



DAY
—INC—

ATTORNEYS, CONVEYANCERS & NOTARY PUBLIC

POPI ACT AGREEMENT AND CONSENT DECLARATION

**PROTECTION OF PERSONAL INFORMATION AND THE
RETENTION OF DOCUMENTS**

FOR

DAY ATTORNEYS INC
all its subsidiaries
(hereinafter referred to as “DAY INC”)
(Registration number: 2012/152902/21)
Last Updated: June 2021

**THIS POLICY IS DRAFTED IN TERMS OF
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013
(THE POPI ACT 4 OF 2013)**

You hereby declare and confirm that you, as the client, who is providing information, do irrevocably agree and understand that any and/or all information supplied or given to DAY INC, is done so in accordance with the below mentioned terms and conditions and in accordance with this policy.

WHO ARE WE

DAY INC is a law firm functioning within the legal sector based in Gauteng South Africa. We are a Responsible Party in terms of the Protection of Personal Information Act, 4 of 2013 (POPIA) with respect to your personal information and as such we want to take certain steps to make sure that you are fully aware of exactly who we are, the types of personal information we process, how we process it, who we may need to share it with, as well as what your rights are in relation to our processing of your personal information in terms of POPIA.

As will become clear to you in this notice, we process all personal information to enable us to do business with you and to provide products and services to you as requested. In this notice, “**you**” mean you as an individual with whom we are dealing and whose personal information we may need to collect and process in order to provide the requested services and for any of the purposes described below.

The POPIA requires us to inform you as to the way your personal information is used, retained, disclosed, and destroyed.

We are committed to protecting your privacy and ensuring that your personal information is used appropriately, transparently, securely and in accordance with applicable laws.

DAY INC hereby also informs you that we comply with the code of conduct as governed by the Law Practitioners Council of South Africa.

1. Objective

The POPIA sets out the manner in which we deal with your personal information as well as and stipulates the purpose for which said information is used. The Policy is made available on our website at www.daylaw.co.za and by request from us.

This document establishes a general standard on the appropriate protection of personal information within our company. It provides principles regarding the right of individuals to privacy and to reasonable safeguards of their personal information.



www.daylaw.co.za

Tel: (012) 362 3280 | Fax: (012) 340 0337 | 336 Murray Street, Brooklyn, 0181 | PO Box 1506, Brooklyn Square, 0075

Proprietor: Day Attorneys Inc | Reg No: 2012/152902/21
Director: M.Q. Day B.Proc (UP), Conveyancer

Consultant: D.L. Basson LLB (NWU), Notary Public
Assisted by: C. Botha LLB (Unisa)



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2. **The Personal Information Collected**

Please note that in accordance with Section 18 of POPIA you are hereby expressly informed of the fact that when you engage with us, or we engage with you in person, telephonically or via e-mail, you may need to provide us with the following Personal Information, including but not limited to:

- Your first and last name (your entity name);
- Your identity number or Passport number or registration number;
- Phone / mobile number;
- Your banking details;
- Home or other physical address;
- E-mail address or other contact details;
- Information regarding the party responsible for settling the account;
- Any other information required by us, suppliers and Insurers in order to provide you with the best service possible; and

You should know that we collect and record all internet communications (including IP addresses), all correspondence we have with you irrespective of the medium of communication, details of your dealings with us and any visits to our website(s), mobile application(s) and customer portal(s), we collect and generate information in relation to your profile as a client of ours.

Unless we are specifically required to do so, in which case we will inform you and obtain your signed consent, we do not collect any special personal information as defined in section 26 of POPIA, including your religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion health or sexual orientation or biometric information.

Personal information is collected in terms of Section 10 of the POPIA which states that personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

We collect and process your personal information pertaining to your needs. The type of information will depend on the purpose for which it is collected and will be processed for that purpose only. Whenever possible, we will inform you as to the information required and the information that will be deemed optional.

3. **Purpose of collection of personal information**

We take the privacy of our data subjects (clients, employees, suppliers etc.) very seriously and we only collect and process personal information for specific purposes which are connected to our legitimate business purposes, which we generally need in order to comply with our obligations towards you.

The personal information you provide to us in your dealings with us, primarily processed for the purposes of enabling us to comply with our contractual and lawful obligations towards yourself.

However, we do want to highlight a few specific instances which are also connected to our legitimate business purposes:

- To provide or manage any information, products and / or services requested by you pursuant to your dealings with us;
- To evaluate whether or not to offer, extend or modify any offering or services requested by, or provided to, you;
- Using, processing, sharing / transferring or engaging in analytics of your personal information for legitimate business purposes and for the purposes of new business or product development;
- To establish your needs, requirements, and preferences in relation to the products and / or services provided by us from time to time;



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- To allocate unique identifiers to you for the purpose of processing your personal information, securely storing, retaining, and recalling your personal information from time to time, regardless of whether you conclude an agreement with us or not;
- To improve the quality of our products and services;
- To analyse your personal information collected for research and statistical purposes;
- To investigate and attempt to resolve any queries, complaints or requests you may have from time to time;
- To verify that the personal information provided is true and accurate;
- To, for the purposes of enhancing the scope of products and services we can offer to you or the method of delivery of same, share or transfer all or any part of your personal information to a third party who is a potential business partner or actual provider / supplier of outsourced services to us;
- Delivering the best possible service and care to the clients and to meet their needs;
- For audit and record keeping purposes; and
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

4. **Information Quality**

If it is not possible for you to input your own personal information or if the personal information is captured from one format to another (i.e. from a paper form to an IT system) then the personal information will be revised by a senior authorized person for the accuracy thereof.

We will provide you with details of how to update your personal information or withdraw consent. It is advisable to develop procedures for automatically checking the accuracy of the personal information on a regular basis, by sending a validation request to you. The aforementioned includes giving you the option to request at any time (via e-mail and / or via telephone) to update your personal information and to notify you at reasonable periods of your rights to update your personal information.

5. **Disclosure of Information**

For us to maintain the high standards of product and service delivery you have come to appreciate, we are required to share your personal information with some of our suppliers, service providers and business partners. We use service providers and suppliers who we trust, who we have agreements with. We will ensure that in terms of those agreements they will only use it for purposes which we have agreed to and if we are comfortable that they are securing your personal information. If you are interested in whom these service providers are, you can view our website.

So that you are fully made aware of why we may need to share your personal information with third-party service providers, please note that we use service providers to fulfil our duties in terms of our agreements. Duties included but not limited to:

- Our Auditors.
- Counsels working on the matter
- Estate Agents
- Bond Originators
- Bond Cancellation Attorneys

We may disclose your personal information to any personnel and or administrative assistant within the company, with any client approved product supplier. As mentioned above we endeavour to have the same confidentiality and privacy policies in place with all the aforementioned parties.

We may also disclose your personal information where we have a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect our rights.



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6. Retention and Destruction of personal information

First, you should know that we only store your personal information for as long as we need to fulfil a purpose for why we initially collected it, which may include either complying with our obligations towards you as a customer, or to comply with applicable laws that require us to do so.

All your personal information is stored securely by us through the use of cloud-based storage facilities and onsite servers with proper security measures in place.

SARS requirements in respect of documents, Companies Act 71 of 2008, general rule – any documents, accounts, books, writing, records or other personal information required to be kept in terms of the Act and other public regulations for 7 years. Various records however, require a different number of years.

After the time period required for the retention of your information has lapsed, your hard copy files are shredded and electronic data will be permanently deleted.

7. Safeguarding of Personal Information

Your information is safeguarded in the following manner:

- All client files are stored at Head Office in secure cabinets and the Head Office is also protected with security measures. Access to these cabinets is only given to authorised personnel and/or administrative staff;
- All electronic files and client information is backed up by us and security systems are in place that protects third party access and physical threats. Access to these files is only given to authorised personnel and/or administrative staff.
- All employees have attended to training in terms of the POPIA and have attended to sign addendums to their employment contracts wherein they confirm their adherence to the POPI Policy and protection of personal information.

8. Access and amendment to Personal Information

In terms of Section 23 of the POPI Act 2013 you have the right to request a record of your information as well as request information of all third parties who has had access to your information.

In terms of Section 24 of the POPI Act 2013 you may correct or delete personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.

9. What are your rights

It is important that you know that you have certain rights in terms of the POPIA and we want you to know exactly what they are and how they relate to us. As a data subject in relation to DAY INC, you have the following rights:

- **You have the right to always be informed** – We will always do our best to make sure that you know what personal information is being collected, how it is being collected, how it is being used, how long it will be kept and whether it will be shared with third parties. We don't have any agenda, and we will always be transparent about the way in which we process your personal information. You are always welcome to ask us and we will tell you;
- **You have the right to access your personal information** – You can ask us at any time what personal information of yours we hold, and we will afford you access to it in the most effective way possible;
- **You have the right to correct your personal information** – You can ask us to update your personal information or even delete any personal information which is no longer accurate because we want to make sure your information is accurate and complete, but we do need your help;



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- **You have the right to object to our processing of your personal information** – We do not want to process your information if you do not want us to, but just bare in mind it may influence our ability to fulfil our obligations towards you; and
- **You have the right to lodge a complaint** – If you feel that we are not processing your personal information lawfully, we encourage you, and would always appreciate it if you spoke with us first and laid a complaint to our Information Officer. However, you are more than welcome to lodge a complaint with the information regulator if you feel that we are not complying with POPIA.

The contact details of the information regulator are:

The Information Regulator (South Africa)
JD House 27 Stiemens Street Braamfontein Johannesburg, 2001
PO Box 31533
Braamfontein Johannesburg 2107
E-mail: infoereg@justice.gov.za

With that said, we have (and continue to) implement reasonable security measures and protocols to protect the personal information we hold. These measures are to protect any personal information we hold from being disclosed without authorization, from loss, damage, destruction or unauthorized access.

As you will appreciate nothing is 100% secure in this day and age and therefore, we ask that if you suspect that either you, or we, have had an information security breach, please notify us immediately so that we can take action. You can also do so by contacting our Information Officer whose information is set out below.

Who to contact

INFORMATION OFFICER DETAILS

NAME: MORNE QUINTON DAY
TELEPHONE NUMBER: (012) 362-3280
E-MAIL ADDRESS: morne@daylaw.co.za

It is confirmed that by submitting personal information to DAY ATTORNEYS INC, irrespective as to how such information is submitted, you consent to the collection, collation, processing, and storing of such information and the use and disclosure of such information in accordance with this policy.

CLIENT SIGNATURE FOR CONSENT TO OBTAIN PERSONAL INFORMATION



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