



HENKEL GREGORY INC.
Attorneys, Notaries & Conveyancers

HENKEL GREGORY INC. - PRIVACY POLICY

**THIS APPLIES TO HOW WE COLLECT, USE AND PROCESS YOUR
PERSONAL INFORMATION.**

PLEASE READ THIS PRIVACY POLICY CAREFULLY.

Please note:

All of the provisions of this Privacy Policy are important, but please pay special attention to the parts that are in bold writing. These parts contain information about provisions that have special consequences for you and are only intended to bring such provisions to your attention, and, where necessary, to explain their fact, nature and effect. Where explanations are given, they may be in italics and bold writing. Such explanations are aids to understanding only and are not provisions themselves. They will be preceded by the words "Please note:". They do not limit the meaning or application of the provisions, and do not apply only to the situations and examples described or only to similar situations or examples.

1. Scope of the Privacy Policy

1.1 Introduction and scope

1.1.1 **HENKEL GREGORY INCORPORATED**, registration number 2009/003607/21 ("**HG LAW**" or "**we**" or "**us**" or "**our**") conducts its business as a law firm with offices at Unit 11, Stand 189, Northlands Business Park, 2 Olympic Duel Avenue, off Newmarket Road, North Riding, Randburg. We are a responsible party (or data controller, in some jurisdictions) in respect of your Personal Information defined below, and Special Personal Information also defined below, which means that we determine the purpose of and means for processing your Personal Information.

1.1.2 We are committed to protecting and respecting your privacy. We strive to ensure that our use of your Personal Information is lawful, reasonable, and relevant to our business activities, with the goal of improving our services and your experience.

1.1.3 We have appointed an Information Officer and Deputy Information Officer who is responsible for overseeing questions in relation to the Privacy Policy. You may contact our Information Officer at mike@hglaw.co.za to discuss this

Privacy Policy or your rights under data protection legislation applicable to you.

1.1.4 This Privacy Policy describes how we will treat your Personal Information whether provided by you to us or collected by us through other means when you engage with us in your ordinary use of our products and services, in providing us with your products and services, or in accessing our website.

1.1.5 This Privacy Policy must be read together with any other documents or agreements which may be entered into between you and us and which describe the way we collect or process your Personal Information. This will enable you to understand the way in which we will process your Personal Information. This Privacy Policy supplements such agreements, but does not supersede them and in the event of any conflict, ambiguity or inconsistency between this Privacy Policy and any agreements, such documents shall be construed in the following order of priority:

1.1.5.1 this Privacy Policy;

1.1.5.2 the agreements.

1.2 **Your consent to the Processing of your Personal Information**

1.2.1 We may collect, obtain, receive, record, organise, collate, store, update, change, retrieve, read, process, use and share your Personal Information in the ways set out in this Privacy Policy. When we do one or more of these actions with your Personal Information, we are "**Processing**" your Personal Information (and "**process**" has a corresponding meaning).

1.2.2 If you are concerned about any aspect of this Privacy Policy as it relates to your Personal Information, please do not continue to engage with us or use our products and services.

1.2.3 We may, where permitted or required to do so by applicable law, process your Personal Information without your knowledge or permission, if sufficient grounds of justification are present, and we will do so in accordance with the further provisions of this Privacy Policy.

2. **What and who does this Privacy Policy apply to?**

This Privacy Policy applies to the processing by us or on our behalf, and our successors-in-title, of the Personal Information relating to you, being a user who accesses and/or uses our website or our products and services, or a provider of products and services to us, clients, suppliers, employees, former employees, prospective employees and other data subjects that engage with us.

3. What is Personal Information?

3.1 "**Personal Information**" refers to private information about an identifiable living natural person or, where applicable, an identifiable existing juristic person. Personal Information does not include information that does not identify you (including in instances where that information has been de-identified so that it does not identify a person). The Personal Information that we collect about you may differ based on your engagement with us or the products and services that you receive from us or that you provide to us.

3.2 We may process various types of Personal Information about you, as follows:

3.2.1 **Identity Information**, which includes information concerning your name, username or similar identifier, marital status, title, occupation, interests, date of birth, gender, race and legal status, as well as copies of your identity documents, photographs, identity number, registration number and your qualifications.

3.2.2 **Contact Information**, which includes your billing addresses, delivery addresses, e- mail addresses and telephone numbers.

3.2.3 **Financial Information**, which includes bank account details; details of funds which we invest and hold on your behalf for a matter, insurance information, financial statements, tax clearance certificates, income tax and VAT registration numbers.

3.2.4 **Transaction Information**, which includes details about payments made to or received from you and company information, which may consist of financial activity.

3.2.5 **Technical Information**, to the extent applicable, which includes your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access our website or to use our products and services or engage with us.

4. Special Personal Information

4.1 We hereby notify you that, in certain circumstances, by engaging with us, we may collect certain Special Personal Information about you. "**Special Personal Information**" refers to details about your religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or information about your criminal offences or convictions.

4.2 The processing of Special Personal Information requires higher levels of protection. We need to have further justifications for processing Special Personal Information. We have implemented appropriate policies and safeguards, which we are required by law to maintain, to process Special Personal Information.

5. When will we process your Special Personal Information?

- 5.1 We will generally not process Special Personal Information about you unless it is necessary for establishing, exercising or defending a right or obligation in law, or where we have obtained your consent to do so. On rare occasions, there may be other reasons for processing your Special Personal Information, such as where the information has been deliberately made public by you. The situations in which we may process your Special Personal Information include the following:
- 5.1.1 as part of the recruitment and hiring process, we may process information relating to your race or any criminal behaviour on your part;
 - 5.1.2 we may process information pertaining to your political persuasion as part of the know your client (KYC) processes and customer due diligence (CDD) checks;
 - 5.1.3 we may process information relating to your health as part of our screening processes when accessing our premises, to comply with Covid-19 regulations and protocols; and
 - 5.1.4 we may process information which indicates your religious beliefs (for example, when you attend events organised by us, we may ask you for your dietary requirements or when we invest in certain non-interest-bearing investment accounts on your behalf this may indicate your religious beliefs).

6. How we collect your Personal Information

- 6.1 We collect your Personal Information in the following ways:
- 6.1.1 through direct or active interactions with you;
 - 6.1.2 through automated or passive interactions with you; and
 - 6.1.3 from third parties and public sources.
- 6.2 **Direct or active collection from you**
- 6.2.1 We may require that you submit certain information:
- 6.2.1.1 to make contact with our partners and employees;
 - 6.2.1.2 to grant you access to our premises;
 - 6.2.1.3 to enable you to facilitate the conclusion of an agreement with us; and
 - 6.2.1.4 that is necessary for our fulfilment of our statutory or regulatory obligations

- 6.2.2 We also collect Personal Information directly from you when you communicate directly with us, for example when you complete certain application forms (including client onboarding forms such as KYC forms, CDD checks, and vendor forms), via e-mail, telephone calls, feedback forms, registering for and attending events, giving us your business card.
- 6.2.3 If you contact us, we reserve the right to retain a record of that correspondence in accordance with any record retention policy, as may be applicable, from time to time, and applicable data protection legislation, which may include Personal Information.
- 6.2.4 The Personal Information that we actively collect from you may include any of the Personal Information listed in clause 3.2 of this Privacy Policy and, in some instances, certain Special Personal Information listed in clause 5.1 of this Privacy Policy.
- 6.3 **Collection from third parties and public sources**
We receive Personal Information and Special Personal Information about you from various third parties including recruitment agencies, suppliers of background checks services and publicly available sources.

7. How we use your Personal Information

- 7.1 We use your Personal Information for the following purposes:
- 7.1.1 to provide legal services to our clients;
 - 7.1.2 in relation to matter-related documents and information, for legal research, referencing and drafting (i.e. documents are re-used for know-how purposes);
 - 7.1.3 to invest funds on behalf of our clients;
 - 7.1.4 to comply with our regulatory reporting obligations;
 - 7.1.5 to comply with our statutory obligations, including client identification and verification as part of our KYC and CDD obligations, and screening clients and visitors' health when accessing our premises to comply with Covid-19 regulations and protocols;
 - 7.1.6 to conduct the recruitment and hiring processes, which includes conducting criminal record and credit checks (where appropriate), the capturing of a job applicant's details and providing status updates to job applicants;
 - 7.1.7 in relation to supplier information, to create supplier profiles on our systems, pay suppliers, and for general supplier administration;
 - 7.1.8 to maintain and update our client, or potential client databases;

- 7.1.9 to maintain and update our supplier database;
 - 7.1.10 to detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of our systems and files, our website and/or contraventions of this Privacy Policy or the agreements;
 - 7.1.11 for security, administrative and legal purposes;
 - 7.1.12 for client relations purposes, which may include storage of clients' marital status and birthdates;
 - 7.1.13 to communicate with you and retain a record of our communications with you and your communications with us;
 - 7.1.14 to fulfil any contractual obligations that we may have to you or any third party;
 - 7.1.15 to invite you to webinars, functions or events that we may host;
 - 7.1.16 for other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services and/or our business activities or such other purpose for which it was collected.
- 7.2 We will obtain your permission before collecting or using your Personal Information and/or Special Personal Information for any other purpose.

8. **Compulsory Personal Information and consequences of not sharing it with us**

- 8.1 The following information is compulsory Personal Information:
- 8.1.1 your name and surname;
 - 8.1.2 your contact details, such as your email address and/or your telephone number.
- 8.2 Depending on the nature of your engagement or relationship with us, other types of Personal Information may be necessary, including:
- 8.2.1 financial (including bank account details, tax information);
 - 8.2.2 names and registration numbers as contained in documents issued by the Companies and Intellectual Property Commission, Master's Office, Deed's Registries and the South African Revenue Service; and

8.2.3 information which may be necessary to ensure our compliance with the requirements of the Legal Practice Act 28 of 2014, the Deeds Registries Act 47 of 1937, the Companies Act 71 of 2008, the Financial Intelligence Centre Act, 38 of 2001 or other money laundering and counter-terrorist financing legislation.

8.3 All other Personal Information is optional. If you do not agree to share the above- mentioned compulsory Personal Information with us, then you will not be able to engage with us, supply your products or services to us or make full use of our products and services. If you do not agree to share your optional information with us, then you might not be able to engage with us fully, be paid for your products and services or receive complete and accurate products and services from us.

Please note:

In the clause above, you agree and accept that there is certain compulsory Personal Information you must provide us with if you want to engage with us fully, supply your products or services to us. If you decide not to provide us with such compulsory Personal Information, you agree that we may limit our engagement with you, our procurement of your goods and services.

9. Sharing of your Personal Information

9.1 We will not intentionally disclose your Personal Information, whether for commercial gain or otherwise, other than with your permission, as permitted by applicable law or in the manner as set out in this Privacy Policy.

9.2 You agree and give permission for us to share your Personal Information under the following circumstances:

9.2.1 with our agents, professional correspondents, colleagues, advisers and suppliers that have agreed to be bound by applicable data protection legislation and this Privacy Policy or similar terms, which offer a similar level of protection as this Privacy Policy;

9.2.2 with our employees, suppliers, consultants, contractors and agents if and to the extent that they require such Personal Information in order to process it for us and/or in the provision of services for or to us, which include know-how and research, pitching to other clients to obtain further instructions; reporting purposes (e.g. the South African Revenue Service and the FIC); hosting, development and administration, technical support and other support services relating to our website or the operation of our business. We will authorise any Personal Information processing done by a third party on our behalf, amongst other things by entering into written agreements with those third parties governing our relationship with them and containing confidentiality; non-disclosure and data protection provisions. Such persons may be disciplined, their contracts terminated or other appropriate action taken if they fail to meet their obligations;

- 9.2.3 to enable us to enforce or apply our terms and/or any agreement you have with us;
- 9.2.4 to protect our rights, property or safety or that of our clients, employees, contractors, suppliers, agents and any other third party;
- 9.2.5 with governmental agencies and other regulatory or self-regulatory bodies, if required to do so by law or when we reasonably believe that such action is necessary to:
 - 9.2.5.1 comply with the law or with any legal process;
 - 9.2.5.2 protect and defend our rights, property or the safety of our clients, employees, contractors, suppliers, agents or any third party;
 - 9.2.5.3 detect, prevent or manage actual or alleged fraud, security breaches, technical issues, or the abuse, misuse or unauthorised use of or contraventions of this Privacy Policy; and/or
 - 9.2.5.4 protect the rights, property or safety of members of the public (if you provide false or deceptive information or misrepresent yourself, we may proactively disclose such information to the appropriate regulatory bodies and/or commercial entities).
- 9.3 We will get your permission before disclosing your Personal Information to any third party for any other purpose, if we are required by law to do so.

10. Storage and transfer of your Personal Information

- 10.1 We store your Personal Information on:
 - 10.1.1 our premises, in the form of hard copies;
 - 10.1.2 the premises of third party service providers such as document storage service providers;
 - 10.1.3 our servers; or
 - 10.1.4 on the servers of our third party service providers, such as IT systems or hosting service providers.
- 10.2 In the event of the scenarios contemplated in clauses 10.1.2 and 10.1.4, we will ensure that we have entered into written agreements with those third party service providers governing our relationship with them that require them to secure the integrity and confidentiality of Personal Information in their possession by taking appropriate, reasonable technical and organisational measures.

- 10.3 From time to time, we and our service providers may need to transfer to and/or store your Personal Information on servers in a jurisdiction other than where it was collected (i.e. outside of South Africa and in the cloud) and we hereby notify you that such jurisdiction may not have comparable data protection legislation.
- 10.4 If the location to which Personal Information is transferred and/or is stored does not have substantially similar laws to those of South Africa, which provide for the protection of Personal Information, we will take reasonably practicable steps, including the imposition of appropriate contractual terms to ensure that your Personal Information is adequately protected in that jurisdiction.
- 11. Security**
- 11.1 We take reasonable technical and organisational measures to secure the integrity of your Personal Information and using accepted technological standards to prevent unauthorised access to or disclosure of your Personal Information, and protect your Personal Information from misuse, loss, alteration and destruction.
- 11.2 We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.
- 11.3 We also create a back-up of your information for operational, business continuity and safety purposes and we have a back-up disaster recovery program.
- 11.4 Despite the above measures being taken when processing Personal Information and Special Personal Information, subject to the provisions of this clause 11.4, as far as the law allows, we will not be liable for any loss, claim and/or damage arising from any unauthorised access, disclosure, misuse, loss, alteration or destruction of your Personal Information and/or Special Personal Information.
- 11.5 We have implemented policies and procedures to address actual and suspected data breaches and undertakes to notify you and the relevant regulatory authorities of breaches in instances in which we are legally required to do so and within the period in which such notification is necessary.

Please Note:

In this clause, you acknowledge that you know and accept that technology is not absolutely secure and there is a risk that your Personal Information and Special Personal Information will not be secure when processed by means of technology. We do not promise that we can keep your Personal Information and Special Personal Information completely secure. To the maximum extent permitted by law, you will not be able to take action against us if you suffer losses or damages in these circumstances.

12. Retention of your Personal Information

- 12.1 We may keep your Personal Information for as long as you continue to engage with us, provide services or products to us, or use our products and services or for as long as reasonably necessary or until you contact us and ask us in writing to destroy it.
- 12.2 Aside from clause 12.1 above and any other clause in this Privacy Policy, we may retain and process some or all of your Personal Information if and for as long as:
- 12.2.1 we are required or permitted by law, a code of conduct or a contract with you to do so;
 - 12.2.2 we reasonably need it for lawful purposes related to the performance of our functions and activities;
 - 12.2.3 we reasonably require it for evidentiary purposes; or
- 12.3 To determine the appropriate retention period for Personal Information, we will consider, among other things, the nature and sensitivity of the Personal Information, the potential risks or harm that may result from its unauthorised use or disclosure, the purposes for which we process it and whether those purposes may be achieved through other means. We will always comply with applicable legal, regulatory, tax, accounting or other requirements as they pertain to the retention of Personal Information, as well as our record retention policy.

13. Maintenance of your Personal Information

- 13.1 Where required by law, we will take all reasonable steps to ensure that your Personal Information is accurate, complete, not misleading and up to date.
- 13.2 We acknowledge that you may have rights of access to, and the right to rectify, your Personal Information, and rights to object to the processing of your Personal Information in certain circumstances (*clause 14 below contains further information about these rights*).
- 13.3 You must advise us if any of the Personal Information that we have about you is incorrect, incomplete, misleading or out of date, by notifying us at the contact details set out in clause 1.1.3 above or where applicable, by notifying the person interfacing with you.
- 13.4 Where required by law, we will take reasonable steps to correct or update your Personal Information accordingly, having regard to the purpose for which such Personal Information was collected or used.

14. Your rights

- 14.1 Data protection legislation may confer certain rights on you in respect of your Personal Information. We aim to be clear about what Personal Information we collect so that you can make meaningful choices about what Personal Information you make available to us. You may, for example:
- 14.1.1 Request access to your Personal Information (commonly known as a "data subject access request"), which indicates what Personal Information we have about you.
 - 14.1.2 Request the correction of your Personal Information, in order to ensure that any incomplete or inaccurate Personal Information is corrected.
 - 14.1.3 Request erasure of your Personal Information, where there is no lawful basis for the retention or continued processing of it.
 - 14.1.4 Object to the processing of your Personal Information for a 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 as you feel it impacts on your fundamental rights and freedoms.
 - 14.1.5 Request restriction of processing of your Personal Information. This enables you to ask us to suspend the processing of your Personal Information in limited circumstances, which may differ by jurisdiction.
 - 14.1.6 Withdraw consent which you previously gave to the processing of your Personal Information at any time. You may withdraw your consent for us to process your Personal Information at any time. The withdrawal of your consent can only be made by you on condition that such withdrawal of your consent:
 - 14.1.6.1 does not affect the processing of your Personal Information before the withdrawal of your consent; or
 - 14.1.6.2 does not affect the processing of your Personal Information if the processing is in compliance with an obligation imposed by law on us; or
 - 14.1.6.3 does not affect the processing of your Personal Information where such processing is necessary for the proper performance of a public law duty by a public body; or
 - 14.1.6.4 does not affect the processing of your Personal Information as required to finalise the performance of a contract in which you are a party; or
 - 14.1.6.5 does not affect the processing of your Personal Information as required to protect your legitimate interests or our own legitimate interests or the legitimate interests of a third party to whom the information is supplied.

- 14.1.7 Withdrawal of consent may limit our ability to provide certain products and services to you or the ability of a third party to provide certain products or services to you but will not affect the continued processing of your Personal Information in instances in which your consent is not required.
- 14.1.8 **Institute civil proceedings** regarding an alleged interference with the protection of your Personal Information processed in accordance with this Privacy Policy.
- 14.2 As far as the law allows, we may charge a fee for attending to any of the above requests, and we may refuse to carry out any of your requests in whole or in part.

15. **Changes to this Privacy Policy**

To the extent allowed by the law, this Privacy Policy may be amended and updated from time to time in our sole discretion, without notice, provided that if we do so, we will post the revised policy on our website. Accordingly, please periodically check our Privacy Policy on our website. If you continue to engage with us, provide products or services to us or use our products and services after amendments are made to the Privacy Policy and displayed on this Website, you will be deemed to have accepted the updated Privacy Policy.

16. **Children**

- 16.1 Our products or services are not targeted at people under the age of 18.
- 16.2 We may, in limited instances, process Personal Information of children including in the course of providing services to you. In such cases, the processing of Personal Information of children is conducted with the consent of a competent person or to comply with an obligation in law.
- 16.3 We will not knowingly collect Personal Information of persons in this age group without express consent to do so or without a legal obligation to do so.
- 16.4 For any questions in respect of the processing of Personal Information of children, please contact the Information Officer or the Deputy Information Officer on mike@hglaw.co.za.

17. **Direct Marketing**

We will not process Personal Information for the purpose of direct marketing.

18. Consumer Protection Act, Protection of Personal Information Act and other laws

- 18.1 If this Privacy Policy or any provision in this Privacy Policy is regulated by or subject to the Consumer Protection Act, 68 of 2008, the Protection of Personal Information Act, 4 of 2013 ("POPIA") or other laws, it is not intended that any provision of this Privacy Policy contravenes any provision of the Consumer Protection Act, POPIA or such other laws. Therefore, all provisions of this Privacy Policy must be treated as being qualified, to the extent necessary, to ensure that the provisions of the Consumer Protection Act, POPIA and such other laws are complied with.
- 18.2 No provision of this Privacy Policy:
- 18.2.1 does or purports to limit or exempt us from any liability (including, without limitation, for any loss directly or indirectly attributable to our gross negligence or wilful default or that of any other person acting for or controlled by us) to the extent that the law does not allow such a limitation or exemption;
- 18.2.2 requires you to assume risk or liability for the kind of liability or loss, to the extent that the law does not allow such an assumption of risk or liability; or
- 18.2.3 limits or excludes any warranties or obligations which are implied into this Privacy Policy by the Consumer Protection Act (to the extent applicable), POPIA (to the extent applicable), or other applicable laws or which we give under the Consumer Protection Act (to the extent applicable), POPIA (to the extent applicable), or other applicable laws, to the extent that the law does not allow them to be limited or excluded.

19. General

- 19.1 You agree that this Privacy Policy, our relationship and any dispute of whatsoever nature relating to or arising out of this Privacy Policy whether directly or indirectly is governed by South African law, without giving effect to any principle of conflict of laws.
- 19.2 You agree that we may, at any time, transfer, cede, delegate or assign any or all of our rights and obligations under this Privacy Policy without your permission. We will notify you if we transfer, cede, delegate or assign any rights or obligations to a third party, but we do not have to notify you if we transfer, cede, delegate or assign any rights or obligations to any person which acquires all or part of our business and/or assets. We may in certain instances, also sub-contract our obligations, for example, engaging with external IT service providers or printers. Where we engage such sub- contractors, we will do so without your permission and we do not have to notify you if we sub-contract any of our obligations.
- 19.3 Subject to clause 19.2, this Privacy Policy shall apply for the benefit of and be binding on each party's successors and assigns.

- 19.4 Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision.
- 19.5 Each provision of this Privacy Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision (or part of a provision) of this Privacy Policy is found by a court or authority of competent jurisdiction to be illegal, invalid or unenforceable (including without limitation, because it is not consistent with the law of another jurisdiction), it must be treated as if it was not included in this Privacy Policy and the rest of this Privacy Policy will still be valid and enforceable.
- 20. Queries and contact details of the Information Regulator**
- 20.1 Should you feel that your rights in respect of your Personal Information have been infringed, please address your concerns to the Information Officer or Deputy Information Officer at mike@hglaw.co.za. If you feel that the attempts by us to resolve the matter have been inadequate, you may lodge a complaint with the South African Information Regulator by accessing their website at www.justice.gov.za/inforeg.
- 20.2 If you are located outside of South Africa, you may contact the appropriate regulator in your country of domicile.