



**PRIVACY POLICY**

**FOR**

**MILLERS INCORPORATED**

**IN TERMS OF**

**THE PROVISIONS OF**

**THE PROTECTION OF PERSONAL INFORMATION ACT, NO 4 OF 2013**

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## **1 PREAMBLE**

- 1.1 Millers Incorporated ("the Firm") is committed to respecting client privacy and committed to protecting all personal data as required in terms of the Protection of Personal Information Act 4 of 2013.
- 1.2 This policy, together with any terms and conditions as published on the Firm's website, set out the privacy practices for the Firm.
- 1.3 This policy sets out how personal data collected about clients via their interactions with the Firm's online content, such as contact forms and tools, and/or provided directly by the client, is processed.
- 1.4 Clients will be made aware of the importance of this policy with the purpose to understand why data is being collected and what the Firm does with that data because by accessing, browsing or otherwise using the Firm's website, a client is confirming confirm that he has read, understood and agrees to the terms of this Privacy Policy, and therefore, agrees to the collection and use of his data in accordance with this statement, until further notice or update of his preferences.
- 1.5 The Firm's website and services may contain links to other independent websites which sites may ask a client to provide information to them. Such requests and information provided is not under the Firm's control, and the Firm is by no means responsible for the privacy practices of those other sites. Clients will be encouraged to be aware when leaving the Firm's website to read the privacy statement of each and every website that he may enter thereafter.
- 1.6 This policy may be amended from time to time by updating the website or other documents.

## **2 TYPE OF INFORMATION COLLECTED**

The following types of information is collected from clients:

- 2.1 When accessing the Firm's website and/or registering their interest in the use of the services that Millers Incorporated or any other third parties who host, maintain or support such delivery of services, may collect personal and technical information about such clients.
- 2.2 The personal information collected from a client may typically include the following:
  - 2.2.1 Full name and contact details (including date of birth, contact number, email and postal address).
  - 2.2.2 Any phone number or email used to get in touch with the Firm.
  - 2.2.3 Information relating to a client's identity, residential address, marital status, information about his family members and his and their close associates, and source of funds for a transaction which the Firm is required by law to collect to comply with the Financial Intelligence Centre Act 2001 and other prescriptive legislation.
  - 2.2.4 A client's banking details where required such as where the client is letting a property or, where renting, to set up an account for the client and arrange for rental payments.

2.2.5 Information on any requirements a client may have to enable the Firm to provide legal assistance, which information may consist of special category personal data comprising details of any disability or other health information about the client.

2.2.6 Details about the client's areas of interest to enable the Firm to send the client marketing information about similar services.

### 2.3 Technical information

The technical information collected anonymously and will include the usage information about visits to the Firm's website (via 'cookies' which enables the Firm's website to remember information about clients and their preferences). The technical information collected includes:

2.3.1 Internet Protocol (IP) address used to connect the client's device to the Internet.

2.3.2 URL click stream to and from the Firm's site (including date and time).

2.3.3 Device operating system and platform.

2.3.4 Device location data (if function is not disabled on the client's device).

2.3.5 Browser and plugin types and versions.

2.3.6 Login usernames.

2.3.7 Time zone settings.

2.3.8 Pages and/or people/information viewed and/or searched for.

2.3.9 Time spent on certain pages and page interaction information (such as scrolling, clicks and mouse-overs).

2.3.10 Methods used to land and exit from the website and/or page.

2.3.11 Page response times

2.3.12 Download errors.

2.4 Communication history between a client and the Firm, including a record of the email, telephone and postal correspondence created:

2.4.1 when a client contacts the Firm as part of a service query; or

2.4.2 during the contractual period of the delivery of services.

2.5 Where the Firm needs to collect personal data by law (for example, to meet its obligations to prevent fraud and money laundering) or in terms of a contract between attorney and client, and the client fails to provide that data when requested, the Firm may not be able to:

2.5.1 perform the existing contract and/or services as requested,

2.5.2 enter into a contract and/or services as requested.

Under such circumstances, the Firm may have to cancel a contract or service the client has with it.

### **3 BASIS OF PROCESSING INFORMATION**

- 3.1 The Firm will only process a client's information in pursuance of its legitimate interest if the Firm receives any requests related to, for example, a service or related enquiry, or specific marketing materials. The Firm will use the client's personal information to fulfil his request.
- 3.2 The legal grounds under data protection legislation for processing a client's personal data are contained in the Protection of Personal Information Act 4 of 2013 and are as follows:
  - 3.2.1 It is necessary for the performance of a contract to which the client is a party, or to take steps prior to entering into a contract with the client, for the Firm to render a service to a client provide the client;
  - 3.2.2 The client has given his consent to the Firm to the processing of his personal data for one or more specific purposes, namely:
    - 3.2.2.1 where the client has given his consent to receive electronic marketing by the Firm; and/or
    - 3.2.2.2 to process a client's Special Personal Information.

There is no need for a client to provide the Firm with marketing consent in order to receive the Firm's services;

- 3.2.3 It is necessary for the purposes of the Firm's legitimate interests, except where its interests are overridden by the interests, rights or freedoms of affected individuals (such as the client). To determine this, the Firm shall consider a number of factors, such as what the client was told at the time he provided his data, what the client's expectations are about the processing of the data, the nature of the data and the impact of the processing on the client. The Firm's legitimate interests include processing necessary to improve and to promote its services and to better understand its customers' interests and knowledge of the legal process and to administer the technical aspects of the Firm's services;
- 3.2.4 Where needed to comply with a legal obligation;
- 3.2.5 Where needed to protect a client's interests (or someone else's interests); and/or
- 3.2.6 Where it is needed in the public interest or for official purposes.

### **4 USE OF INFORMATION**

- 4.1 The Firm will hold and use personal information about clients in the following ways:
  - 4.1.1 To fulfil its obligations to clients when providing them with legal services;
  - 4.1.2 To share a client's information with others where necessary to fulfil the Firm's services for the client or where acting as agent for a third party on behalf of a client;
  - 4.1.3 To comply with its statutory and regulatory obligations, including verifying a client's identity, prevention of fraud and money laundering and to assess a client's credit worthiness;
  - 4.1.4 To communicate with a client during the course of providing its services including enquiries and

requests;

- 4.1.5 To, for statistical purposes, enable the Firm to analyse figures to help it manage its business and plan strategically for the future;
- 4.1.6 To provide the client, or to enable third parties to provide the client, with information about services that, in the Firm's opinion, may interest the client: where the client has provided permission for the Firm to do so or, if the client is an existing client where the Firm chooses to contact the client by electronic means (including newsletter and email) with information about its other services similar to those which the client has already obtained from the Firm or negotiated to obtain from the Firm. For those marketing messages the client may unsubscribe at any time;
- 4.1.7 To track the client's use of the Firm's service, including the client's navigation of the Firm's website in order to improve the website performance and user experience;
- 4.1.8 To ensure that content from the Firm's website is presented in the most effective manner for clients and for their devices;
- 4.1.9 To notify clients about changes to the Firm's service.

## **5 DATA RETENTION**

Clients' personal data will be retained for different periods depending on the service(s) they have chosen to use and/or whether the Firm is under regulatory or statutory duties to hold a client's data for a longer period or need to retain it in the event of a legal claim or complaint.

## **6 SHARING OF INFORMATION**

- 6.1 The Firm may pass a client's details to the following entities:
  - 6.1.1 persons who carry out certain activities on behalf of the Firm as part of the Firm providing its services in terms of a client's instruction;
  - 6.1.2 payment of service providers;
  - 6.1.3 credit reference agencies;
  - 6.1.4 cloud computing host providers;
  - 6.1.5 technical support service providers;
  - 6.1.6 advertising networks services;
  - 6.1.7 email marketing services;
  - 6.1.8 financial service providers;
  - 6.1.9 business partners; and
  - 6.1.10 sub-contractors.
- 6.2 The Firm will also pass a client's details where necessary to the advocate or correspondent

attorneys or conveyancers and those of the other party or parties to client's transaction. The Firm will also disclose certain personal information to third parties:

- 6.2.1 If the Firm or substantially all of its assets are acquired by a third party, in which case personal data held by the Firm about its clients will be one of the transferred assets.
- 6.2.2 If the Firm is under a duty to disclose or share a client's personal data in order to comply with any legal or regulatory obligation, or to protect the rights, property, or safety of the Firm, its clients, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection.
- 6.2.3 The Firm will not share a client's information with third parties for marketing purposes without obtaining the client's prior written consent.

## **7 SECURITY OF DATA**

- 7.1 The Firm is committed to ensuring that all client information is secure. Client data is held on secure servers with necessary technological and operation measures put in place to safeguard it from unauthorised access, as far as can reasonably be required for purposes of transacting with the Firm. Where possible any identifiable information will be encrypted or minimised.
- 7.2 All information collected via the Firm's website is stored and encrypted on secure servers. The Firm is continuously auditing its website's performance and security, to prevent any risk to the website's security and data collection. If a client has any reason to believe that the Firm's website is not performing at its best in securing client data, it is expected of the client to immediately report this to the managing director or the information officer of the Firm.

## **8 USERNAMES AND PASSWORDS**

If a client has been given a username and password which enables him to access certain parts of the client's data on the Firm's systems, such client is responsible for keeping it confidential and not share such with anyone.

## **9 UNAUTHORISED ACCESS TO PERSONAL DATA**

- 9.1 The data collected by the Firm from clients may be stored and processed by staff who work for the Firm or for one of its suppliers. Such staff may be engaged in the fulfilment of the contract and/or services to the client. The Firm has taken all the necessary steps to ensure that all client data is treated by them securely and in accordance with this policy.
- 9.2 The Firm undertakes business and website audits which enable it to further develop its strict procedures and security features to prevent unauthorised access.

## **10 ACCESS TO AND UPDATE OF INFORMATION**

Clients have a right to request a copy of the personal information held by the Firm about them. Clients also have the right to request that information the Firm holds about them, which may be incorrect, or which has been changed since first supplied to the Firm, be updated or removed. These requests are free of charge and can be sent to the Information Officer of the Firm at Beacon

House, 123 Meade Street, George.

## **11 REQUEST FOR ERASING OR DESTROYING DATA**

- 11.1 The client can ask the Firm to delete or remove personal data where there is no good reason for the Firm keep or continuing to process it. The client also has the right to ask the Firm to delete or remove his personal data where the client has successfully exercised his right to object to processing, where the client has withdrawn consent for the Firm to process it, where the Firm may have processed the client's information unlawfully or where the Firm is required to erase the client's personal data to comply with the law.
- 11.2 The Firm may not always be able to comply with a client's request to delete personal data if specific legal responsibilities or requirements prohibits Firm from doing so. This will however be communicated to the client at the time of his request, if applicable.

## **12 WITHDRAWAL OF CONSENT**

The client has the right at any time to withdraw any consent given to the Firm to process his personal information. Withdrawal by the client of his consent will not affect the lawfulness of any processing of his personal data carried out by the Firm before the withdrawal of his consent. Any client who wishes to withdraw his consent or changes his consent preferences at any time may do so by contacting the Firm's Information Officer.

## **13 RESTRICTION OR OBJECTION OF DATA**

- 13.1 The client may ask the Firm to suspend the way in which his information is being used, or object to the Firm processing his data where the Firm is relying on a legitimate interest ground (or those of a third party) and the client is of the opinion that it impacts on his fundamental right to privacy. In some cases where the client objects, the Firm may demonstrate that there are compelling legitimate grounds to process the client's information which override the client's rights and freedoms.
- 13.2 Should a client wish to restrict or stop the Firm from processing his data, this may impact on the ability of the Firm to provide its services. Depending on the extent of the client's request, the Firm may be unable to continue providing the client with its service.
- 13.3 Queries or concerns about the way in which personal data is being used by the Firm, must be referred to the Firm's Information Officer.

## **14 TRANSFERRING OF INFORMATION TO ANOTHER ORGANISATION**

In the event that the Firm processes the client's data by automated means where the client has either provided the Firm with consent to use his information or where the Firm used the information to perform a contract with the client, the client has the right to request that the Firm send to him or to another organisation, a copy of the personal data held by the Firm about him, for example when the client is dealing with a different service provider. Any request to move, copy, or transfer the client's information must be addressed to the Information Officer.



## **15 COMPLAINTS REGARDING THE USE OF PERSONAL DATA**

- 15.1 Should a client wish to raise a complaint on how the Firm has handled or dealt with his personal data, the client can contact the Information Officer.
- 15.2 If the client is not satisfied with the Firm's response or believe that his personal data is not processed in accordance with the law, he can address a complaint to the Information Regulator on: tel +27 (0) 10 023 5207; or on [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).