

**VAN DEVENTER DOWLATH MARX INCORPORATED**  
**PROTECTION OF PERSONAL INFORMATION ACT (POPIA) COMPLIANCE POLICY**

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## **1. Introduction**

Van Deventer Dowlath Marx Incorporated (hereinafter referred to as “VDM Inc”) is committed to ensuring compliance with the Protection of Personal Information Act 4 of 2013 (POPIA) in all aspects of its operations. This policy outlines our approach to handling personal information lawfully, securely, and transparently.

## **2. Purpose, Scope, and Users**

- 2.1. This policy sets out how VDM Inc collects, processes, stores, and protects personal information in accordance with POPIA to uphold individuals’ rights to privacy and data security.
- 2.2. This policy applies to all departments and individuals within VDM Inc, and all, if any, wholly owned subsidiaries directly or indirectly controlled by it.
- 2.3. This policy applies whether information processing takes place within VDM Inc’s office space, between different organisations affiliated with VDM Inc in the same or more than one country, or whether personal information is transferred to third parties.
- 2.4. This policy applies to all personal and special personal information held by VDM Inc in relation to data subjects engaging with the company.
  - 2.4.1 Similarly, this policy will continue to apply after persons and/or data subjects are no longer of concern to the company.
- 2.5. The users of this policy will be classified as all employees, staff members, clients, and any third parties who engage with the company in any capacity.

## **3. Definitions**

The following definitions appear and are taken directly from the Protection of Personal Information Act (Section 1 of POPIA):

### 3.1. **Personal Information**

***“Personal information”*** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- (a) 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 the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information.

### 3.2. **Special Personal Information**

***“Special personal information”*** means personal information relating to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of an information subject; or the criminal behaviour of an information subject.

### 3.3. **Processing**

***“Processing”*** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, degradation, erasure or destruction of information.

### 3.4. **Responsible Party**

***“Responsible party”*** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information. (For the purpose of this policy the responsible party will be VDM Inc.)

### 3.5. **Operator**

***“Operator”*** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.

### 3.6. **Data subject**

***“Data subject”*** means the person to whom personal information relates.

#### **4. The collection and processing of personal information in accordance with personal information protection principles**

##### **4.1. Accountability**

VDM Inc's Information Officer will guarantee compliance with data protection laws as outlined in the POPI Act when processing personal information of personnel, clients, and data subjects.

##### **4.2. Lawfulness, reasonableness and transparency**

Personal information will be processed legitimately, reasonably, and transparently in respect of the data subject.

Personal information will only be processed if it is deemed appropriate, relevant, and not excessive for its intended purpose thereof.

Personal information will only be processed if –

- (a) The consent of the data subject, or a competent person in the case where the data subject is a child, is provided;
- (b) It is necessary for the conclusion and fulfilment of contractual obligations;
- (c) It complies with a legal requirement imposed on a responsible party;
- (d) It safeguards a legitimate interest of the data subject;
- (e) It is essential for the proper performance of a public law duty by a public entity;
- (f) It is imperative to further the legitimate interest of the responsible party and/or third party to whom the information is provided.

##### **4.3. Purpose specification**

Personal information shall only be collected for a specified, legitimate reason pertaining to a function and/or business activity of the company.

Personal information shall only be retained for as –

- (a) Sufficiently long to fulfil the agreed-upon service; and
- (b) Thereafter, erased, deleted, or de-identified as soon as reasonably possible.

#### 4.4. **Further processing limitation**

The personal information provided will not be used for any other purpose other than what was agreed-upon.

#### 4.5. **Information quality**

The personal information collected must be comprehensive, accurate and should be updated accordingly, if and as needed.

No personal information collected should be of a misleading nature. If such information is recorded and found to be erroneous or misleading, it must be corrected or removed with immediate effect.

#### 4.6. **Openness**

When collecting personal information, VDM Inc ensures to undertake reasonable efforts in notifying the data subject of such collection thereof.

#### 4.7. **Security safeguards**

Personal information must be dealt with in a secure manner, including the protection against the unauthorised processing and erroneous loss, damage, or destruction by suitable technological or company measures.

To comply with the above-mentioned, VDM Inc will –

- (a) Identify and mitigate any anticipated internal and external risks to personal information under our management;
- (b) Implement and maintain appropriate protections against the identified risks;
- (c) Frequently evaluate their effectiveness;
- (d) Update them on a regular basis in order to address new risks or shortcomings;

Our Information Operator/s are bound by an agreement to –

- (a) Process personal information only with our knowledge and consent thereto;

- (b) Handle personal information that comes into their possession as confidential; and
- (c) Not share such information to other persons and/or third parties unless such action falls within their scope of responsibilities or required by law.

#### **4.8. Data subject participation**

Data subjects have the right to:

- (a) Be informed about the processing of their personal information;
- (b) Access their personal information;
- (c) Request correction, deletion, or restriction of processing;
- (d) Object to processing or automated decision-making.

### **5. Sharing of personal information**

- 5.1. Personal information may only be shared with relevant personnel and/or third parties when legally required to do so or in the ordinary course of business, only with the individual's, whose personal information is being shared, consent thereto.
- 5.2. All third parties processing information on our behalf must comply with POPIA and our data protection standards.
- 5.3. VDM Inc shall not transfer a client's personal information outside of South Africa except in accordance with the requirements of POPIA.

### **6. Obligation of consent**

- 6.1. VDM Inc shall not compel any clients to consent to collecting, utilising, or disclosing more personal information than is necessary to offer our services.
- 6.2. Similarly, VDM Inc shall not collect, use, or disclose personal information by providing false or misleading information or using deceptive practices in order to obtain consent from clients.

### **7. Withdrawal of consent**

- 7.1. Clients may at any given time withdraw their consent to VDM Inc for the collection, use, or disclosure of their personal information by providing adequate notice thereof.

- 7.2. Clients may withdraw their consent via email, text message, phone call, or any other acceptable form of data transmission, or further submit such notice of withdrawal to our Information Officer.
- 7.3. Upon receiving such notification, VDM Inc must advise the client of the potential repercussions of withdrawing their consent.
- 7.4. In terms of the above-mentioned, processing and modifying client's requests may take up to 30 (thirty) days.

## **8. Breach management and complaints**

- 8.1. Should a client be dissatisfied with the handling of their personal information or suspects a breach of this policy, they should, as soon as reasonably possible, contact VDM Inc's Information Officer detailing the nature of their concern.
- 8.2. Complaints may be submitted orally or in writing. Should a complaint be made orally, the client must ensure that such complaint is confirmed in writing as soon as feasibly possible.
- 8.3. Any data breach in terms of this policy shall be reported to the Information Officer and affected parties in line with POPIA requirements.

## **9. Compliance with the policy**

- 9.1. VDM Inc follows all necessary procedures and provides proper and effective training to guarantee compliance with this policy.
- 9.2. VDM Inc further guarantees that all of its employees and representatives who engage with personal information understands the standards outlined herein.
- 9.3. VDM Inc demands all staff members, personnel, and representatives having access to personal information to maintain client confidentiality. This demand is fulfilled through proper contractual obligations and company regulations.
- 9.4. VDM Inc's personal information processing procedures adheres to the criteria outlined in this policy.



## 10. Information Officer (“IO”)

- 10.1. For further information about this policy or to access our complaint handling procedure, please address client’s correspondence to VDM Inc’s Information Officer.

<b>Name of Information Officer:</b>	James Russell
<b>E-mail Address:</b>	info@vdm.law

## 11. Contact information

For queries or data-related requests, contact our Office at:

Cullinan Place (Block B, Floor G)

2 Cullinan Close

Morningside, Sandton, 2057

Tel: (011) 394 1606

Mobile: +27 (71) 816 2304

Email: [info@vdm.law](mailto:info@vdm.law)