

# *Calitz Crockart & Associates Inc*

## **PRIVACY POLICY**

*Privacy Notice in terms of Section 18 of the Protection of Personal Information Act, 2013  
("POPIA")*

### 1. Introduction

Calitz Crockart & Associates Inc (the "Responsible Party") is involved in the processing of personal information (which information is described more fully hereunder).

This privacy policy explains, amongst other things, what information we collect and process, the methods we utilise to collect the information, the purpose of collecting such information, the legal consequences in obtaining such information and / or failure to provide the information and the legal basis upon which such information is collected.

### 2. Purpose of Processing Personal Information:

Personal information is collected and processed from our clients and from third parties on behalf of our clients in order to execute our clients' instructions and to fulfil our mandates, and for our business purposes.

### 3. Legal Grounds for the Processing of Personal Information:

There are various legal grounds and/or processing conditions which we rely on in order to process the personal information of our clients and / or data subjects, which grounds include, but are not limited to, the following:

3.1 To protect the legitimate interests of our clients;

3.2 To execute our clients' instructions and to fulfil our mandates;

3.3 To comply with applicable legislation, which legislation includes (but is not limited to) the Protection of Personal Information Act, 2013, the Legal Practice Act, 2014, the Value Added Tax Act, 1991, the Promotion of Access to Information Act, 2000, and the various Covid-19 laws and regulations; and

3.4 To pursue and protect the legitimate interests, including business interests, of our firm.

### 4. Important Definitions:

"*Analytics information*" means personal information provided by data subjects when our website is accessed which includes (but is not limited to) the data subject's IP address, the date and time that the website was accessed and the web browser that was used when accessing the website.

"*Applicant information*" means personal information supplied to our offices by job applicants, which information includes (but it not necessarily limited to) names, identity and

passport numbers, contact details such as phone numbers, email, physical and other addresses, education and employment history, race and gender information.

*“Bank information”* means personal information that is necessary to open bank accounts and receive and process payments through banking institutions.

*“Claims information”* means any personal information identified in this policy which is used by us to establish, investigate, exercise or defence claims by or against us in any forum.

*“Communication information”* means personal information provided when a data subject communicates with us which may include (but is not necessarily limited to) the data subject’s name and contact information, the contents of the communication and related metadata if such communication is made by accessing our website.

*“Data subject”* means the person to whom the personal information relates to.

*“Employee information”* means personal information relating to our partners, employees, their family members and beneficiaries which includes information such as, but not necessarily limited to, names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, information contained in communications relating to our partners’ partnerships, employees’ employment, information pertaining to employment and educational information, financial information (such as banking details), marital status and children, race, gender, tax information and biometric information.

*“Enquiry information”* means enquiries made by data subjects regarding our services.

*“Information officer”* means the head of a private body as contemplated in section 1 of the Promotion of Access to Information Act, 2000.

*“Marketing information”* means personal information provided by data subjects should a data subject subscribe to our newsletter or marketing communications.

*“Message information”* means personal information provided to us by data subjects in order to communicate with them by SMS or Whatsapp.

*“Personal information”* means information relating to an identifiable, living, natural person and where applicable, an identifiable, existing juristic person, including but not limited to, information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of a person, information relating to the education or medical, financial, criminal or employment history of a person; any identifying number, symbol, e-mail address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that would reveal the contents if the original correspondence; the views or opinions of another individual regarding the person; 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.

“*Processing*” is any activity or set of operations concerning personal information and includes the collection, receipt, capturing, collation, storage, updating, retrieval, alteration or use of information; the dissemination of information by means of transmission, distribution or making available in any other form; and the merging, linking, erasure or destruction of information.

“*Risk information*” means personal information identified in this policy to be utilised where necessary in order to conduct audits, obtain expert advice and to identify and manage risks.

“*Responsible party*” means a public or private body or any other person which, independently or in conjunction with others, determines the purpose of and means for the processing of personal information, and is usually (but not always) the collector of such information.

“*Service information*” means information based on the legal services we provide, and will include information such as, but not necessarily limited to, names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, registration and VAT numbers, marital status, employment history, and information contained in communications with our clients and other parties which relate to our services, our details (including our banking details).

“*Supplier information*” means personal information relating to our suppliers of goods and services, which includes, but is not necessarily limited to, names, identity and passport numbers, registration and VAT numbers, contact details such as phone numbers, email, physical and other addresses and financial information such as banking details.

## 5. Types of Information Collected and Processed:

### 5.1 *Service information:*

- 5.1.1 We collect and process personal information from our clients, our employees, from pleadings and process which may be served on or supplied to our firm, our representatives and, if mandated by our clients, from external sources such as public records and licenced databases.
- 5.1.2 Such personal information will be based on, or be processed in relation to, service information and shall be processed in accordance with the law.
- 5.1.3 Service information will be collected and processed in order to provide our services, account for such services and secure payment for these services (including disbursements). This information will also be utilised in order to keep accurate records of our dealings with our clients, to properly manage our relationships with our clients, to ensure that the security of our business and its systems are compliant with legislation, and to properly and securely administer and market our services and run the business of the firm.

### 5.2 *Supplier information:*

5.2.1 We collect personal information which relates to suppliers (both actual and potential) of goods and services which is usually sourced either directly from suppliers, or from other sources such as (but not limited to) advertisements, references and quotations.

5.2.2 We process such personal information based on consent (be it contractual or otherwise) and on the basis of quotations received and invoices paid. We ensure that our relationships with our suppliers are legitimate, comply with applicable legislation (including tax legislation) and that communication with our suppliers is maintained and managed.

### 5.3 *Employee information:*

5.3.1 We collect personal information which relates to our partners, employees and their family members, and beneficiaries which are mainly sourced from our partners and employees but which can also be sourced from databases such as LinkedIn and other licenced databases, recruitment agencies and public records.

5.3.2 We process employee information in order to deal with employee and / or client queries and disputes and claims brought by and against us, to conclude and manage contracts, to assist us in complying with legislation such as tax legislation, employment equity legislation and COVID-19 legislation, to deal with benefits such as medical aid, insurance and retirement benefits, and to ensure that the services that we provide and market are consistent, secure and properly administered.

### 5.4 *Applicant information:*

5.4.1 Applicant information is mainly sourced from the job applicant directly, by email or telephone or from the job application itself. Applicant information is also sourced from recruitment agencies, online platforms such as LinkedIn and other licenced databases, as well as from references and public records.

5.4.2 Applicant information is processed, in accordance with applicable legislation, so that we can consider job applications and act accordingly in order to provide successful job applicants with job opportunities.

### 5.5 *Analytics information:*

5.5.1 Analytics information is sourced when our website is accessed or when data subjects communicate with us using our website.

- 5.5.2 This information is only used for the purposes for which it was provided, to improve our services, and to facilitate our communication with data subjects.
- 5.5.3 It is important to note that we do not collect any other personal information when data subjects access our website.
- 5.5.4 Our website may have links to other websites or platforms. If the data subject clicks on the link, the linked website or platform may send its own cookies to the data subject's device to collect data or process data subjects' personal information. This is beyond our control and is based on such third parties' own privacy policies.
- 5.5.5 If a data subject posts information on our website, we may process such information to enable the publication of the data subject's post and to assist with the administration and marketing of our services.

#### 5.6 *Message information:*

- 5.6.1 If a data subject provides us with message information, we use it to communicate with the data subject in relation to the provision of our services.
- 5.6.2 Such information is sourced directly from the data subject, with the data subject's consent, and will only be utilised for the purpose for which it was provided.
- 5.6.3 Telecommunication companies and Whatsapp may collect your personal information for their own purposes when we communicate with the data subject via SMS or Whatsapp, which is beyond our control.

#### 5.7 *Other types of personal information:*

- 5.7.1 Personal information such as enquiry information, marketing information and communication information is utilised by us in order to inform data subjects about our services, to communicate with data subjects, to respond to enquiries, and to update data subjects about events, newsletters and other communications about our services.
- 5.7.2 Personal information such as risk information and claims information is utilised by us in order to manage risks and protect our business against risk, to protect and enforce our rights and the rights of others and to enable the proper administration and protection of our business.

### 6. Protection of Personal Information:

Our firm undertakes to take all appropriate legal, technical and organisational steps, in order to protect the personal information of our clients against unauthorised disclosure or access, which steps include (but are not limited to): access control (physical and electronic), encryption software, firewalls and malware and virus protection.

## 7. Retention and Destruction of Personal Information:

7.1 The personal information collected and processed by our firm will be stored in electronic format or in hard copy and shall not be retained by our firm for longer periods than is necessary in order to achieve the purpose for which the personal information is collected, unless:

7.1.1 The retention of the personal information is required or authorised by legislation;

7.1.2 The retention of the personal information is required or authorised by contract between our firm and the data subject;

7.1.3 The firm reasonably requires the personal information for legal purposes related to its business functions or services;

7.1.4 The data subject (or a competent person in law if the data subject is a minor) consents to the retention of the personal information.

7.2 Personal information will be destroyed after the required period has lapsed, as prescribed by legislation.

## 8. Sharing of Personal Information:

8.1 Personal information will not be sold to anyone.

8.2 Personal information shall only be shared with anyone as specified in this policy.

8.2 Our employees are obliged by legislation and by contract not to share personal information which is processed on any (and all) client's behalf.

8.3 Where required by law, or when necessitated in order to prevent breach of our privacy policy, we may disclose personal information to the necessary regulatory authorities.

## 9. Access to Personal Information:

9.1 Every data subject has the right to:

- 9.1.1 Request us to confirm, free of charge, whether we hold any of their personal information;
- 9.1.2 Request and access the personal information provided to us by that data subject, at the prescribed fee;
- 9.1.3 Request that we rectify the data subject's personal information held by us;
- 9.1.4 Withdraw their consent to us holding and processing their personal information;
- 9.1.5 Request that their personal information be destroyed or deleted (subject to our legal duty to retain such information for a minimum period);
- 9.1.6 Be informed as to when their personal information is collected, the purpose for which it is collected, whether such collection is prescribed by law, whether the supply of personal information is mandatory or voluntary; whether it is intended that the information be transferred outside the Republic of South Africa; consequences of the failure to provide such information and any other relevant information;
- 9.1.7 Object, on reasonable grounds, to the processing of their personal information, except where legislation provides for such processing;
- 9.1.8 Object to their personal information being used for the purposes of direct marketing by means of unsolicited electronic communications; and
- 9.1.9 Lay a complaint with the offices of the Information Regulator in respect of the processing of their personal information, which complaint can be directed to:
  - 9.1.9.1 JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001;
  - 9.1.9.2 PO Box 31533, Braaimfontein, Johannesburg, 2017; or
  - 9.1.9.3 [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

## 10. Amendment of Policy:

- 10.1 We reserve our rights to update this policy from time to time.
- 10.2 Any amendments will be published on our website and any important changes to this policy will be communicated to our clients via email.
- 10.3 A copy of the current version of this policy can also be requested via email, by emailing a request to [calcro@calitzcrokart.co.za](mailto:calcro@calitzcrokart.co.za), for attention Shantal Peter.

11. Important contact details:

- 11.1 Our offices are located at Units 1 & 3, 7 Park Lane, Kloof, KwaZulu-Natal, 3610 and can be reached telephonically on 031 202 3100.
- 11.2 Our Information Officer is Ivette Calitz who can be contacted on [ivette@calitzcrokart.co.za](mailto:ivette@calitzcrokart.co.za) or on 031 202 3100 / 083 254 4818.
- 11.3 Our Deputy Information Officer is Shantal Peter who can be contacted on [admin@calitzcrokart.co.za](mailto:admin@calitzcrokart.co.za) or on 031 202 3100 or on [calcro@calitzcrokart.co.za](mailto:calcro@calitzcrokart.co.za).

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