



Privacy Notice

M.C. van der Berg Inc. Privacy Notice

This privacy notice aims to help you understand our personal information collection practices, the legal grounds that justify our use of your personal information and our disclosure practices. This privacy notice supplements other notices and privacy policies we may provide to you from time to time and is not intended to override them. This Privacy Notice applies to all external parties with whom we interact, including but not limited to individual clients, business partners, visitors to our offices, and other users of our legal and related services ('you'). MC van der Berg respects the privacy of your personal information and has implemented reasonable measures to ensure that the processing of your personal information is aligned with the requirements of the Protection of Personal Information Act 4 of 2013 ('POPIA').

Who we are and what we do

M.C. van der Berg Inc. is a law firm specialising in property law.

What personal information do we collect about you

We may collect and process different types of personal information in the course of operating our business and providing our services. These include:

- Basic personal details such as your name and job title;
- Contact information such as your telephone number and postal or email address;
- Financial information such as payment-related information or bank account details;
- Demographic information such as your address;
- Personal information provided to us by you or generated by us in the course of providing our services, which may, where relevant, include special personal information;
- Identification and other background verification information such as a copy of identity documents, passports or utility bills or evidence of beneficial ownership or the source of funds to comply with client due diligence/“know your client”/anti-money laundering laws and collected as part of our client acceptance and ongoing monitoring procedures and other information as required in terms of FIC legislation;
- Information that you may provide to us in the course of registering for and attending events or meetings, including access and dietary requirements; and
- Any other personal information relating to you that you may provide.

How we obtain the personal information about you

We may collect or receive your personal information in a number of different ways:

- Where you provide it to us directly, for example, by corresponding with us by email or via other direct interactions with us.
- Third-party sources, for example, where we collect information about you to assist with “know your client” checks as part of our client acceptance procedures or
- Publicly available sources – for example, deeds office searches.



How we use your personal information

We will only use your personal information where we are permitted to do so by applicable law. Under the Protection of Personal Information Act, 2013 (POPIA), the use of personal information must be justified under one of a number of legal grounds.

The principal legal grounds that justify our use of your personal information are:

- Service and mandate performance: where your information is necessary to enter into or perform our mandate with you.
- Legal obligation: where we need to use your information to comply with our legal obligations.
- Consent: where you have consented to our use of your information.

We may use your personal information in the following ways:

- **To provide our legal and other services to you and to conduct our business** – to administer and perform our services, including to carry out our obligations arising from any mandate or instruction to register or power of attorney entered into between you and us;
- **To fulfil our legal, regulatory, or risk management obligations** – to comply with our legal obligations (performing client due diligence/“know your client”, anti-money laundering, anti-bribery, sanctions or reputational risk screening, identifying conflicts of interests); for the prevention of fraud and/or other relevant background checks as may be required by applicable law and regulation and best practice at any

given time (if false or inaccurate information is provided and fraud is identified or suspected, details may be passed to fraud prevention agencies and may be recorded by them or by us); to enforce our legal rights, to comply with our legal or regulatory reporting obligations and/or to protect the rights of third parties;

- **To ensure that we are paid** – to recover any payments due to us and, where necessary, to enforce such recovery through the engagement of debt collection agencies or taking other legal action (including the commencement and carrying out of legal and court proceedings);
- **To inform you of changes** – to notify you about changes to our services or our Standard Terms of Engagement for legal services or this privacy notice;
- **To reorganise or make changes to our business** – in the event that we undergo a re-organisation (for example, if we merge, combine or divest a part of our business), we may need to transfer some or all of your personal information to the relevant third party (or its advisors) as part of any due diligence process or transfer to that re-organised entity or the third party your personal information for the same purposes as set out in this privacy notice or for the purpose of analysing any proposed re-organisation.

Where we need to collect personal information by law or under the terms of a contract we have with you, and you fail to provide that information when requested, we may not be able to deliver the service we have or are trying to enter into with you.

Who we share your personal information with

We may also share your personal information with a variety of the following categories of third parties:

- Our professional advisers (e.g. legal, financial, business, risk management or other advisers), bankers and auditors;
- Third party service providers; and/or
- Other third-party external advisers or experts engaged in the course of the services we provide to our clients and with their prior consent.
- The external value chain (agent, bank, bond originator, transferring-, bond- and bond cancellation attorneys, municipality, SARS, body corporate, homeowners' association and other required suppliers).
- We may also process your personal information to comply with our regulatory requirements or in the course of dialogue with our regulators as applicable, which may include disclosing your personal information to government, regulatory or law enforcement agencies in connection with enquiries, proceedings or investigations by such parties anywhere in the world or where compelled to do so. Where permitted, or unless to do so would prejudice the prevention or detection of a crime, we will direct any such request to you or notify you before responding.

How long we keep your personal information

We will retain your personal information only for as long as is necessary to fulfil the purpose for which this information was collected and for the minimum period as required by law, which is currently 7 years, unless the client has furnished their consent or instructed us to retain the records for a longer period.

How we protect your personal information

We recognise that information security is an integral element of data privacy. While no data transmission (including over the Internet or any website) can be guaranteed to be secure from intrusion, we implement a range of commercially reasonable physical, technical and procedural measures to help protect personal information from unauthorised access, use, disclosure, alteration or destruction in accordance with data protection law requirements.

Information that you provide to us is stored on our or our service providers' secure servers and accessed and used subject to

our security policies and standards, or those agreed with our service providers.

Everyone at MC van der Berg and any third party service providers we may engage that process personal information on our behalf (for the purposes listed above) are also contractually obliged to respect the confidentiality of personal information.

Alongside our role, please also note that where we have given you (or where you have chosen) a password which enables you to access certain parts of our websites or online services, you are responsible for keeping this password confidential and for complying with any other security procedures that we notify you of. We ask you not to share a password with anyone.

Your rights in relation to your personal information

If you have any questions about our use of your personal information, you should first contact us via the details provided. Under certain circumstances and in accordance with the POPIA you may have the right to require us to:

- have your personal information lawfully processed;
- be notified that personal information about you is being collected;
- be notified that your personal information has been accessed or acquired by an unauthorised person;
- establish whether a responsible party holds personal information of you and to request access this personal information;
- request, where necessary, the correction, destruction or deletion of your personal information;
- object to the processing of your personal information;
- not have your personal information processed for purposes of direct marketing by means of unsolicited electronic communications;
- not be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your personal information intended to provide a profile of you;
- submit a complaint to the Information Regulator regarding alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Information Regulator in respect of a determination of an adjudicator; and
- institute civil proceedings regarding an alleged interference with the protection of your personal information.

You may also instruct us not to process your personal information for marketing purposes. You can exercise your right to prevent such processing at any time by using an unsubscribe facility.

We are also required to take reasonable steps to ensure that your personal information remains accurate. In order to assist us with this, please let us know of any changes to the personal information that you have provided to us.

While it is our policy to respect the rights of data subjects, please be aware that your exercise of these rights are subject to certain exemptions to safeguard the public interest (e.g. the prevention or detection of crime), our interests (e.g. the maintenance of legal privilege) and some of these rights may be limited (for example the right to withdraw consent) where we are required or permitted by law to continue processing your personal information to defend our legal rights or meet our legal and regulatory obligations.

If you contact us to exercise any of these rights, we will check your entitlement and respond within 30 days. If you are not satisfied with our use of your personal information or our response to any exercise of these rights, you have the right to complain to the Information Regulator.

How you can contact us

If you have any questions about this privacy notice or how we process your personal information, please contact us by sending an email to:
sonja@mcvdberg.co.za

Updating this privacy notice

We may change the content of our website and policy without notice and consequently our privacy notice may change from time to time in the future. We therefore encourage you to review this privacy notice when you visit the website to stay informed of how we are using personal information.

This privacy notice was last updated in May 2022.