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**PRIVACY POLICY  
OF  
BISSET BOEHMKE McBLAIN**

**[PREPARED IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4  
OF 2013 (AS AMENDED) AND THE REGULATIONS THERETO (“POPIA”)]**

**PREAMBLE**

- A. Bisset Boehmke McBlain (“**Bissets**”/“**we**”/“**us**”/“**our firm**”) is a Responsible Party who determines the purpose of and means for processing personal information as defined in section 1 of POPIA.
- B. As a responsible party and in order to give effect to the provisions of POPIA, Bissets is amongst other things required to ensure that a compliance framework is developed, implemented, monitored and maintained and that a Privacy Policy exists in order to comply with the conditions for lawful processing of your personal information.
- C. This Privacy Policy has been prepared to give effect to the requirements of POPIA and shall be deemed to be applicable to any contractual or other relationship that Bissets has or may have with you or any other data subject in respect of which POPIA applies.
- D. We strongly recommend that you acquaint yourself with the provisions of this Privacy Policy. Should you be unsure of the application of this Policy to you or should you have any queries in relation to the content of this Policy you are invited to contact our Information Officer, Mr Clint van Aswegen, at [compliance@bissets.com](mailto:compliance@bissets.com) or (021) 441 9800.

**1. APPLICATION OF THIS PRIVACY POLICY**

- 1.1. This Privacy Policy applies to the processing of personal information of data subjects by Bissets.
- 1.2. Data subjects, being the persons to whom personal information relates, may be either identifiable, living natural persons or identifiable, existing juristic persons. Examples of data subjects are our clients, employees and suppliers.
- 1.3. The act of processing has a broad meaning, and includes the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission,



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distribution or making available in any other form, merging, linking as well as restriction, degradation, erasure or destruction of information.

## 2. WHAT IS PERSONAL INFORMATION?

2.1. To better understand the possible application of this Policy to you, it is important to understand what may be classified as personal information. The following constitutes personal information:

2.1.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of a person;

2.1.2. information relating to the education or the medical, financial, criminal or employment history of a person;

2.1.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to a person;

2.1.4. the biometric information of a person;

2.1.5. the personal opinions, views or preferences of a person;

2.1.6. correspondence sent by a person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

2.1.7. the views or opinions of another individual about a person; and

2.1.8. the name of a person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

2.2. Certain personal information which we may collect from you, which is classified as special personal information, enjoys a greater degree of protection. Special personal information includes:

2.2.1. the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject;



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- 2.2.2. the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings; and
- 2.2.3. personal and special personal information of children.

### 3. LEGAL RIGHTS OF DATA SUBJECTS

- 3.1. As a data subject, POPIA provides that you have the following rights:
  - 3.1.1. to be notified that:
    - 3.1.1.1. personal information about you is being collected; or
    - 3.1.1.2. your personal information has been accessed or acquired by an unauthorised person;
  - 3.1.2. to establish whether a responsible party holds your personal information and to request access to your personal information;
  - 3.1.3. to request, where necessary, the correction, destruction or deletion of your personal information;
  - 3.1.4. to object, on reasonable grounds relating to the processing of your personal information;
  - 3.1.5. to object to the processing of your personal information:
    - 3.1.5.1. at any time for purposes of direct marketing in terms of section 11(3)(b) of POPIA; or
    - 3.1.5.2. in terms of section 69(3)(c) of POPIA;
  - 3.1.6. not to have your personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1) of POPIA;
  - 3.1.7. not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of personal information intended to provide a profile of you;



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- 3.1.8. to submit a complaint to the Regulator regarding the alleged interference with the protection of your personal information or to submit a complaint to the Regulator in respect of a determination of an adjudicator; and
- 3.1.9. to institute civil proceedings regarding the alleged interference with the protection of your personal information.

#### **4. HOW DO WE COLLECT YOUR PERSONAL INFORMATION?**

- 4.1. In order to interact with you, to contract with you, to provide you with assistance, to comply with any legal obligations imposed on us and/or in instances in which our firm pursues a legitimate interest, it is necessary for our firm to collect certain personal information relating to you. Insofar as it is possible and practicable, we will always endeavour to collect your personal information directly from you.
- 4.2. However, we may also obtain your personal information from other sources such as through public records, via sources which you have made public or through other lawful means (such as through authorised third parties or competent / authorised persons).
- 4.3. In the event of your failure to provide us with personal information and/or accurate personal information upon reasonable request by us, this may necessarily result in suspension and/or termination of our relationship or interaction with you.

#### **5. WHEN DO WE COLLECT / PROCESS YOUR PERSONAL INFORMATION?**

- 5.1. Your personal information may reasonably be expected to be collected / processed by us at any of the following times:
  - 5.1.1. at the initial stage of our engagement / contact with you;
  - 5.1.2. upon you entering our premises (by way of a written logged entry and/or CCTV footage);
  - 5.1.3. upon our firm entering into a contractual relationship with you and at any subsequent stage thereafter;
  - 5.1.4. in the course of our firm / its partners / employees providing legal services to you;



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- 5.1.5. when you make your personal information public;
  - 5.1.6. upon your interaction with any of Bissets' social media platforms (LinkedIn, Facebook, WhatsApp);
  - 5.1.7. upon your interaction and engagement with our firm's website ([www.bissets.com](http://www.bissets.com)) where cookies are enabled on your web browser;
  - 5.1.8. upon receipt of your personal information from another responsible party;
  - 5.1.9. upon us giving effect to any statutory obligations relating to you and/or your personal information; and
  - 5.1.10. on conclusion of your relationship with Bissets or on termination of our mandate to act for you.
- 5.2. Special personal information (including information relating to children) will ordinarily only be collected and processed if it is necessary to establish, exercise or defend a right in law and/or with your consent.

## 6. HOW DO WE USE YOUR PERSONAL INFORMATION?

- 6.1. We use your Personal Information for the following purposes:
  - 6.1.1. to provide legal services to our clients, including legal, accounting and ancillary financial services (such as investment of funds on a client's behalf);
  - 6.1.2. to fulfil any contractual obligations with you or any third party/operator;
  - 6.1.3. for purposes of compiling an internal precedent database;
  - 6.1.4. to comply with our statutory and regulatory reporting obligations and to detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of our systems and files or any of our policies;
  - 6.1.5. for recruitment and hiring purposes and to maintain and give effect to any legal obligations that we have as an employer;
  - 6.1.6. in relation to supplier / third party / operator information, to create supplier / third party / operator databases and profiles on our systems,



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to pay such persons / entities, and for general administration in this regard;

- 6.1.7. to interact with you on our website and other social media platforms and, where necessary, to compile statistical information regarding your interactions with us via these mediums (including through the use of cookies on our website);
  - 6.1.8. to maintain and update our client or potential client databases for marketing and informational purposes, which may include storage of names and birthdates, and to utilise such databases to provide those who have “opted-in” with information about our firm, the services we offer, legal developments, news and event invitations;
  - 6.1.9. to monitor and review physical access to our offices;
  - 6.1.10. to monitor and record incoming and outgoing communications with you;
  - 6.1.11. for any other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the purpose for which it was collected.
- 6.2. Ordinarily, once your personal information has been processed for its given purpose we shall limit any further sharing or processing thereof as prescribed in terms of section 15 of POPIA. However, it may from time to time be necessary for us to share and process your personal information interdepartmentally within our firm in order, for example, to protect your legal rights.

## **7. THIRD PARTIES AND OPERATORS**

- 7.1. In the course and scope of our interactions or relationship with you your personal information may be transferred to and stored by third parties and/or operators, who may be local or foreign.
- 7.2. Where your personal information is transferred to or stored by a third party and/or operator in a foreign country we undertake to do all that is reasonably possible to ensure that the level of protection afforded to your personal information shall be at least that provided by us within the prescripts of any data protection laws (including POPIA) applicable in the Republic of South Africa.



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**8. WHERE DOES YOUR PERSONAL INFORMATION GET STORED AND HOW IS IT PROTECTED?**

- 8.1. Your personal information may be stored physically or digitally, as set out below:
- 8.1.1. at our firm's premises (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Floors, 45 Buitengracht Street Cape Town);
  - 8.1.2. at the premises of authorised third parties with whom we have contracted (e.g. correspondent attorneys and financial institutions), including their servers;
  - 8.1.3. at external storage / archive facilities;
  - 8.1.4. on our firm's secure servers;
  - 8.1.5. on the physical hard drives of the desktop computers and laptops belonging to our firm, which is password protected;
  - 8.1.6. to a limited extent on the cellular/mobile devices of authorised partners and employees; and
  - 8.1.7. on our CCTV security cameras and to any hard drives to which such cameras record.
- 8.2. Our firm secures the integrity and confidentiality of personal information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. Our firm takes all reasonable measures to ensure that your personal information is processed securely, including but not limited to:
- 8.2.1. restricting physical and digital access to your personal information to those authorised to be in possession thereof;
  - 8.2.2. entering into written agreements with third parties / operators to whom your personal information is entrusted by us to ensure that it receives adequate protection;
  - 8.2.3. installing anti-virus and anti-ransomware software on its servers, desktops and laptops and ensuring that such software is updated on a daily basis; and



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- 8.2.4. ensuring that we regularly revise our security strategies and safeguards to prevent unauthorised access to personal information.
- 8.3. In the event of a contemplated or actual compromise of the security of your personal information our firm shall immediately notify you and the Information Regulator (whose details appear below) of such compromise, including possible consequences thereof and the measures to be taken by us to address and secure your personal information. We shall also provide you with a recommendation as to the measures to be taken by you to mitigate any possible adverse effects of the security compromise and the details of the unauthorised person(s) who have accessed / acquired your personal information where known.
- 8.4. Any notification of a contemplated or actual compromise of the security of your personal information shall be provided to you in writing and communicated to you in at least one of the following ways:
  - 8.4.1. mailed to your last known physical or postal address;
  - 8.4.2. sent by e-mail to your last known e-mail address;
  - 8.4.3. placed in a prominent position on our website;
  - 8.4.4. published in the news media; or
  - 8.4.5. as may be otherwise directed by the Information Regulator.

## **9. ACCESS TO, AMENDMENT OF AND WITHDRAWAL OF CONSENT TO PROCESSING PERSONAL INFORMATION**

- 9.1. We shall take reasonably practicable steps to ensure that your personal information is complete, accurate, not misleading and updated where necessary. However, we also rely on you to inform us of any relevant changes to your personal information.
- 9.2. You have the right to access your personal information which is held by our firm. Any request in this regard should be directed in writing to our Information Officer, Mr Clint van Aswegen at [compliance@bissets.com](mailto:compliance@bissets.com), accompanied by proof of your identity. You may request us to:
  - 9.2.1. confirm, free of charge, whether or not we hold personal information about you; or





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- 9.2.2. provide you with the record or a description of the personal information about the you which we hold, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to your personal information.
- 9.3. Any request as mentioned above will be dealt with within a reasonable time and, in the event of us requiring payment of a fee by you, a written estimate of such fee shall be provided in advance and a deposit may be payable by you.
- 9.4. You are also entitled to request that we correct, destroy, delete or restrict use of your personal information, except where otherwise provided for by law or common practice or you may object to the processing of your personal information by us. We shall notify you of the result of any such request.
- 9.5. Insofar as the processing of your personal information by us may be based on consent you may at any time withdraw your consent and object to your personal information being processed. Once you have objected to the processing of your personal information, Bissets shall no longer process the information except where it is necessary by law or common practice.

## 10. HOW WE DELETE YOUR PERSONAL INFORMATION

- 10.1. As a responsible party our firm must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after we are no longer authorised to retain the personal information. This destruction or deletion must be done in a manner that prevents the personal information's reconstruction in an intelligible form.
- 10.2. The foregoing shall not apply to the extent and for the period that:
  - 10.2.1. retention of the record of personal information is required or authorised by law;
  - 10.2.2. our firm reasonably requires the record for lawful purposes related to its functions and activities;
  - 10.2.3. retention of the record is required by a contract between you and our firm;
  - 10.2.4. you have consented to the retention of the record; or
  - 10.2.5. any other lawful ground(s) to retain the record of personal information exist(s).



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10.3. Unless otherwise agreed upon in writing by you and our firm and unless otherwise provided for in law, our firm and any third parties / operators (where applicable) shall keep a record of your personal information for a period not exceeding:

10.3.1. Client files and records – 7 years;

10.3.2. Employee files and records – 3 years;

10.3.3. Financial records – 5 years.

## 11. DIRECT MARKETING

11.1. We may process your personal information for purposes of direct electronic marketing if you are a client or prospective client of our firm or an interested party or if you have chosen to “opt-in” to electronic marketing communications.

11.2. Our electronic marketing communications consist of e-mail communications and our WhatsApp broadcast group. These marketing platforms are used to send you information about our firm, the services we offer, legal developments, news and event invitations.

11.3. At any time you may unsubscribe from these electronic marketing platforms. We include a link in every e-mail marketing communication sent to you enabling you to unsubscribe, alternatively you may e-mail us on [info@bisset.com](mailto:info@bisset.com) or WhatsApp message our Client Liaison at 072 370 0416 to request that you be unsubscribed.

11.4. If you unsubscribe as aforesaid, Bissets 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 professional will contact you directly and not through the mailing list.

## 12. LODGING A COMPLAINT

12.1. Should you believe that our processing of your personal information has been handled in a way that does not comply with POPIA or any other data protection law or that your rights to privacy have been infringed we invite you to contact our Information Officer, whose contact details are as follows:

Mr Clint Van Aswegen

E-mail: [compliance@bissets.com](mailto:compliance@bissets.com)



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Telephone: (021) 441 9800

- 12.2. Alternatively, you may contact the Information Regulator, whose contact details are as follows:

Physical Address:	JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Postal Address:	P.O. Box 31533 Braamfontein Johannesburg 2017
Complaints E-mail:	<a href="mailto:complaints.IR@justice.gov.za">complaints.IR@justice.gov.za</a>
General Enquiries E-mail:	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>

Signed at Cape Town on this 29<sup>th</sup> day of June 2021

*C R Van Aswegen*

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**C R VAN ASWEGEN**

(Information Officer)

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