courts of competent jurisdiction, by any governmental, taxation or other regulatory authority, law enforcement agency or similar body), upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;
- third party service providers or 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;
- our professional advisers or consultants, including lawyers, bankers, auditors, accountants and insurers providing consultancy, legal, banking, audit, accounting or insurance services to us;
- any financial institutions providing finance to us;
- any external auditors who may carry out independent checks of your file as part of our accreditations;
- where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;
- 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;
- 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 reorganisation, dissolution or liquidation);
- to any relevant third-party provider, where our website uses third party advertising, plugins or content;
- to other persons or entities as instructed (for example, if we are acting for you in litigation proceedings, we will share your Personal Information with external counsel or advisors in order to provide advice to you); and
- to client services provided to you. For example, we may share your corporate contact details with legal directories for the purpose of obtaining a reference in relation to client services provided to you. Where appropriate, we will confirm with you that you are willing to be contacted for this purpose.



10 INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

- 10.1 We will ensure compliance with POPIA in relation to any cross-border transfers of personal information. For example, we will ensure that the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA.
- 10.2 Alternatively, we will ensure that the recipient such Personal Information transferred is bound by contractual obligations to ensure an adequate level of protection.

11 DATA 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 applicable law.
- 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 relevant 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 such as -
- the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
 - 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



- a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

12 DATA ACCURACY

It is important that the Personal Information we hold about you is accurate and current. Please keep us informed if your Personal Information changes during your relationship with us. If you wish to update your Personal Information, please contact our Information Officer at the contact details set out in paragraph 18 below.

13 DATA RETENTION

We retain your Personal Information in accordance with applicable legislation. In particular, Werksmans shall only retain and store Personal Information for the period for which the personal information is required to serve its primary purpose or a legitimate interest or for the period required to comply with an applicable legal requirement, whichever is longer.

14 USE OF THE WERKSMANS WEBSITE

- 14.1 We may collect, use and share aggregated data such as statistical or demographic data for any purpose. Aggregated data may be derived from your Personal Information but is not considered Personal Information in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect aggregated data with your Personal Information so that it can directly or indirectly identify you, we treat the combined data as Personal Information which will be used in accordance with this notice.
- 14.2 Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit



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. We may Process your Personal Information through Cookies and similar technologies, in accordance with our Cookie Policy.

16 DIRECT MARKETING/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 We 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, we will stop processing your Personal Information for those purposes.
- 16.3 We would encourage you to make such requests via the forms and links provided for that purpose in the marketing materials we send you or by contacting our Marketing team at marketingALL@werksmans.com alternatively our Information Officer at the contact details set out in paragraph 18 below.
- 16.4 We do not share your Personal Information with any organisations outside of Werksmans for marketing purposes.

17 YOUR LEGAL RIGHTS

- 17.1 As a Data Subject, you may be entitled to the following rights -
- 17.1.1 you have a right to be informed about how we will use and share your Personal Information;



- 17.1.2 you have a right to obtain confirmation of whether we are processing your Personal Information, access to your Personal Information and information regarding how your Personal Information is being used by us;
- 17.1.3 you have a right to have any inaccurate or incomplete Personal Information rectified. If we have disclosed the relevant Personal Information to any third parties, we will take reasonable steps to inform those third parties of the rectification where possible;
- 17.1.4 you have a right to request that certain Personal Information held by us is erased. This is also known as the right to be forgotten. This is not a blanket right to require all Personal Information to be deleted. We will consider each request carefully in accordance with the requirements of any laws relating to the processing of your Personal Information;
- 17.1.5 you have a right to block the processing of your Personal Information in certain circumstances. This right arises if you are disputing the accuracy of Personal Information, if you have raised an objection to processing, if processing of Personal Information is unlawful and you oppose erasure and request restriction instead or if the Personal Information is no longer required by us but you require the Personal Information to be retained to establish, exercise or defend a legal claim;
- 17.1.6 you have a right to object to our processing of your Personal Information;
and
- 17.1.7 you have a right not to be subject to a decision which is based on automated processing where the decision will produce a legal effect or a similarly significant effect on you.
- 17.2 Please note that our PAIA Manual is available here:
<https://www.werksmans.com/wp-content/uploads/2024/02/PAIA-Manual.pdf>



17.3 If you have any concerns or would like to make a complaint about our processing of your Personal Information, please contact our Information Officer at the details set out below.

17.4 As a Data Subject, you also have a right to lodge a complaint to the Information Regulator of South Africa if you are unsatisfied with the manner in which we addressed any complaint with regard to our processing of your personal information, the contact details of the Information Regulator are as follows:

website: [Home - Information Regulator \(infoeregulator.org.za\)](http://Home - Information Regulator (infoeregulator.org.za))
Tel: +27 12 406 4818
Fax: +27 86 500 3351
General enquiries: enquiries@infoeregulator.org.za
Complaints: PAIAComplaints@infoeregulator.org.za
POPIAComplaints@infoeregulator.org.za

18 CONTACT DETAILS

The contact details of our Information Officer are as follows -

Name	Zaida Harneker
Email	<u>zharneker@werksmans.com</u>
Telephone number	+27 11 535 8186

19 AMENDMENTS TO THIS POLICY

We reserve the right to amend and/or modify this Policy at any time, in response to local laws and at times, international laws.



20 REVISION RECORD

Version Number	Inception / Review Date	Status/Change <i>(eg Regulatory Development, Original, Annual Review)</i>	Change Description
1		Original	N/A
2	10 November 2023	Approval	N/A
3	October 2024	Review	N/A



ANNEXURE A- DEFINITIONS

"Associates": Werksmans' shareholders, Werksmans' subsidiaries and the directors, employees and consultants of Werksmans or of any of its subsidiaries.

"Cookie": a small file that is placed on your device when you visit a website. In this Policy, a reference to a "Cookie" includes analogous technologies such as web beacons and clear Graphic Interchange Format files ("GIFs").

"Data Subject": means the person to whom personal information relates.

"Operator": any person or entity that Processes Personal Information on behalf of the Responsible Party.

"Personal Information": Personal information is any information relating to an identifiable, living individual, as well as an identifiable juristic person that identifies an individual/entity him/her/it, or from which any individual/entity is directly or indirectly identifiable, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.

"POPIA": the Protection of Personal Information Act 4 of 2013.

"Process", "Processing" or "Processed": anything that is done with any Personal Information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"Responsible Party": the entity that decides how and why Personal Information is Processed.

"Sensitive Personal Information": Personal Information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental



health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under applicable law.

"Service Provider": third party providers of various services whom we engage, including, but not limited to, providers of information technology, communication, file storage, data storage, copying, printing, accounting or auditing services, counsel, experts, investigators, correspondent attorneys, translators, taxation consultants and our insurers and professional advisors;

"Website": any website operated, or maintained, by us or on our behalf.

"CCTV footage": CCTV footage and other information relating to access of our facilities obtained through electronic means, such as swipe card records, or visitor logbook.

"Controller": a person or organisation who alone or jointly determines the purposes for which, and the manner in which, any Personal Information is, or is likely to be, processed. This notice is issued on behalf of Werksmans as controller. Unless we notify you otherwise Werksmans is the controller of your Personal Information.

"Information Officer": the designated Information Officer/s or head of the body, as described in this manual, responsible for discharging the duties and responsibilities assigned to the Information Officer as prescribed in terms of PAIA and POPIA.

"Marketing and Communications Data": information on when you receive and read marketing communications from us, which of our events you attend and marketing and communication preferences (unless you provide such preferences in your profile on our electronic portals and platforms in which case they constitute Profile Data). Additional information about the Personal Information we process in connection with marketing is included with the marketing communications we send you.

"Our website": the processing of Personal Information by Werksmans in connection with the processing of Personal Information on the Werksmans website www.werksmans.com, including any Personal Information that website visitors may provide through the use of the website when they sign up to receive newsletters, blog posts, register for events or use our contact forms ("website").



"You" or **"your"**: references to individuals/entities whose personal information Werksmans processes.