

## **DISCLAIMER & PRIVACY POLICY**

The information displayed on our website is provided for general information purposes only and should not be construed as legal advice from any lawyer or representative of our firm.

Professional advice should therefore be sought before any action is taken based on the information displayed on our website.

FPS Attorneys disclaims any responsibility for positions taken without due consultation and no person shall have any claim of any nature whatsoever arising out of, or in connection with, the contents of this website against FPS Attorneys and/or any of its directors and/or employees.

## **PRIVACY POLICY**

Dear Client

You are probably well aware that the Protection of Personal Information Act (called POPI) has come into effect. This law requires all businesses, like FPS Attorneys, to comply with certain requirements when we want to process your personal information.

It is part of our company values to put the well-being of our customers first, and to do the right thing. We have therefore always treated our customer's personal information with due care. The implementation of POPI has provided us with an opportunity to review our internal processes and we undertake to process your personal information lawfully and reasonably.

### **Introduction**

We at FPS Attorneys respect your right to privacy.

Where we refer to "personal information", it means "personal information" as defined in the Protection of Personal Information Act, 4 of 2013 ("**POPI**"), and "personal data" as per the General Data Protection Regulation 2016/679 ("**the GDPR**"). Personal information includes any information about a person that can be used to identify a person directly or indirectly. It includes information like a name, an identification number, location information, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person. POPI includes the personal information of juristic persons in its ambit – so we will protect the personal information of juristic persons in the same manner as any other person's personal information.

Where applicable, this privacy policy applies in addition to any other agreement that you enter into with us, including the letter of engagement that you agree to when you become our client.

For any comments or queries relating to this policy, please contact our director, Frederick Paule Steyn at [freddie@fpsslaw.co.za](mailto:freddie@fpsslaw.co.za).

### **The personal information we collect**

We collect, amongst others, the following personal information:

- personal details, such as your name, email address or telephone number;
- billing information, such as relevant payment information and VAT registration number;
- and

- legally required information, which includes any additional information that the law requires from us to verify your identity.

### **How we collect personal information**

- Directly from you when you use our website or any of our services or if we request it from you.
- In limited instances, we collect personal information from third parties. We will only collect personal information this way where such information is publicly available or for legitimate business purposes.
- Through the use of cookies, which will mainly be used to identify visitors that return to our website. You can prevent us from doing this through a setting on your browser. Cookies only store information from your browser and cannot access data on your computer.

### **Use of your personal information**

We may use your personal information for any legitimate business purposes relating to our services and/or business activities. Some of the purposes for which we use your personal information include:

- responding to your queries posted on our website or emailed to us;
- onboarding you as a client and verifying your identity (as required by law);
- providing you with our services;
- referring you to other service providers with your consent;
- improving our website and services by analysing certain information collected, including cookies and other related information;
- sending you information (in the form of our newsletter) and inviting you to events; and/or
- complying with our regulatory or other obligations.

### **Marketing**

When you become a client, you will be added to our mailing list. We use this mailing list to send you important information about our business, the services we offer, legal developments, news and event invitations. You can also add yourself to our mailing list on our website.

You can unsubscribe from our mailing list at any time which will result in us no longer marketing to you. We include a link in every marketing communication allowing you to unsubscribe from marketing communication and you can email us to ask us to remove you from our mailing list.

If you unsubscribe from our mailing list, we may still contact you in other instances, such as in the course of providing you with services or to collect outstanding fees. In these instances, the relevant practitioner will contact you directly and not through the mailing list.

### **Sharing your personal information?**

We will only share your personal information for purposes of providing services to you or any other legitimate business purpose relating to our business activities, including but not limited to, the protection of our or your rights, complaints, marketing, or enforcing any agreement between us.

Where required for our business operations, we may share your personal information with our service providers. We only share information with service providers after we enter into an agreement with the service provider to regulate the way in which the personal information will be secured.

Where the law requires us to do so, we may also share your personal information with third party service providers, agents, contractors, employees, law enforcement agencies or business affiliates. We will only share your personal information in these instances where it is necessary for us to do so and only to the extent that your personal information is needed for such third parties to perform their services or obligations.

## **Security**

We will take all reasonable steps to ensure that your personal information is protected. We protect and manage personal information that we hold about you by using electronic and computer safeguards like firewalls, data encryption, and physical and electronic access control to our buildings. We only authorise access to personal information to those employees who require it to fulfil their designated responsibilities.

## **Links on our website**

We may include links to other third party websites which do not fall under our supervision. We cannot accept any responsibility for your privacy or the content of these websites, but we display these links to make it easier for you to find information about specific subjects.

## **Right to object**

You may, on reasonable grounds, object to us using your personal information. If you object, we will stop using your personal information, except if the law allows its use.

## **Your rights**

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:

- **Block all cookies**, by setting your browser to do so, including cookies associated with our products and services or to indicate when a cookie is being sent by us.
- **Request access to your Personal Information** (commonly known as a "data subject access request"), which indicates what Personal Information we have about you.
- **Request the correction of your Personal Information**, in order to ensure that any incomplete or inaccurate Personal Information is corrected.
- **Request erasure of your Personal Information**, where there is no lawful basis for the retention or continued processing of it.
- **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.
- **Request restriction of processing of your Personal Information**. This enables you to ask FPS Attorneys to suspend the processing of your Personal Information in limited circumstances, which may differ by jurisdiction.

- **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:
  1. does not affect the processing of your Personal Information before the withdrawal of your consent; or
  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
  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
  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
  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.
- **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.
- **Institute civil proceedings** regarding an alleged interference with the protection of your Personal Information processed in accordance with this Privacy Policy.

As far as the law allows, we may charge a fee for attending to any of the above requests, and may also refuse to carry out any of your requests in whole or in part.

### **Children's personal information and special personal information**

We do not intentionally collect or use personal information of children (persons under the age of 18 years), unless with express consent of a parent or guardian or if the law otherwise allows or requires us to process such personal information.

### **Quality and access to your personal information**

We want to ensure that your personal information is accurate and up to date. You may ask us to correct any personal information that you think is inaccurate or request us to remove your information by sending an email to [info@fpsslaw.co.za](mailto:info@fpsslaw.co.za).

You have the right to request us to provide you with personal information that we hold about you. You must contact us directly to do so or send an email to [info@fpsslaw.co.za](mailto:info@fpsslaw.co.za).

### **Retention of Information**

We retain personal information in accordance with the required retention periods in law or for legitimate business purposes. We may keep personal information indefinitely in a de-identified format for statistical purposes. This privacy policy also applies when we retain your personal information.

### **Security breach**

We will report any security breach to the Information Regulator and to the individuals or companies involved. If you want to report any concerns about our privacy practices or if you suspect any breach regarding your personal information, kindly notify us by sending an email to [info@fpslaw.co.za](mailto:info@fpslaw.co.za).

A handwritten signature in black ink, appearing to read 'Freddie Steyn', with a stylized flourish above the name.

**FREDDIE STEYN**

FPS ATTORNEYS

30 JUNE 2021