



AM LAW INC

DATE:	OUR REF:	YOUR REF:
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PROTECTION OF PERSONAL INFORMATION ACT (POPI ACT) POLICY

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DIRECTORS: Abhishek Maharaj (LLB); Chanelle Naidoo (LLB) | CONSULTANTS: Nundini Maharaj (B.Compt)
| COMPANY REG: 2020/428451/21 | Email: am@abhishekmaharajlaw.co.za | Tel: +27 72 552 0829 |
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1. DEFINITIONS

In this Policy, unless the context indicates a contrary intention, the following words and expressions bear the meaning assigned to them and cognate expressions bear corresponding meanings: -

- 1.1 **“Act”** means – the Protection of Personal Information Act, Act No. 4 of 2013 (as amended);
- 1.2 **“Company”** means – **AM LAW INC** a private company duly registered and incorporated in the Republic of South Africa;
- 1.3 **“data subject”** means – the person to whom personal information relates;
- 1.4 **“Directors”** means – directors of the Company;
- 1.5 **“Employee/s / Contractor/s”** means – any person, including a contractor, who works for the Company and who receives, or is entitled to received, any remuneration; and any other person who in manner assist in carrying on or conducting the business of the Company;
- 1.6 **“Information Officer”** means – the designated compliance officer appointed by the Company to address compliance with the act, from time to time;
- 1.7 **“this Policy”** means – this Protection of Personal Information (“POPI”) policy and any addendum there to as may be amended by the Company and signed by the parties from time to time;
- 1.8 **“Responsible Party/Employee”** 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.

2. INTRODUCTION

This policy describes the Company’s guidelines with regard to: -

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- 2.1 Use personal information in the office;
- 2.2 Access to and disclosure of personal information sent or received by employees or contractors of the Company with use of the Company email system;
- 2.3 The processing of personal information; and
- 2.4 How to protect the Company from the risks of breach of security and/or unauthorized access to personal information.
- 2.5 This policy and framework establish measures and standards for the protection and lawful processing of personal information within our organisation and provides principles regarding the right of individuals to privacy and the protection of their personal information.
- 2.6 All employees, our Administrator and Service Providers are responsible for adhering to this policy and for reporting any security breaches of incidents to the Information Officer. Written confirmation to this effect will be obtained from all Service Providers.

3. **APPLICABILITY**

This policy applies to all Employees and/or Contractors of the Company.

4. **INFORMATION OFFICER**

- 4.1 The company duly appoints **ABHISHEK MAHARAJ** as its Information Officer from **1 JULY 2021**.
- 4.2 All Employees and/or Contractors may refer any queries, concerns or information of potential or actual breaches of personal information to the Information Officer.



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The Information Officer who has been appointed with the responsibility to administer and ensures AM LAW INC compliance with PAIA is Abhishek Maharaj, who is also the Principal Officer of AM LAW INC. He can be reached at:

Physical address:

44 Monkor Road,
Randpark Ridge, 2169
Johannesburg

Contact number:

Tel: 072 552 0829

E-mail address:

E-mail: am@abhishekmaharajlaw.co.za

Postal address:

44 Monkor Road,
Randpark Ridge, 2169
Johannesburg

5. INFORMATION OFFICER RESPONSIBILITIES

- 5.1 To encouragement compliance, by the Company any employees alike, with the conditions for the lawful processing of personal information;
- 5.2 To handle requests made to the Company pursuant to this Act;

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- 5.3 To work with the Regulator (established in terms of the Act) in relation to investigations conducted pursuant to Chapter 6 of the Act in relation to the Company; and
- 5.4 To ensure compliance by the Company with provisions of POPI; and as may be prescribed.

6. UNDERSTANDING WHAT IS MEANT BY THE TERM “PERSONAL INFORMATION”

6.1 Personal information refers to a wide array of data belonging to a natural or juristic person, including but not limited to: -

- 6.1.1 Identity and/or passport number;
- 6.1.2 Date of birth and age;
- 6.1.3 Phone number/s (including cellular phone number);
- 6.1.4 Email address/es;
- 6.1.5 Physical address;
- 6.1.6 Postal address;
- 6.1.7 Age, Gender, Race and Ethnicity;
- 6.1.8 Photos, voice recordings, video footage (also CCTV), biometric data;
- 6.1.9 Martial/Relationship status and Family relations;
- 6.1.10 Criminal record;
- 6.1.11 Private correspondence;
- 6.1.12 Religious or philosophical beliefs including personal and political opinions;
- 6.1.13 Employment history and salary information;
- 6.1.14 Financial information;
- 6.1.15 Education information;
- 6.1.16 Medical history including, blood type; and
- 6.1.17 Membership to organisations/unions.



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- 6.2 The scope of the Act seems narrowed by the definition of personal information, but this is not the truth. One must remember that the types of personal information listed by the Act as set out in the list above is not a closed list of personal information to which the Act will apply. Information not listed above may still be deemed personal information.

7. PROCESSING OF PERSONAL INFORMATION

- 7.1 The Company is fully compliant with the Act and has invested a lot of resources to ensure that the Employees and/or contractors understand how to handle a client's personal information. All Employees and/or Contractors must follow the following guidelines when dealing with data subject's personal information: -

- 7.1.1 The personal information requested must only be used for lawful purposes;
- 7.1.2 The personal information must be processed for a purpose which is adequate, relevant and not excessive;
- 7.1.3 The personal information may only be collected with the data subject's consent. The burden of proof rests with the Employees and/or Contractors, to prove that the information was obtained with the data subject's consent;
- 7.1.4 The Company and Employees and/or Contractors may only collect personal information that is necessary for a specific purpose;
- 7.1.5 Personal information must not be retained longer than necessary, except if it is required by law or is for a lawful purpose related to the Company's functions or activities or it is agreed upon in terms of contractual agreement; and
- 7.1.6 The personal information in the Company's records should be updated as and when the data subject provides new or updated personal information.

8. PROCESSING LIMITATIONS

- 8.1 No Employee and/or Contractor may use the data subject's personal information in any way that may be seen as revealing special information deemed to be insulting, disruptive, or offensive by other persons, or harmful to morale.



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- 8.2 The scope of processing special personal information is further limited by the Act and thereby the Company forbidding any of the following actions:
 - 8.2.1 Collection of personal information or minors;
 - 8.2.2 Collection of personal information regarding the data subject's religious or philosophical beliefs;
 - 8.2.3 Collecting of personal information identifying the data subject's trade union membership or political opinions;
 - 8.2.4 Collection of personal information related to the data subject's sexual life, health or biometric details;
 - 8.2.5 Collection of personal information revealing race or ethnic origin;
 - 8.2.6 Collection of personal information revealing criminal record behaviour.

- 8.3 Unless processing is carried out with the consent of the data subject referred to in clause 8.2: -
 - 8.3.1 processing must be necessary for the establishment, exercise or defence of a right or obligation in law;
 - 8.3.2 processing must be necessary to comply with an obligation of international public law;
 - 8.3.3 processing must be for historical, statistical or research purposes to the extent that: -
 - 8.3.3.1 the purpose serves a public interest and the processing is necessary for the purpose concerned;
 - 8.3.3.2 it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provide for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent.
 - 8.3.4 the information must have deliberately been made public by the data subject; or
 - 8.3.5 prior authorisation must have been given.



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9. DE-IDENTIFYING PERSONAL INFORMATION

- 9.1 The Company has a responsibility to ensure that information that is outdated or no longer needed, is discarded in manner that will no longer identify the data subject. The process will be called de-identifying information.
- 9.2 De-identifying means to delete any information that identifies the data subject's personal information which can be sued or manipulated by a reasonably foreseeable method to identify the data subject or can be linked by a reasonably foreseeable method to other information that identifies the data subject.
- 9.3 Archived information records are stored securely on or offsite and a certificate of destruction will be obtained for each archived file/batch of personal information destroyed.
- 9.4 It is imperative that each and every Employee and/or Contractor takes all the necessary precautions to ensure the abovementioned protocols are adhered to. Should the Company receive any complaints of failure to protect the data subject's information, the claim must be disproved before the Information Officer. The consequence thereof is that the Employees and/or Contractors tasked with handling the specific information will be found guilty of contravening this policy, the penalty thereof could lead to a written warning.
- 9.5 The Company's complaints policy that should be followed in the event of a complaint is as follows: -
- 9.5.1 The complaint must be reported to the Information Officer immediately;
- 9.5.2 The Information Officer must report the complaint to the Director;
- 9.5.3 The Employees and/or Contractors implicated must furnish the Information Officer with written representations of the Employees and/or Contractors statement under oath;
- 9.5.4 The Information Officer will liaise with the Regulator for any further developments regarding the matter.



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- 9.6 Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by the Company pending such return.

10. THE DATA SUBJECT'S RIGHT TO ACCESS TO PERSONAL INFORMATION

- 10.1 The owner of personal information can request that the Company provide them with the record, or a description of the personal information, the identity of any third party who may have access or had access to their personal information.
- 10.2 The Company has created a request form which must be completed by the data subject requesting the abovementioned access to information. This request form is marked Annexure "B".

11. FORBIDDEN USES OF DATA SUBJECT'S PERSONAL INFORMATION

- 11.1 The Employee or Contractor may not use the Company's access to any data subject's personal information for personal gain on any such purposes as soliciting or proselytising for commercial ventures, religious or personal causes or outside organisations or other similar, non-job-related solicitations. If the Company discovers that any Employee or Contractor misusing the information available in the Company's systems, that Employee and/or Contractor will be subject to disciplinary action, which may include dismissal.
- 11.2 Should an Employee or Contractor be suspected of contravening this polity, the Company may at its sole discretion access any device which the Employee or Contractor uses to conduct business to investigate the matter further.

12. COMPANY'S RIGHT TO ACCESS INFORMATION

- 12.1 The Company respects the individual privacy of its Employees and/or Contractors. However, Employee and/or Contractor privacy does not extend the Employee's and/or



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Contractor's work-related conduct or to the use of Company provided equipment or supplies.

12.2 The electronic mail system has been installed by the Company to facilitate business communication. Although each Employee and/or Contractor has an individual password to access this system, it belongs to the Company and the contents of e-mail communications are accessible at all times by the Company management for any business purpose. These systems may be subject to periodic unannounced inspections and should be treated like other shared filing systems. All systems passwords and encryption keys must be available to the Company management and the designated IT personnel, and the Employee and/or Contractor may not use passwords that are unknown to their supervisor or the designated IT personnel or install encryption programs without turning over encryption keys to their supervisor your designated IT personnel. All e-mail messages are Company records. The contents of e-mail, property obtained for legitimate business purposes, may be disclosed within the Company without the Employee's and/or Contractor's permission.

12.3 Therefore, the Employee and/or Contractor should not assume that messages or telephone calls are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.

13. BREACH OF SECURITY / UNAUTHORISED ACCESS TO INFORMATION

13.1 Should the Company experience any security breach, it is required, by law, to notify the Regulator, and the data subject(s) whose information have been affected by the breach, unless the identity of such data subject(s) cannot be established.

13.2 Therefore, the Employee and/or Contractor should report any known or suspected breach of information to the appointed Information Officer.

13.3 Failure to report the aforementioned breach will subject the Employee and/or Contractor in transgression to disciplinary action, which may include dismissal.

13.4 The Company has established a complaints process to deal with allegations of leaked information. This will be address by the Compliance Officer.



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14. CORPORATE POLICY GUIDELINE

14.1 ACCEPTABLE USES OF PERSONAL INFORMATION

14.1.1 The Company provides access to its server and e-mail access is intended to be for business reasons only. The Company encourages the use of the server and e-mail because they make communication more efficient and effective. However, the server and e-mail are Company property, and their purpose is to facilitate Company business. Every Employee and/or Contractor has a responsibility to maintain and enhance the Company's public image and to use Company e-mail and access to the server in a productive manner. To ensure that all Employees and/or Contractors are responsible, the following guidelines have been established for using e-mail and the server. Any improper use of the server or e-mail is not acceptable and will not be permitted.

14.1.2 The Employee and/or Contractor acknowledges that: -

14.1.2.1 The Company may be held vicariously liable for the acts of its Employees and/or Contractors, even where the Company is not at fault, for any damages caused by the Employee's and/or Contractor's conduct;

14.1.2.2 Employees and/or Contractors may not make representations to third parties or the public beyond the scope of their normal responsibilities or actual authority;

14.1.2.3 Methods other than e-mail must be used to communicate special personal information.

14.2 UNACCEPTABLE USES OF PERSONAL INFORMATION

14.2.1 The Company acknowledges that Employees and/or Contractors need reasonable access to data subjects' personal information in order to fulfil their tasks.



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14.2.2 The Employee and/or Contractor may not process the Employee's and/or Contractor's personal information without obtaining the requisite consent, following the protocols discussed in this policy and in the Act.

14.3 QUERIES AND CLARIFICATION OF POLICY

14.3.1 Where an employee is uncertain as to the content of this policy or request further clarification of issues which are addressed in this policy they are required to contact the Compliance Officer for clarification.

15. POSSIBLE OFFENCES

15.1 The Employee and/or Contractor must note that should they fail to adhere to this policy, they may be disciplined and/or dismissed and may face action brought by the Information Regulator which may see them liable to face a fine or imprisonment.



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1. Annexure A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000) – also applicable to the POPI Act in

terms of section 25))

[Regulation 10]

A. Particulars of private body

THE HEAD:

B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

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This section must be completed *ONLY* if a request *for information* is made on behalf of *another* person. If a request is for records containing personal information, the request must be made by the person to whom the personal information relates unless exceptional circumstances can be proven

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- (a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be *notified* of the amount required to be paid as the request fee.

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- (c) The fee payable for access to a record depends *on* the form *in which* access is required and the reasonable time *required* to search for and prepare a record.
- (d) If you qualify for exemption *of* the payment *of* any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <ul style="list-style-type: none"> (a) Compliance with your request in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested. 	

1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images			
this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			



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	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of information derived from the record"
			copy in computer readable form* (stiffy or compact disc)
'If you requested a copy or transcription of a record (above), do you wish the Copy or transcription to be posted to you? Postage is payable.			YES NO

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

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2. Annexure B:

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and	

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surname/ Registered name of responsible party:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at

..... this day of20.....

.....

Signature of data subject/designated person



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3. Annexure C

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Note:

- 1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered	



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name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE

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	<p>RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p>(Please provide detailed reasons for the request)</p>

Signed at this day of20.....

.....
Signature of data subject/designated person