



PRIVACY NOTICE.

1. INTRODUCTION:

In this document, references to "**PHH Badenhorst Inc**", "we", "us", or "the Group" are to **Badenhorst Attorneys** and its subsidiaries.

PHH Badenhorst Inc recognises its accountability in terms of the Protection of Personal Information Act (hereinafter referred to as **POPIA**), other privacy protection legislation, together with its regulations to all its clients, suppliers, service providers and other third parties. **PHH Badenhorst Inc** needs to collect personal information from its clients, suppliers, service providers and other third parties to carry out its business.

To maintain a trust relationship with our Stakeholders, we are committed to complying with both the spirit and the letter of POPIA, other privacy protection legislation, and to always act with due skill, care, and diligence when dealing with personal information.

This privacy notice describes how we collect and use your personal information and will apply when you provide your personal information to us, via our website, WhatsApp, Facebook, on the phone, email, in person, through your representative and any other manner not specifically mentioned here.

2. WHAT IS PERSONAL INFORMATION:

Personal Information according to POPIA, means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- a. 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;
- b. Information relating to the education or the medical, financial, criminal, or employment history of the person;

- c. Any identifying number, symbol, e-mail address, telephone number, location information, online identifier, or other particular assignment to the person;
- d. The biometric information of the person;
- e. The personal opinions, views, or preferences of the person;
- f. Correspondence sent by the person that would reveal the contents of the original correspondence;
- g. The views or opinions of another individual about the person; and
- h. 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.

3. WHERE AND WHEN DO WE COLLECT PERSONAL INFORMATION:

We collect and receive personal information in a number of different ways as set out below. The list is not exhaustive.

- Directly from you by means of electronic correspondence, face to face interaction, telephone;
- In the course of providing our services;
- Contact information and message submitted on our website;
- Correspondence sent to us by parties to an agreement you are part of / opposing parties or their representatives;
- A person authorised by you to act on your behalf
- Supporting documentation provided to us in the course of providing our services to your
- From third parties affiliated with our services.
- Information freely available

4. WHEN WILL WE PROCESS YOUR PERSONAL INFORMATION:

We will only process your personal information for lawful purposes relating to our business and the services we render if the following circumstances apply:

- You have consented thereto;
- a person legally authorised by you, or a court, has consented thereto;
- It is necessary to conclude or perform under a contract/mandate we have with you;
- The law requires or permits it;
- It is required to protect or pursue your, our, or a third party's legitimate interest; and our reason for processing the information outweighs the prejudice to your rights as a data subject and/or

- You are a child, and a competent person (such as a parent or guardian) has consented thereto on your behalf.

5. WHEN WILL WE PROCESS YOUR SPECIAL PERSONAL INFORMATION:

Special personal information refers to the following categories of information:

Religious and philosophical beliefs; Race; Ethnic origin; Trade union membership; Political beliefs; Health including physical or mental health, disability, and medical history; Biometric information; Criminal behaviour where it relates to the alleged commission of any offence or the proceedings relating to that offence.

We will process special personal information in the following instances:

- You have consented to the processing (in circumstances where we are legally obliged to obtain your consent); or
- It is necessary to exercise or defend a right or obligation in law; or
- It is necessary to comply with an international legal obligation of public interest; or
- It is for certain historical, research, or statistical purposes that would not adversely affect your privacy; or
- You have deliberately made your personal information public.

6. WHAT INFORMATION DO WE COLLECT, AND HOW DO WE USE YOUR INFORMATION:

We use data we have about you in order to perform the agreed services or mandate. This will include information and documentation we need to obtain in terms of FICA requirements or to do the necessary assessment or research to provide an opinion, to advise you or draft legal documentation / correspondence.

Your information will also be used to manage our ongoing relationship with you, to make sure your information or records are accurate and up to date, and to offer you any further services we have available.

Kindly note that the following list are examples of the purpose of processing and the type of information, which is not comprehensive. It sets out the main purposes and data elements collected by **PHH Badenhorst Inc.**

PURPOSE:	DATA ELEMENTS:
<ul style="list-style-type: none"> • Service Delivery • Invoicing • Debit Orders • Correspondence; • Audit & Record keeping; • Legal Compliance. • Purchase Orders 	<ul style="list-style-type: none"> • Business Registered name and Registration Number • VAT Number • Trading Name • Banking details / Bank Statements • Title • Name • Surname • Identity number • Marriage Status & Certificates/ Company Registration Certificates / Trust Letter of Authorities • Physical address / email- / Postal Address • Contact numbers and contact persons • Contracts / Service Level Agreements • Business Sector • Correspondence • Supporting documentation / evidence • Incorporating documentation

7. HOW WE SHARE YOUR INFORMATION:

In order to provide our services, it is necessary to share your information with different departments and or employees within our organization.

We share your information to the extend reasonably necessary with the following third parties:

- Our professional service advisors including legal, financial, risk management, bankers, auditors and other advisors used in the ordinary course of business.
- Advocates and expert witnesses.
- Provident fund / Insurance Fund administrators / Insurance brokers.
- Auctioneer, Sheriff of the Hight Court, Government Printing Works, Media to extend necessary for legal advertisement
- Correspondent Attorneys
- Guest houses when making travel arrangements for out of town matters.
- Regulatory bodies and Law enforcement agents to the extend required by law and or regulations
- Government agencies

Legal Disclosures:

We may need to share your information when we believe it is required by law, legal process or to help protect the rights and safety of you, us, or others. We attempt to notify members about legal demands for their data when appropriate in our judgment unless prohibited by law or court order or when the request is an emergency. We may dispute such demands when we believe, at our discretion, that the requests are overbroad, vague, or lack proper authority, but we do not promise to challenge every demand.

8. YOUR RIGHTS AND OBLIGATIONS:

We keep most of your personal information while we still have a purpose, we need to provide you with services or where we are legally obligated to do so.

We will also keep your information where you have agreed for us to do so, or have given your consent that we are allowed to do so.

We keep some of your information even after our business relationship has terminated, if it is reasonably necessary to comply with our legal obligations, meet regulatory requirements, resolve disputes, maintain security, prevent fraud and abuse, enforce our other user agreements, or fulfil your request to object to our processing of your information.

You have rights in connection with your personal information. You have many choices about how your information is collected, used, and shared.

In certain circumstances, by law, you have the right to:

- **Request access to your information:** You will be able to ask us what information we have about you as well as ask for a copy of this information. This should be done on request to Pieter@badenhorst.law. There are some exceptions, which means you may not always receive all the information we process. When we can give you a copy it might be done at a certain fee, which will also be communicated to you at the time of your query.
- **Change or correct information:** You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- **Delete information:** You can ask us to delete or remove personal information under certain circumstances.
- **Object to processing:** You can do this where we are relying on your legitimate interest, public interest, or our legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object

to processing on this ground. You also have the right to object where we are processing your data for direct marketing purposes or where you have given your consent for the specific processing and you want to retract your consent. Retracting your consent does not invalidate the information we lawfully processed while we had your consent to do so.

- **Request the restriction of processing:** You can ask us to suspend the processing of personal data about you, for example, if you want us to establish its accuracy or the reason for processing it.

9. CHANGES TO OUR PRIVACY NOTICE:

Changes to the privacy notice apply to your use of our services. We may modify this privacy notice from time to time, as required by changes in legislation without notice.

You acknowledge that your continued use of our services after we publish our changes to this privacy notice means that the collection, use, and sharing of your personal information is subject to the updated privacy notice.

10. OTHER IMPORTANT INFORMATION:

Measures to protect your personal information

We have put in place appropriate security measures to prevent your data from being accidentally lost, used, or accessed in an unauthorised way, altered, or disclosed. In addition, we limit access to your personal information on a business need-to-know basis, and subject to a duty of confidentiality.

Transborder information transfers:

We do not intentionally share any of our clients, suppliers, service providers and other third parties' information across borders. Some of the information we use may be collected by third parties whose technology we use to provide website functionality, and online storage, whose services might be outside the borders of South Africa.

11. CONTACT INFORMATION:

Should you have a query please send an email to: Pieter@badenhorst.law

OUR INFORMATION OFFICER:

Pieter Badenhorst (CEO)

Email: Pieter@badenhorst.law

Contact Number: 051 436 0886 / 079 783 9963

THE INFORMATION REGULATOR:

You have the right to lodge a complaint with the South African Information Regulator. See the Information Regulator contact details below.

Woodmead North Office Park
54 Maxwell Drive, Woodmead,
Johannesburg

POPIA COMPLAINTS: POPIAComplaints@infoeregulator.org.za

PAIA COMPLAINTS: PAIAComplaints@infoeregulator.org.za

GENERAL QUERIES: enquiries@infoeregulator.org.za