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KB & ASSOCIATES INCORPORATED: (KBA)

PRIVACY POLICY - DATA PROTECTION AND INFORMATION SECURITY:

PROTECTION OF PERSONAL INFORMATION ACT, ACT NO. 4 OF 2013: (POPI)

PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO. 2 OF 2000: (PAIA)

COMPILED BY:

KB & ASSOCIATES INCORPORATED
CONTACT NUMBER – 031 9414043, 0828040283
INTELLECTUAL PROPERTY AND COPYRIGHT RESERVED

EXTERNAL LEGAL ADVISORS:

VELILE TINTO & ASSOCIATES INCORPORATED
DIRECTOR: MARTIN VORSTER

GBA LEGAL
DIRECTOR: GLODEAN BRIJLALL

IT SUPPORT:

CODECRAFT (PTY) LTD
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1. DOCUMENT CHANGE HISTORY

VERSION NUMBER	1.0
DATE OF VERSION	5 th May 2021
DATE OF NEXT REVIEW	5 th May 2022
POLICY OWNER	Kirthi Biseswar
APPROVED BY	Kirthi Biseswar & Shaheena Khan

2. DOCUMENT APPROVAL

AUTHORISED	NAME & SURNAME	SIGNATURE	DATE OF APPROVAL
Managing Director – Information Officer	KIRTHI BISESWAR	SIGNED ELECTRONICALLY	5 th May 2021
Compliance Officer & Deputy Information Officer	SHAHEENA KHAN	SIGNED ELECTRONICALLY	5 th May 2021

3. DEFINITIONS:

NUMBER	DEFINITION OF	MEANING
3.1.	“Data Subject”	The person to whom, or company to which, the data is related.
3.2.	“Responsible Party”	The organisation that controls what happens with the data. Also, known as the “Company”.
3.3.	“Operator”	Any organisation that receives the data to perform a function. An operator is a party that processes data solely in the interest of and on behalf of another, according to their instructions, without coming under their direct authority.
3.4.	“Processing”	Any operation, whether automated or not, or activity or set of activities and include without limitation collection, retrieval, alternation, consultation, use, dissemination, transmission, distribution, merging, linking, degradation, erasure or destruction etc.

4. INTRODUCTION:

At KB & Associates Incorporated, also referred to as “the Company”, privacy, data protection and information security are extremely important and within the organisation, there is significant emphasis placed on these important aspects.

Data protection refers to the rights and obligations of both organisations and individuals, to ensure the legal collection, use, retention, and disclosure of such information. As an organisation it is critical to have information security. This refers to measures taken by an organisation to protect the integrity of such data and information, thereby adhering to applicable legislation, and minimizing risk.

This policy was written to ensure compliance with the *POPI and PAIA Acts*. This policy will apply to the employees and independent contractors of the Company. This policy will also apply to the personal information of external data subjects and data owners processed and / or stored by the Company, as well as the personal information of the Company employees.

The *POPI Act* was written to promote the protection of personal information processed by public and private bodies, and non – profit organisations.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. This right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

This *POPI Act* was created to regulate, in keeping with international standards, the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy, subject to the justifiable limitations.

The *POPI Act* provides “Data Subjects” (as defined in terms of article 1 - Definitions), the right, in the prescribed manner, to request a “Responsible Party” (as defined in terms of article 1 - Definitions) to:

- i. ensure the correction or deletion of any Personal Information held about the Data Subject, either in its possession or under its control, that may be inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or
- ii. destroy or delete a record of personal information about the Data Subject that the Responsible Party is no longer authorised to retain, process and to access.

The Company fully supports the data subjects’ privacy, by way of the data protection and information security in terms of the applicable legislation as described more fully above. This policy forms part of the Policies and Procedures of the Company and can be made available for viewing at the physical office premises of the Company. The website will accordingly also be updated in this regard.

The **POPI Act** broadly requires businesses to limit their use of personal data, get written consent before using it, and to let users withdraw their consent later on. To make sure the consent is "informed," one must publish several details, which is best done in a **Privacy Policy**, as set out in the terms of this document.

5. HISTORY:

The company was created in August of 2015 and opened its doors on the 1st of September 2015. The company is a registered legal entity under the name and style of **“KB & ASSOCIATES INCORPORATED” (KBA)**. The company is a private entity, providing professional legal services.

The Company has, as a private body, compiled this privacy policy, to comply with the provisions of the relevant legislation, and to allow, maintain and promote a culture of transparency and accountability at the Company. This ensures that the Company has an environment whereby the public, clients, services providers, agents, and stakeholders have effective access to information in the possession of the Company, and which will thereby assist the parties to exercise and protect their respective rights.

This policy describes the types of personal information that the Company may collect, the purposes for which the information is utilised, the circumstances when this information may be shared and the reasonable steps that the Company takes to safeguard the information, thereby protecting privacy.

Upon engagement with the Company, it is confirmed that the practices as described in this Privacy Policy, are accepted, and consented to.

6. GENERAL AND CONTACT INFORMATION OF THE COMPANY:

Any personal information provided to or gathered by the Company is controlled by the Company. In the event of any third parties assisting the Company with services, the Company ensures that the third parties adhere to the relevant privacy legislation. Each service provider is asked to provide a letter of undertaking and confirmation that privacy policies are in place to ensure data protection and information security is reasonably implemented.

The contact details of the company are as follows:

NAME OF COMPANY	KB & ASSOCIATES INCORPORATED
PHYSICAL & POSTAL ADDRESS	LDM BUILDING 21 WEST RIDING ROW SHERWOOD 4091

TELEPHONE	+27 31 941 4043
TELEFAX	+27 86 610 0166
EMAIL:	Kirthi.Biseswar@kblawsa.co.za (MANAGING DIRECTOR & INFORMATION OFFICER) admin@kblawsa.co.za (COMPLIANCE DEPARTMENT & DEPUTY INFORMATION OFFICER) info@kblawsa.co.za (LEGAL DEPARTMENT)
MOBILE NUMBERS:	+27 65 810 4063 – KBA OFFICE MOBILE +27 82 804 0283 – KIRTHI BISESWAR, MANAGING DIRECTOR
WEBSITE:	https://www.kblawsa.co.za

7. TYPES OF PERSONAL INFORMATION COLLECTED:

7.1. The following are the types of personal information that is collected:

- 7.1.1. PERSONAL INFORMATION – Identity number, passport number, date of birth, physical address, postal address, proof of residence, confirmation of banking details, preferred communication methods – email address, mobile number, landline telephone numbers.
- 7.1.2. SPECIAL PERSONAL INFORMATION – This term refers to in this context to information relating to religious beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual orientation, or criminal behaviour. Generally, the Company does not collect special personal information, unless it is provided voluntarily and with consent.
- 7.1.3. PERSONAL INFORMATION ABOUT CHILDREN – The Company does not knowingly collect personal information from children, under the age of 18 (eighteen) years without the permission of their parent or legal guardian.
- 7.1.4. EXCEPTIONS – Almost all processing activities performed in respect of personal information fall within the auspices of the POPI Act. This is due to the broad definition of the term “processing”. There are exemptions that exist where processing of the personal information is not regulated by POPIA, namely:

- 7.1.4.1. Is processed for purely personal or household activity.
 - 7.1.4.2. Is processed by, or on behalf of a public body in respect of national security or where the purpose of the processing is to prevent or detect unlawful activities.
 - 7.1.4.3. Is processed by the Cabinet and its committees or the Executive Council of a province.
 - 7.1.4.4. Is relevant to a court's judicial functions, or
 - 7.1.4.5. Is solely for the purpose of journalistic, literary, or artistic expression.
- 7.1.5. CONTACT VIA WEBSITE OR OTHER MEDIUM – There is a CONTACT tab on the website with an option for information to be shared, namely name, surname, and contact details. This is totally voluntarily done and the details that are supplied are done only if someone wishes to be contacted. This information with basic contact information is emailed to an email address at the offices of KB & Associates Incorporated.
- The website of the Company does use analytics to analyse user behaviour, so that the digital marketing strategy of the Company can be amended from time to time. This assists so that the overall customer experience on the website and other digital marketing mediums, can be improved. No details are recorded nor stored and contact details of the user of the website is not saved. It is only if the user wishes to engage with the Company and completes a short form on the website voluntarily, will it lead to an email to the Company, so that the Company can contact the potential client. This is not mandatory and is totally at the discretion of the user or potential client.
- 7.1.6. SURVEYS – The Company could request surveys to be completed from time to time. These surveys are not mandatory and are voluntarily done.
- 7.1.7. INFORMATION RELATING TO A LEGAL MATTER – This is treated within the scope and ambit of attorney client privileged information. Information is collected for the purposes of legal advising within this context and will be utilised for this purpose.
- 7.1.8. OTHER INFORMATION PROVIDED AND COLLECTED FROM CLIENTS, EMPLOYEES, AGENTS, ETC. Is collected by the Company and the terms of this privacy policy will apply retrospectively.

8. USAGE OF PERSONAL INFORMATION COLLECTED:

The Company uses personal information to provide the services that the Company provides. These relate to legal and ancillary services. The information may be used in

legal documents, commercial contracts, corporate governance documents, to send statements of accounts and tax invoices for payment of fees, maintain accounting and financial records, and to administer and maintain client records. Further, the personal information provided could be utilised so that the Company can improve its client services, prevent, and detect fraud and to enable third parties to assist the Company with the services in respect of technical, storage, logistical, specialist, or other functions on behalf of the Company.

The details could also be used to send emails, newsletters, or other communications from time to time. This is done so that our clients and stakeholders could keep abreast of changes in the environment within which the Company operates and to also keep abreast of the changes and improvements within the Company.

In the event of a person applying for employment with the Company, or with one of its clients, or seeking a lease with the Company or one of its clients, the personal information provided will be used to do a background verification and reference check on the candidates, with their written consent.

Other than as set out in this privacy policy, the Company will not share personal information with third parties for any purpose without the data subject's authorisation, unless required to do so by law.

Clients and stakeholders sign a mandate and engagement document, as well as a *Section 18 consent document*, wherein the usage of the personal information is consented to by the owner or data subject, to whom this personal information belongs to.

There is also an email disclaimer as follows:

KBA respects your privacy and acknowledges that this e-mail will contain personal details, which may belong to you, others and/or to your company (personal information). By sending KBA this email communication, you expressly give KBA consent to process and further process the personal information which will be done in accordance with the Protection of Personal Information Act (4 of 2013) (POPI) and the KBA Data Processing Policy which sets out why we need the personal information, what we will do with it, and with whom we will share it. Our S18 Consent Document will be made available to you , and can be found on our website www.kblawsa.co.za. This e-mail disclaimer shall be governed by the law of South Africa.

9. SHARING OF THE INFORMATION RECEIVED BY THE COMPANY FROM THE DATA SUBJECT:

The Company, its employees, agents, fixed term employees, independent contractors, specialists, etc. will have access to the information to ensure that the services provided by the Company are completed. These parties would sign

contracts and agree to confidentiality clauses and the protection of personal information of data subjects.

10. THIRD PARTY SERVICE PROVIDERS:

The Company will engage the services of other individuals, companies, and organisations, to perform functions on behalf of the Company. These include the transmission of provision of the following services:

- Banking – investment accounts
- email
- hosting
- website provider
- IT
- accounting and auditing
- payroll
- postal services
- off-site storage facilities
- courier
- messenger and delivery services
- specialist legal agents (like other attorneys and advocates)
- landlord.

These third parties provide written confirmation and undertakings for compliance with POPIA and PAIA legislation, and the protection of data and information security in respect of the personal information as provided for by the Company.

11. STORAGE OF DATA:

The personal information is stored for the period within which it is required to enable the legal services to be completed. Thereafter, in keeping with the laws and legislation, the file records must be maintained for a period of 5 (five years), following the closure of the respective file.

12. EMPLOYEES:

Employees, fixed term contractors and temporary staff sign Agreements with the Company. These contracts specifically contain the personal details of the employees, fixed term contractors and the temporary staff.

The staff, contractors and temporary staff specifically sign a consent agreeing for all relevant checks to be done on their profiles, including all relevant credit bureau, criminal, social media, reference checks and educational authentication clearances.

The staff, contractors and temporary staff also sign a confidentiality agreement that all information accessed during their period of employment is regarded as confidential and will be treated with the utmost confidentiality. Any breach of such confidentiality and unlawful usage of any confidential information, can result in termination of the employment contract.

The staff do complete the daily COVID registers, which are managed by the landlord, who is POPI and PAIA compliant.

13. VISITORS:

All visitors that enter the office building do sign the visitor register. This is controlled by the landlord LDM Holdings. They are POPI and PAIA compliant, thus ensuring the protection of such information.

14. COVID REGISTERS AND RECORDS:

All visitors that enter the office building do sign the visitor register and all required COVID registers and forms. This is controlled by the landlord LDM Holdings. They are POPI and PAIA compliant, thus ensuring the protection of such information.

In addition, the Company has their own COVID forms which are also completed by visitors. These are stored safely in a file and kept safely at the offices of the Company.

15. REASONABLE STEPS TAKEN TO PROTECT THE INFORMATION:

The Company maintains physical, electronic, and procedural safeguards in connection with the collection, storage, and disclosure of personal information.

16. CHOICES AND RIGHTS OF THE "DATA SUBJECT":

- 16.1. The Data Subject has the right to request a copy of the personal information that the Company retains or to object to the processing of personal information held.
- 16.2. This request can be made by contacting the Company on the addresses, numbers and / or email addresses provided above. The Data Subject can specify what information it seeks. The Company will ensure that all reasonable steps are taken to confirm the identity of the party requesting the information, to make certain that the owner of the personal information is in fact making the request for such information. This will be verified prior to the release of any information.

- 16.3. The data subject can choose not to provide any information.
- 16.4. The data subject has the right to request that the Company update, correct or delete its personal information. This request can be made by contacting the Company on the addresses, numbers and / or email addresses provided above. The Company will ensure that all reasonable steps are taken to confirm the identity of the party requesting the information, to make certain that the owner of the personal information is in fact making the request for such information. This will be verified prior to the release of any information.
- 16.5. The Company will take all reasonable steps to ensure the safety of the personal information.
- 16.6. The Data Subject can update its information by contacting the Company, using any of the contact details as provided for above.
- 16.7. This Policy may be amended from time to time. The data subject may request the latest copy from the Company using any of the contact details as provided for above or as per the details contained on the website of the Company.

17. NOTICES AND AMENDMENTS:

The Company will update this Policy from time to time. The latest version will always be available on the website of KBA and will also be available for viewing physically at the office of KBA.

In the event that any data subject has any concern about privacy at the Company, the data subject can kindly email to the Company a thorough description of the issues at hand and the Company undertakes to resolve as soon and as reasonably as possible.

18. COMMUNICATION:

The Company encourages open and transparent communication with all data subjects.

19. CONCLUSION:

The Company is committed to protecting personal information and adhering to this privacy policy. This policy may be updated from time to time and the latest version will be available physically at the Company offices and on our website.