

DAWSON EDWARDS AND ASSOCIATES

POPI POLICY

1. INTRODUCTION

- 1.1. Dawson Edwards and Associates (“Dawsons”) is a law firm with offices situated in Gardens, Cape Town providing various legal services as indicated *inter alia* on their website.
- 1.2. Dawsons is obliged to comply with The Protection of Personal Information Act 2013 (“POPI”).
- 1.3. POPI requires Dawsons to inform their clients as to how their Personal Information is used, disclosed and destroyed.
- 1.4. Dawsons is committed to protecting its client’s privacy and ensuring that their Personal Information is used appropriately, transparently, securely and in accordance with all applicable laws.
- 1.5. This Policy sets out how Dawsons deals with client’s Personal Information and, in addition, the purposes for which such information is used.
- 1.6. Section 9 of POPI states that “Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.”

2. CONDITIONS FOR LAWFUL PROCESSING

- 2.1. POPI requires every public and private body to comply with the eight conditions that prescribe the minimum threshold requirements for lawful processing of personal information in South Africa. The eight conditions are:
 - 2.1.1. Accountability
 - 2.1.2. Processing limitation
 - 2.1.3. Purpose specification
 - 2.1.4. Further processing limitation
 - 2.1.5. Information quality
 - 2.1.6. Openness
 - 2.1.7. Security safeguards
 - 2.1.8. Data subject participation

3. COLLECTING OF PERSONAL INFORMATION

- 3.1. Dawsons collects and processes client's Personal Information relative to the provision of the legal services it provides to its clients. The type of information will depend on the need for which it is collected and will be processed for that purpose only.
- 3.2. Whenever possible, we will inform clients what information they are obliged to provide us with and what information is optional.
- 3.3. Examples of the Personal Information we collect includes, but is not limited to names, surnames, telephone and mobile numbers, identity numbers, residential and business/work addresses, postal codes, fax numbers, email addresses, marital statuses, income tax reference numbers and bankers.
- 3.4. For purposes of this Policy, clients include potential, past and existing clients whether individuals, close corporations, companies, body corporates, trusts and any person in a representative capacity such as members, shareholders, directors, trustees and beneficiaries.

4. HOW PERSONAL INFORMATION IS USED

- 4.1. Client's Personal Information will only be used for the purpose for which it was collected and intended. This would include providing legal services to our clients until the mandate given has been reasonably discharged.
- 4.2. According to Section 10 of POPI, Personal Information may only be processed if certain conditions are met for Dawsons to be able to process the Personal Information. These are as follows:
 - 4.2.1. Clients consent to the processing – consent is obtained from clients during the client take-on procedure and such consent may be verbal, written, tacit or implied;
 - 4.2.2. Processing is necessary – the Personal Information that is required will be reasonably necessary to facilitate the provision of legal services to clients and to market Dawsons legal services to them via emails and brochures. Clients will be requested to consent to this in the Dawsons Letter of Engagement.
 - 4.2.3. Processing complies with an obligation imposed by law on Dawsons or to discharge its mandate to its clients;

4.2.4. Processing protects a legitimate interest of the client – it is in our clients’ best interests to have access to full and appropriate legal services;

4.2.5. Processing is necessary for the purposes of providing quality and appropriate legal services to clients of Dawsons – in order to provide our clients with quality and appropriate legal services, we require certain Personal Information from them.

5. DISCLOSURE OF PERSONAL INFORMATION

5.1. Dawsons may share clients’ Personal Information with and obtain information about clients from third parties for the reasons mentioned above.

5.2. Dawsons may also disclose clients’ information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect its rights and carry out its obligations and where it is reasonably necessary to enable it to discharge its mandate to its clients.

6. PROTECTING CLIENTS’ INFORMATION

6.1. It is a requirement of POPI to adequately protect the Personal Information that Dawsons holds and to avoid unauthorized access and use of clients’ Personal Information. Dawsons continuously reviews its security controls and processes to ensure that our clients’ Personal Information is secure.

6.2. The following procedures are in place in order to protect your Personal Information:

6.2.1. The Dawsons Information Officer is Mr Downing, whose details are available below and who is responsible for the encouragement of compliance with the conditions of the lawful processing of Personal Information and other provisions of POPI;

6.2.2. A third-party service provider is mandated to protect the clients’ electronic Personal Information;

6.2.3. This policy is in place throughout Dawsons and training on this policy and the POPI Act has taken place and been overseen by the Information Officer;

- 6.2.4. Employees are required to sign Confidentiality Agreements which are part of their Employment Contracts.
- 6.2.5. Hard copy files are stored at secure premises and are destroyed after 5 years.
- 6.2.6. The Dawsons internal server hard drives are protected by firewalls.
- 6.2.7. A register is kept to log any security incidents and to report on and manage said incidents. This register will be maintained by the Information Officer.
- 6.2.8. All employees are instructed to follow Dawsons POPI procedures for client information to be processed accurately and securely.
- 6.2.9. Consent to process client information is obtained from clients (or a person who is authorised by the client to provide the client's Personal Information) at any time where required.

7. ACCESS AND CORRECTION OF PERSONAL INFORMATION

- 7.1. Clients have the right to request access to the Personal Information we hold about them.
- 7.2. Clients also have the right to ask us to update, correct or delete their Personal Information on reasonable grounds.
- 7.3. Once a client objects to the processing of their Personal Information, Dawsons shall no longer process same save and except where Dawsons is obliged by law or common practice to do so.
- 7.4. The details of the Dawsons Information Officer are as follows:
 - 7.4.1. Name: Alistair Downing
 - 7.4.2. Telephone Number: 021 462 4340
 - 7.4.3. Postal Address: P O Box 12425, Mill Street, Cape Town, 8010
 - 7.4.4. Physical Address: 'De Hoop', 2 Vriende Street, Gardens, Cape Town
 - 7.4.5. Email Address: alistair@dawsons.co.za
 - 7.4.6. Web site: www.dawsons.co.za

8. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

- 8.1. A client who wishes to object to the processing of personal information in terms of section 11(3)(a) of the Act, must submit the objection to the Dawsons Information Officer on **Form 1** (see annexures).
- 8.2. A client who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information in terms of section 24(1) of the Act, must submit a request to the Dawsons Information Officer on **Form 2** (see annexures). Dawsons will render such reasonable assistance, as is necessary free of charge, to enable a data subject to complete Form 2.

9. AMENDMENTS TO THIS POLICY

- 9.1. Amendments to this Policy will take place on an *ad hoc* basis as and when required.
- 9.2. Clients are advised to check the Dawsons website periodically to ensure they are familiar with any changes or they may direct their enquiries to the Information Officer.

10. ANNEXURES

- 10.1. Practical guide to POPI (for internal use only)
- 10.2. Form 1 – 2 (as per government gazette 10897 – 14 Dec 2018)
- 10.3. Dawsons Letter of Engagement

*This document should be used as a guide only and does not constitute legal advice.
The information contained herein is subject to change without notice.*

FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....
Signature of data subject/designated person

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

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Signature of data subject/ designated person