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PRIVACY POLICY

in terms of the

**PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF
2013
("POPIA")**

	PRIVACY POLICY (POPIA)	Ref. No:	ABA/POPIA/Privacy/00
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1. INTRODUCTION

- 1.1. This privacy policy ("**Policy**") of **Abe Bosman Attorneys** ("**ABA**", "**us**", "**we**") contractually regulates our right to collect and use certain of your information as a user of our website or as a customer of ours ("**you**") and your rights in this regard. It applies to your use of the ABA website (<https://www.abebosman.co.za/>) ("**Website**"), the online legal register services ("**Legal Register Website**") and associated services that we offer ("**Services**"). This Policy creates a legally binding agreement between us and you and will apply as soon as you either use our Website/s or Services.
- 1.2. Your use of the Website/s and Services will be regulated by this Policy as well as our standard sales terms and conditions ("**Terms and Conditions**"), where applicable, as well as any additional terms and conditions applicable to all users of the Website ("**Browser Terms**"). If there is a conflict between this Policy and any of the above terms, the following order of preference will be applied in respect of applying such terms: (1) the Sales Terms and Conditions, (2) this Policy (the privacy policy), and (3) the Browser Terms, in so far as these terms may be applicable to you.
- 1.3. **Changes to this Policy.** Unless notice is required in terms of any applicable legislations, we may change the content of this Policy from time to time in line with any changes that the law or our internal business operations require, without prior notice. However, we will notify you of any material changes to this Policy. The current version of this Policy that applies each time you visit and/or use our Website and/or Services will regulate our relationship. It is your responsibility to consider the Policy each time you visit the Website. **If you do not agree with any terms of this Policy, you must stop using the Website and our Services.**
- 1.4. Your right to privacy and this Policy is of paramount important to us. We are therefore committed to taking steps to protect your privacy when you use the Services and we therefore implement business practices that comply with applicable legislation, including the *General Data Protection Regulation ((EU) 2016/679)* ("**GDPR**") and the *Protection of Personal Information Act 4 of 2013* ("**POPI**") (collectively referred to in this Policy as "**Applicable Legislation**"). In this Policy, we explain how we will use and protect your Personal Information in light of Applicable Legislation.

2. PERSONAL INFORMATION

Where we refer to "**Personal Information**" in this Policy, we mean personal information as defined in Applicable Legislation, being information that may be used to directly or indirectly identify you. Personal Information includes, for example, your name, surname, email address, identity number, contact details, photograph and location.

3. COLLECTING YOUR PERSONAL INFORMATION

We collect Personal Information about you from the following sources:

- 3.1. directly from you when you provide it to us, such as when you sign up to use the Website and Services, contact us or through the course of our relationship with you;
- 3.2. from public sources, including where you have made your Personal Information public, for example on social media;
- 3.3. from your use of our Website or use of any features or resources available on or through our Website; and
- 3.4. from third parties when you interact with them through the Website or your interaction with us as a result of the Services or as required of the third parties to share it with us.

4. CATEGORIES OF PERSONAL INFORMATION THAT WE PROCESS

- 4.1. **General personal details:** your name and surname, gender, date of birth, age, nationality, language preferences, identity or passport number and the information about your business.
- 4.2. **Contact details:** your address, contact number, and email address.
- 4.3. **User information:** Personal Information included in correspondence, transaction documents, use of the Services or other materials that we process in the course of providing the Services.
- 4.4. **Consent records:** records of any consents you have given us in respect of using your Personal Information and any related information, such as the specific details of the consent. We will also record any withdrawals or refusals of consent.
- 4.5. **Payment details:** payment method, payment amount, date and reason for payment and related information.

- 4.6. **Data relating to our Website:** such as the type of device you use to access the Website, the operating system and browser, browser settings, IP address, dates and times of connecting to and using the Website and other technical communications.
- 4.7. **Account details:** such as your username, password, usage data, and aggregate statistical information.
- 4.8. **Content and advertising data:** records of your interactions with our online advertising on the various websites which we advertise and records relating to content displayed on web-pages displayed to you.
- 4.9. **Views and opinions:** any views and opinions that you choose to share with us, or publicly post about us on social media platforms or elsewhere.
- 4.10. **Children's Personal Information:** Personal Information of any user that qualifies as a *child* in terms of the Applicable Legislation of the applicable jurisdiction necessary for ABA to render the Services and with the consent of a parent or guardian. ABA will only process the Personal Information of children with the consent of a parent or guardian of that child where required in terms of Applicable Legislation.

5. PURPOSES OF PROCESSING PERSONAL INFORMATION

- 5.1. We only process adequate and relevant Personal Information for the following purposes and legal bases:
 - 5.1.1. to perform in terms of our agreement with you (including to provide you with the Services and Website);
 - 5.1.2. operate and manage your account or your relationship with us;
 - 5.1.3. monitor and analyse our business to ensure that it is operating properly, for financial management and for business-development purposes;
 - 5.1.4. contact you by email to inform you about our Services, unless you have opted-out of such communications (direct marketing);
 - 5.1.5. carry out market research and surveys, business and statistical analysis and necessary audits;
 - 5.1.6. fraud prevention;
 - 5.1.7. perform other administrative and operational tasks like testing our processes and systems and ensuring that our security measures are appropriate and adequate; and
 - 5.1.8. comply with our regulatory, legal or other obligations.
- 5.2. In addition to the above purposes, we may use your Personal Information for other purposes if the law allows for it, if you consent to it, or if it is in the public interest to

do so. All purposes for the processing of your Personal Information will be legal in terms of Applicable Legislation.

6. DIRECT MARKETING

- 6.1. We may process your Personal Information to contact you to provide you with information regarding our Services that may be of interest to you. Where we provide Services to you (where you are a customer of ours), we may send information to you regarding our Services and other information that may be of interest to you, using the contact details that you have provided to us. We will only send you direct marketing communications where you have consented to us sending you direct marketing or otherwise in compliance with Applicable Legislations.
- 6.2. You may unsubscribe from any direct marketing communications at any time by clicking on the unsubscribe link that we include in every direct marketing communication, by contacting us at abemel@netactive.co.za and requesting us to do so.
- 6.3. After you unsubscribe, we will not send you any direct marketing communications, but we will continue to contact you when necessary in connection with providing you with the Services or in connection with our business relationship.

7. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

- 7.1. We will keep your Personal Information confidential and only share it with others in terms of this Policy, or if you consent to it, or if the law requires from us to share it. We may disclose your Personal Information to:
- 7.1.1. our business partners or third party processors in order to provide you with the Website and Services, such as data storage service providers, third party payment processors, etc. in accordance with written agreements;
 - 7.1.2. legal and regulatory authorities, upon their request, or for the purposes of reporting any breach of Applicable Legislation;
 - 7.1.3. accountants, auditors, lawyers and other external professional advisors in terms of written agreements with them;
 - 7.1.4. any relevant party to the extent necessary for the establishment, exercise or defence of legal rights, criminal offences, threats to public security, etc.;
 - 7.1.5. any relevant third party in the event that we sell or transfer all or any portion of our business or assets; and

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7.1.6. any relevant third party provider where our Website uses third party advertising, plugins or content.

7.2. If we engage third party processors to process your Personal Information, the processors will only be appointed in terms of a written agreement which will require the third party processors to only process Personal Information on our written instructions, use appropriate measures to ensure the confidentiality and security of your Personal Information and comply with any other requirements set out in the agreement and required by Applicable Legislation.

7.3. Our Website may connect to various social media websites or apps, including, but not limited to, Facebook, Twitter, LinkedIn, etc. If you want to use our Website for social media integration, we will share your Personal Information with the relevant social media websites or apps.

8. INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION

8.1. ABA occasionally provides Services in other countries, we may therefore need to transfer Personal Information to and from the different countries for internal business purposes.

8.2. We may transfer your Personal Information to recipients in other countries. We will only transfer Personal Information to third parties in countries with adequate data protection laws or do so in terms of a written agreement with the recipient which imposes data protection requirements on that party as required by Applicable Legislation.

8.3. Please note that when you transfer any Personal Information directly to a third party in another country (i.e. we do not send your Personal Information to the third party), ABA is not responsible for that transfer of Personal Information (and such transfer is not based on or protected by this Policy). Any Personal Information that we receive from a third party country will nevertheless be processed in terms of this Policy.

9. SECURITY

9.1. We have implemented appropriate technical and organisational security measures designed to protect Personal Information against accidental or unlawful destruction, loss, alteration, disclosure, access and other unlawful or unauthorised forms of processing. These measures are in accordance with Applicable Legislation.

9.2. The internet is an open and often vulnerable system and the transfer of information via the internet is not completely secure. Although we will implement all reasonable

measures to protect Personal Information, we cannot guarantee the security of your Personal Information transferred to us using the internet. **Therefore, you acknowledge and agree that any transfer of Personal Information via the internet is at your own risk and you are responsible for ensuring that any Personal Information that you send is sent securely.**

10. YOUR LEGAL RIGHTS

10.1. You have certain rights in relation to your Personal Information. As available and except as limited under Applicable Legislation, you have the following rights in respect of your Personal Information:

10.1.1. Right of access – the right to be informed of and request access to the Personal Information that we process about you;

10.1.2. Right to rectification – you may request that your Personal Information be amended or updated where it is inaccurate or incomplete;

10.1.3. Right to erasure – the right to request that we delete your Personal Information, subject to applicable limitations and exceptions;

10.1.4. Right to restrict processing – you may request that we temporarily or permanently stop processing your Personal Information;

10.1.5. Right to object –

10.1.5.1. you may object to us processing your Personal Information; and

10.1.5.2. to your Personal Information being processed for direct marketing purposes;

10.1.6. Right to information portability – you may request a copy of your Personal Information and request that information to be transmitted for use by another person; and

10.1.7. Right not to be subject to automated decision-making – where a decision that has a legal or other significant effect is based solely on automated decision making, including profiling, you may request that your Personal Information not be processed in that manner.

10.2. Where you have provided consent for us to process your Personal Information, you may also withdraw your consent where our processing is based on your consent. However, we may continue to process your Personal Information if another legal justification exists for the processing.

11. LINKS ON OUR WEBSITE

Our Website may include links to other apps or third party websites which do not fall under our supervision. We cannot accept any responsibility for your privacy or the content of these third party sites, but we display these links in order to make it easier for you to find information about specific subjects. **Your use of and reliance on these links is at your own risk.**

12. RIGHT TO OBJECT

You may, on reasonable grounds, object to us using your Personal Information for certain purposes. If you object, we will stop using your Personal Information, except if Applicable Legislation allows its use. To exercise this right or to discuss it with us, please contact us at abemel@netactive.co.za.

13. CHILDREN'S INFORMATION

13.1. We do not intentionally collect or use children's Personal Information for purposes other than providing the Services to users that are children without the consent of a parent or guardian of the child unless the user is capable of consenting to the processing of his/her Personal Information in terms of the Applicable Legislations in his/her jurisdiction.

13.2. Similarly, we do not intentionally collect or process special/sensitive Personal Information and will only do so with consent or if allowed by Applicable Legislation.

14. QUALITY AND ACCESS TO YOUR INFORMATION

14.1. **Quality.** We want to ensure that your Personal Information is accurate and up to date. You may ask us to correct or remove any Personal Information that you think is inaccurate, by sending us an email to abemel@netactive.co.za.

14.2. **Access.** You have the right to request us to provide you with Personal Information that we hold about you. You must contact us directly to do so or send an email to abemel@netactive.co.za.

14.3. All requests may be subject to an access to information request in terms of Applicable Legislations and may require you to verify your identity, identify the rights you are wishing to exercise and pay a fee.

14.4. The right to access your Personal Information may further be limited in terms of Applicable Legislation.

15. RETENTION OF INFORMATION

- 15.1. We take every reasonable step to ensure that your Personal Information is only processed for the minimum period necessary for the purposes set out in this Policy.
- 15.2. We retain Personal Information in accordance with the required retention periods in Applicable Legislation or for legitimate business purposes. We will only retain your Personal Information for the purposes explicitly set out in this Policy or in the Commercial Terms. We may keep Personal Information indefinitely in a de-identified format for statistical purposes, which may include for example statistics of how you use the Website and Services.
- 15.3. This Policy also applies when we retain your Personal Information.
- 15.4. We may retain your Personal Information for the duration of any period necessary to establish, exercise or defend any legal rights.

16. SECURITY BREACH

We will report any security breach to the applicable regulatory authority in terms of Applicable Legislation and to the individuals or companies whose Personal Information is involved in the breach. If you want to report any concerns about our privacy practices or if you suspect any breach regarding your Personal Information, kindly notify us by sending an email to: abemel@netactive.co.za.

17. LODGING A COMPLAINT

- 17.1. If you want to raise any objection or have any queries about our privacy practices, you can contact our data protection officer at : abemel@netactive.co.za.
- 17.2. You also have the right to formally lodge a complaint in terms of Applicable Legislations as follows:

Applicable Legislation	Regulatory authority name	Contact details
POPIA	The Information Regulator	Website: http://www.justice.gov.za/infoereg/index.html Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 Email: infoereg@justice.gov.za
GDPR	The European Commission	Online complaint procedure: https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/how-make-complaint-eu-level/submit-complaint_en

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		Address: European Commission, Secretary-General B-1049 Brussels, BELGIUM Fax: 3222964335
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18. LEGAL DISCLOSURE

- 18.1. **Website owner:** Abe Bosman Attorneys ("ABA") (sole proprietor).
- 18.2. **Legal status:** ABA is a private company, duly incorporated in terms of the applicable legislations of South Africa.
- 18.3. **Director(s):** N/A (Sole Proprietor – Abraham Daniel Bosman)
- 18.4. **Description of main business of ABA:** is a boutique law firm that specialises in Occupational Health, Safety, Environmental and Information Security legislation.
- 18.5. **Email address:** abemel@netactive.co.za.
- 18.6. **Website address:** www.abebosman.co.za.
- 18.7. **Physical address:** 11 Brighton Place, Midstream Estate, Gauteng, 1692
- 18.8. **Postal address:** P.O. Box 66786, Highveld Park, Isando, 0169.
- 18.9. **Membership of any self-regulatory or accreditation bodies** to which ABA belongs or subscribes and the contact details of that body: The Law Society of the Republic of South Africa, as well as the Environmental Law Association