



## **PROTECTION OF PERSONAL INFORMATION ACT CUSTOMER PRIVACY POLICY**

### **1. INTRODUCTION**

- 1.1** In accordance with the Protection of Personal Information Act (the Act), this policy serves to inform you how we obtain, use and disclose your personal information.
- 1.2** AMC Hunter Inc is a property Law Firm with offices in Morningside, Amanzimtoti and Ballito, offering conveyancing, property law and dispute resolution services.
- 1.3** The firm is bound by the provisions of the aforesaid Act.
- 1.4** AMC Hunter Inc will ensure that its client's information is kept confidential and used securely, transparently and appropriately in accordance with the Act.

### **2. COLLECTION OF PERSONAL INFORMATION**

- 2.1** AMC Hunter obtains personal information relative to the legal services being provided to its clients.
- 2.2** The information requested will depend on the need for which it is collected and will be used solely for that purpose for example:
  - In order to contact you and keep you updated throughout your transaction,
  - In terms of the FIC Act, attorneys are accountable institutions, in terms of which we are required to establish the identity of the client with whom we create a business relationships, accordingly we request your Identity document/passport as well as your proof of address
  - We will also need to establish your marital status as deeds registered at the Deeds Office have to reflect the marital status of parties who are selling, purchasing or bonding properties in their individual capacities. In this regard, if you are married, we will request that you provide us with a copy of your marriage certificate and ANC contract if you are married out of community of property
  - Often, entity's such as companies, trusts and close corporations purchase, sell or bond immovable property, in this regard we will request that you provide us with the entity's founding documents as well as the identification documents of the authorised representative

- 2.3** We will obtain the required personal documents directly from you or from a third party with your consent.

### 3. HOW WE USE YOUR INFORMATION

- 3.1** We undertake to use your personal information only for the purpose for which it was collected from and agreed with you. In addition your personal information may be retained where you expressly consent to receiving our newsletter and other company news.
- 3.2** In terms of Section 11 of the Act personal information may only be obtained if certain conditions are met, these are:
- 3.2.1** Clients consent to the processing of their information- consent is obtained from clients upon initial instruction to provide legal services, although such consent may be verbal, tacit or implied, clients written consent is obtained upon signature of documents
  - 3.2.2** Processing is necessary - the requested information will be reasonably necessary in order for AMC Hunter Inc to provide exceptional legal services to clients and to market its services and provide newsletters to clients with their consent
  - 3.2.3** Process complies with an obligation imposed by law- AMC hunter is bound by law to obtain and process personal information with clients it creates a business relationship with
  - 3.2.4** Process protects a legitimate interest of the client-
  - 3.2.5** Process is necessary for pursuing the legitimate interests of the responsible party or a third party to whom the information is supplied- in order to provide exceptional legal services to clients, personal information has to be obtained and processed.
- 3.3** We are on the panels of the major banks i.e. FNB, Standard Bank, Nedbank and Absa. The banks are also accountable institutions in terms of the FIC Act.

Accordingly, if we are dealing with the registration of your mortgage bond, we are required to ensure that you are properly identified and submit all your required personal information to the bank.

- 3.4** In addition your information may be retained for legal purposes, for example:
- 3.4.1** To gather contact information;
  - 3.4.2** To confirm and verify your identity or to verify that you are an authorised user for security purposes;
  - 3.4.3** For the detection and prevention of fraud, crime, money laundering or other malpractice;

- 3.4.4** To conduct market or customer satisfaction research or for statistical analysis;
- 3.4.5** For audit and record keeping purposes;
- 3.4.5** In connection with legal proceedings.

## 4. DISCLOSURE OF INFORMATION

- 4.1** As stipulated above, we may disclose your information to third parties, who are involved in your transaction. The banks have their own privacy requirements as required by the Protection of Personal Information Act.
- 4.2** We may also disclose your information in the following circumstances:
  - 4.2.1** Where we are required to do so by law,
  - 4.2.2** In order to protect our rights

## 5. INFORMATION SECURITY

- 5.1** It is one of our legal obligations not to disclose your personal information and to prevent unauthorised access to and use of your personal information.
- 5.2** In order to achieve this, we will on a regular basis review our security controls and processes to ensure that your personal information remains secure.
- 5.3** The following procedures are in place to ensure that your information is protected:
  - 5.3.1** We will ensure that third parties whom we contract are bound by security, confidentiality and privacy obligations to guarantee that personal information for which we are responsible, remains secure;
  - 5.3.2** We will confirm with anyone to whom we pass your information agrees to treat your information with the same level of protection as we are obliged to;
  - 5.3.3** Saijal Pale is the authorised compliance officer of AMC Hunter Inc and is responsible for the encouragement of compliance with the Act;
  - 5.3.4** This policy will be in place throughout AMC Hunter and training on this policy and the provisions of the Act will be conducted regularly, and overseen by the compliance officer;
  - 5.3.5** Employees will be required to sign confidentiality agreements which will be annexed to their employment contracts;
  - 5.3.6** Client files which have been archived, are stored at third party providers who are also governed by the Act and with whom AMC Hunter Inc has Service Level Agreements;

- 5.3.7** Our hard copy files are stored at a secured premises and destroyed after 5 years;
- 5.3.8** Our internal server is protected by firewalls;
- 5.3.9** We will keep a Security Incident Management register in order to log and manage any security incidents which will be managed by the Compliance Officer
- 5.3.10** All employees are bound by the procedures of AMC Hunter Inc's POPI Policy in order to ensure that clients information is secure;
- 5.3.11** Consent is obtained from clients in writing when clients sign documents with us

## ACCESS TO INFORMATION

*You have a right to request copies of the information we hold about you.*

*You may contact our compliance officer on: **0313095483 / [saijal@amchunter.co.za](mailto:saijal@amchunter.co.za)***

*We will request a copy of your Identity document to properly identify you prior to providing you with the information.*

*Should you have any enquiries about this policy or wish to withdraw your consent, kindly do not hesitate to contact us.*