WILKENS VAN EMMENIS
— INCORPORATED —
Attorneys & Mediators

PRIVACY POLICY

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

Wilkens Van Emmenis Incorporated | Registration Number 2026/074663/21

Attorneys and Mediators

Version 1.0 | Date of adoption: 1 June 2026 | Date of last review: 10 September 2026

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1 INTRODUCTION AND SCOPE

1.1 Wilkens Van Emmenis Incorporated ("**WVE**", "**the firm**", "**we**", "**us**" or "**our**") is a personal liability company incorporated in terms of the Companies Act 71 of 2008 under registration number 2026/074663/21, practising as attorneys and mediators. In the course of practice we necessarily collect, use, store and share personal information relating to clients, prospective clients, opposing parties, witnesses, employees, service providers and visitors to our website.

1.2 This Policy explains what personal information we process, why we process it, on what lawful basis, with whom we share it, how long we keep it, how we protect it, and what rights you have in relation to it. It is issued in compliance with the Protection of Personal Information Act 4 of 2013 ("**POPIA**") and with the conditions for the lawful processing of personal information set out in Chapter 3 of that Act.

1.3 This Policy applies to:

1.3.1 all personal information processed by the firm, in whatever form and by whatever means, whether collected through our website at www.wveinc.co.za, in the course of a professional engagement, by electronic communication, telephonically, or in person;

1.3.2 all natural persons and, to the extent that POPIA applies to them, all juristic persons whose personal information we process; and

1.3.3 all directors, employees, candidate legal practitioners, consultants and agents of the firm.

1.4 This Policy must be read together with our Terms of Use, our Cookie Policy and our manual published in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**"), each of which is available on our website.

1.5 Where a separate privacy notice, letter of engagement, mandate or consent form has been furnished to you in relation to a specific matter, that document applies in addition to this Policy. In the event of conflict between this Policy and a matter-specific mandate, the mandate prevails to the extent of the inconsistency.

2 WHO WE ARE AND HOW TO CONTACT US

2.1 The firm is the responsible party in respect of the personal information described in this Policy, as that term is defined in section 1 of POPIA.

2.2 Our particulars are as follows:

Registered name	Wilkens Van Emmenis Incorporated
Registration number	2026/074663/21
Nature of business	Attorneys and mediators (personal liability company)
Physical address	Eastlands Office Park, Office 125 Regus, 1 Bentel Avenue, Boksburg, 1459, Gauteng
Postal address	Same as physical address

Telephone	010 143 3895
General email	info@wveinc.co.za
Website	www.wveinc.co.za

2.3 The Information Officer of the firm, being the head of the private body as contemplated in section 1 of PAIA, and registered with the Information Regulator in accordance with section 55(2) of POPIA, is:

Information Officer	Mr Victor Wilkens, Director
Email	victor@wveinc.co.za
Telephone	010 143 3895
Registration	2026-064119 / Registered on 2026-08-11

2.4 The Deputy Information Officer of the firm, designated in terms of section 56 of POPIA read with section 17 of PAIA, is:

Deputy Information Officer	Mr Ruan van Emmenis, Director
Email	ruan@wveinc.co.za
Telephone	010 143 3895

2.5 All enquiries, requests and objections arising from this Policy must be addressed to the Information Officer at the address set out above.

3 DEFINITIONS

3.1 Unless the context indicates otherwise, words and expressions used in this Policy bear the meanings assigned to them in POPIA. For convenience, the principal terms are summarised below.

Term	Meaning
Data subject	The person to whom personal information relates, being a natural person or an existing juristic person.
Personal information	Information relating to an identifiable, living natural person and, where applicable, an identifiable, existing juristic person, as defined in section 1 of POPIA.
Special personal information	Personal information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, or biometric information, or the criminal behaviour of a data subject, as contemplated in section 26 of POPIA.
Processing	Any operation concerning personal information, including collection, receipt, recording, organisation, storage, updating, retrieval, use, dissemination, merging, linking, restriction, degradation, erasure or destruction.
Responsible party	The public or private body or other person which determines the purpose of and means for processing personal information.
Operator	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.
Regulator	The Information Regulator established in terms of section 39 of POPIA.
Consent	Any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

4 OUR COMMITMENT TO THE CONDITIONS FOR LAWFUL PROCESSING

4.1 The firm processes personal information in accordance with the eight conditions for lawful processing prescribed by Chapter 3 of POPIA, namely:

4.1.1 **Accountability** (section 8): the firm, as responsible party, ensures that the conditions and all measures giving effect to them are complied with.

4.1.2 **Processing limitation** (sections 9 to 12): personal information is processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject, is adequate, relevant and not excessive, is collected for a specific purpose on a lawful basis, and is collected directly from the data subject save where section 12(2) permits otherwise.

4.1.3 **Purpose specification** (sections 13 and 14): personal information is collected for a specific, explicitly defined and lawful purpose related to a function or activity of the firm, and is not retained for longer than is necessary for achieving that purpose unless retention is required or authorised by law.

4.1.4 **Further processing limitation** (section 15): further processing is undertaken only where it is compatible with the purpose of collection or where one of the grounds in section 15(3) applies.

4.1.5 **Information quality** (section 16): reasonably practicable steps are taken to ensure that personal information is complete, accurate, not misleading and updated where necessary.

4.1.6 **Openness** (sections 17 and 18): the firm maintains documentation of all processing operations and takes reasonably practicable steps to ensure that data subjects are aware of the matters set out in section 18(1). This Policy forms part of the discharge of that obligation.

4.1.7 **Security safeguards** (sections 19 to 22): appropriate, reasonable technical and organisational measures are in place to secure the integrity and confidentiality of personal information, and operators are bound by written contract to comparable obligations.

4.1.8 **Data subject participation** (sections 23 to 25): data subjects may request confirmation of, and access to, the personal information the firm holds about them, and may request correction or deletion in the circumstances contemplated in section 24.

5 THE PERSONAL INFORMATION WE COLLECT

5.1 Information you provide to us

5.1.1 When you complete the enquiry form or the consultation booking form on our website, we collect your full name, email address, telephone number, the subject of your enquiry or the area of law concerned, your preferred consultation type and meeting format, and any description of your matter that you elect to provide.

5.1.2 When you instruct the firm, or when we assess whether we are able to accept an instruction, we collect the information necessary to identify you, to establish and verify your identity in accordance with the Financial Intelligence Centre Act 38 of 2001 ("**FICA**"), to conduct a conflict of interest search, and to advance the matter. Depending on the nature of the mandate, this may include:

(a) identity numbers, dates of birth, copies of identity documents or passports, and proof of residential address;

(b) marital status, matrimonial property regime, antenuptial contract particulars and details of spouses, dependants and family members;

(c) income tax reference numbers, VAT registration numbers and financial and banking particulars;

(d) company registration numbers, directorship and shareholding particulars, and beneficial ownership information;

(e) employment particulars, remuneration details, contracts of employment and disciplinary records;

(f) property descriptions, title deed particulars, bond particulars, rates and levy information;

(g) medical reports, expert reports, hospital records and related documentation, where the matter concerns personal injury, medical negligence, disability, incapacity or curatorship;

(h) records of criminal charges, convictions, sentences and related proceedings, where the matter concerns criminal law or where such records are relevant to a civil matter; and

(i) any other information contained in documents, correspondence, pleadings, affidavits and instructions furnished to us by you or on your behalf.

5.1.3 Documents and instructions furnished to us frequently contain the personal information of third parties, including opposing parties, witnesses, beneficiaries, employees, dependants, minors and deceased persons. We process that information as part of the mandate, on the lawful bases set out in clause 7.

5.2 Information we collect from other sources

5.2.1 In the ordinary course of legal practice we obtain personal information from sources other than the data subject, as permitted by section 12(2) of POPIA. These sources include the Deeds Office, the Companies and Intellectual Property Commission, the Master of the High Court, the South African Revenue Service, the courts and their registrars, the sheriff, the Legal Practice Council, credit bureaux and tracing agents, correspondent attorneys, counsel, experts, banks and other financial institutions, insurers, employers, medical practitioners and medical schemes, opposing attorneys, and publicly available records and registers.

5.2.2 Where personal information is obtained from a source other than the data subject, we rely on one or more of the exceptions in section 12(2), most commonly that the information is contained in a public record, that the data subject has consented, that collection from another source would not prejudice a legitimate interest of the data subject, or that collection is necessary to comply with an obligation imposed by law or to pursue the legitimate interests of the firm or of a third party to whom the information is supplied.

5.3 Information collected automatically through our website

5.3.1 When you visit www.wveinc.co.za, our web server and the third-party services embedded in the site may record your internet protocol address, approximate location derived from that address, browser type and version, operating system, device type, referring website, the pages you visit, and the date, time and duration of your visit.

5.3.2 Cookies and similar technologies are used on the website. The categories of cookies, their purposes, their duration and the manner in which you may accept, refuse or withdraw consent to them are dealt with in our Cookie Policy.

6 SPECIAL PERSONAL INFORMATION AND THE PERSONAL INFORMATION OF CHILDREN

6.1 Section 26 of POPIA prohibits the processing of special personal information unless one of the authorisations in sections 27 to 33 applies.

6.2 The firm processes special personal information principally in reliance on section 27(1)(b) of POPIA, namely that the processing is necessary for the establishment, exercise or defence of a right or obligation in law. That authorisation is central to the practice of law: a legal practitioner cannot advise on or conduct a divorce, a medical negligence claim, a Road Accident Fund claim, an unfair discrimination dispute, a criminal defence or a curatorship application without processing information concerning health, sex life, religious belief, race, trade union membership or criminal behaviour.

6.3 In addition, and where applicable, the firm relies on:

6.3.1 section 27(1)(a), where the data subject has consented in writing to the processing;

6.3.2 section 27(1)(c), where the processing is necessary to comply with an obligation of international public law;

6.3.3 section 27(1)(d), where the processing is for historical, statistical or research purposes in the circumstances there described;

6.3.4 section 27(1)(e), where the information has deliberately been made public by the data subject;

6.3.5 section 32, in relation to information concerning health or sex life, to the extent that the specific authorisations in that section apply; and

6.3.6 section 33, in relation to information concerning criminal behaviour or biometric information obtained in accordance with the law.

6.4 Section 34 of POPIA prohibits the processing of the personal information of a child unless one of the grounds in section 35 applies. The firm processes the personal information of children in reliance on section 35(1)(a), namely that the processing is necessary for the establishment, exercise or defence of a right or obligation in law, and on section 35(1)(d), namely with the prior consent of a competent person. Matters in which such processing typically arises include divorce and care and contact proceedings, maintenance applications, applications in terms of the Domestic Violence Act 116 of 1998, applications for the appointment of a curator or guardian, deceased estates in which minors are heirs, and delictual claims on behalf of minors.

6.5 We do not knowingly collect the personal information of a child through our website. If you are under the age of 18, you must not submit an enquiry or booking request without the assistance and consent of a parent or guardian.

7 WHY WE PROCESS PERSONAL INFORMATION AND ON WHAT LAWFUL BASIS

7.1 The table below records the principal purposes for which we process personal information and the corresponding justification under section 11(1) of POPIA.

Purpose	Description	Lawful basis
Responding to enquiries	Receiving and responding to enquiries and consultation booking requests submitted through the website, by email or telephonically.	Section 11(1)(a) consent; section 11(1)(b) steps preparatory to a contract
Client and matter take-on	Verifying identity, conducting conflict of interest searches, assessing capacity to act, and opening a file.	Section 11(1)(b); section 11(1)(c) legal obligation (FICA)
Rendering legal services	Advising, drafting, negotiating, litigating, mediating, conveyancing and administering estates in accordance with the mandate.	Section 11(1)(b) performance of a contract
Compliance with law	Compliance with FICA, the Legal Practice Act 28 of 2014 and the Rules made thereunder, the Companies Act 71 of 2008, the Tax Administration Act 28 of 2011 and applicable court rules and directives.	Section 11(1)(c) obligation imposed by law

Purpose	Description	Lawful basis
Trust and business accounting	Receiving, holding and paying trust funds, invoicing, collecting fees and disbursements, and maintaining accounting records subject to audit.	Section 11(1)(b) and (c)
Practice administration	File management, diary and prescription control, document storage, information technology support, insurance and risk management.	Section 11(1)(f) legitimate interests of the firm
Recruitment and employment	Assessing applications for employment or articles of clerkship and administering the employment relationship.	Section 11(1)(b) and (c)
Firm communications	Sending legal updates, client alerts and information about the firm to persons who have consented to receive them.	Section 11(1)(a) consent; section 69 where applicable
Establishing and defending rights	Instituting or defending proceedings, recovering fees, and responding to complaints, claims and regulatory enquiries.	Section 11(1)(f); section 27(1)(b) for special personal information

7.2 Where we process personal information in reliance on your consent, you may withdraw that consent at any time in the manner set out in clause 16. Withdrawal of consent does not affect the lawfulness of processing carried out before the withdrawal, and does not affect processing that we are required or entitled to continue on another lawful basis, including compliance with a legal obligation or the establishment, exercise or defence of a right in law.

8 LEGAL PROFESSIONAL PRIVILEGE AND CONFIDENTIALITY

8.1 Communications between the firm and its clients made for the purpose of obtaining or giving legal advice, and communications and documents brought into existence for the purpose of pending or contemplated litigation, are protected by legal professional privilege. That privilege belongs to the client and not to the firm.

8.2 Independently of privilege, every legal practitioner is bound by a professional duty of confidentiality in respect of the affairs of a client, which endures after the termination of the mandate and after the death of the client.

8.3 Nothing in this Policy authorises the firm to disclose privileged or confidential information otherwise than as permitted by law. In particular:

8.3.1 a record that is privileged from production in legal proceedings is protected from disclosure under section 67 of PAIA, unless the person entitled to the privilege has waived it;

8.3.2 a request by a data subject for access to personal information under section 23 of POPIA is made and determined in accordance with PAIA, and is accordingly subject to the grounds of refusal in Chapter 4 of Part 3 of PAIA; and

8.3.3 where the firm is compelled by law to disclose information, including in response to a subpoena, a court order, a search warrant or a statutory demand, we will disclose only what the law requires and will, where lawfully permitted to do so, notify the affected data subject.

8.4 The firm is an accountable institution in terms of Schedule 1 to FICA. Where the firm is obliged to report a suspicious or unusual transaction to the Financial Intelligence Centre in terms of section 29 of FICA, section 29(3) and (4) prohibits the firm from disclosing that fact to the person concerned or to any other person. This Policy does not entitle any person to disclosure of such a report or of any information concerning it.

9 TO WHOM WE DISCLOSE PERSONAL INFORMATION

9.1 We disclose personal information only where it is necessary for the purposes set out in clause 7, where you have consented, or where we are required or permitted by law to do so. The categories of recipients are:

9.1.1 **Within the firm**: directors, professional staff, candidate legal practitioners and support staff, on a need-to-know basis.

9.1.2 **Legal service providers**: advocates and counsel, correspondent attorneys, notaries, conveyancers, mediators, arbitrators, tracing agents, the sheriff and process servers.

9.1.3 **Experts and consultants**: forensic accountants, actuaries, valuers, industrial psychologists, medical practitioners, engineers, translators and other experts instructed in a matter.

9.1.4 **Courts and tribunals**: the High Court, the Magistrates' Courts, the Labour Court, the Commission for Conciliation, Mediation and Arbitration, specialist tribunals, and their registrars and officials, including by way of pleadings, affidavits and filed documents which may become part of the public record.

9.1.5 **Regulators and public bodies**: the Legal Practice Council, the Legal Practitioners Fidelity Fund, the Financial Intelligence Centre, the South African Revenue Service, the Master of the High Court, the Deeds Office, the Companies and Intellectual Property Commission and the Information Regulator.

9.1.6 **Financial institutions**: the firm's bankers in respect of trust and business accounts, and the bankers and bond originators of parties to a transaction.

9.1.7 **Counterparties**: opposing parties and their legal representatives, insurers and adjusters, to the extent required by the conduct of the matter.

9.1.8 **Service providers**: information technology, cloud hosting, telecommunications, document management, secure destruction, accounting, auditing and insurance providers, each of whom is engaged as an operator on the terms set out in clause 10.

9.2 We do not sell, rent or trade personal information, and we do not disclose personal information for the marketing purposes of any third party.

10 OPERATORS AND THIRD-PARTY SERVICE PROVIDERS

10.1 Where a third party processes personal information on our behalf, that party is an operator as defined in POPIA. In terms of sections 20 and 21 of POPIA, an operator may process personal information only with our knowledge or authorisation, must treat that information as confidential, must establish and maintain the security measures contemplated in section 19, and must notify us immediately where there are reasonable grounds to believe that personal information has been accessed or acquired by an unauthorised person.

10.2 The firm concludes a written contract with every operator, as required by section 21(2), recording those obligations.

10.3 The principal operators engaged in relation to our website and practice are:

Operator	Function	Location of processing
FormSubmit (formsubmit.co)	Receives and relays enquiry and consultation booking form submissions from the website to the firm by email.	Outside the Republic. See clause 11.
Google LLC (Google Maps)	Renders the embedded map on our contact page. Google receives your internet protocol address and device information when the map loads.	Outside the Republic. See clause 11.
Microsoft Corporation (Microsoft 365, SharePoint, Exchange Online, Teams)	Electronic mail, document storage, collaboration and video consultation services.	South Africa
Xneelo	Hosting of www.wveinc.co.za and associated server logs.	South Africa
Law74 Practice Management Software	Practice management, time recording, invoicing and trust accounting.	South Africa

11 TRANSFERS OF PERSONAL INFORMATION OUTSIDE SOUTH AFRICA

11.1 Section 72 of POPIA prohibits the transfer of personal information about a data subject to a third party in a foreign country unless one of the following grounds applies: the recipient is subject to a law, binding corporate rules or a binding agreement providing an adequate level of protection substantially similar to the conditions for lawful processing under POPIA; the data subject consents to the transfer; the transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request; the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; or the transfer is for the benefit of the data subject in the circumstances contemplated in section 72(1)(e).

11.2 Personal information submitted through the enquiry and booking forms on our website is transmitted to and processed by FormSubmit, a service provider situated outside the Republic, before being delivered to the firm by email. Your consent to that transfer is obtained by means of the consent confirmation on the form, and the transfer is in any event necessary for the implementation of pre-contractual measures taken at your request within the meaning of section 72(1)(c).

11.3 The embedded map on our contact page is served by Google. When the map loads, your internet protocol address and device information are transmitted to Google, which may process that information outside the Republic. The map is loaded only where you have accepted non-essential cookies, as described in our Cookie Policy.

11.4 Where the firm engages foreign correspondent attorneys, foreign experts or foreign counterparties in a cross-border matter, personal information necessary for that matter will be transferred to them in reliance on section 72(1)(b) or (c).

11.5 If you do not wish your personal information to be transmitted through the website forms, you may contact the firm directly by telephone on 010 143 3895 or by email to info@wveinc.co.za.

12 SECURITY SAFEGUARDS

12.1 Section 19 of POPIA requires a responsible party to secure the integrity and confidentiality of personal information in its possession or under its 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.

12.2 The measures adopted by the firm include:

12.2.1 identification of all reasonably foreseeable internal and external risks to personal information in our possession or under our control, and the maintenance of a risk register;

12.2.2 multi-factor authentication on all firm electronic mail and document storage accounts, and role-based access control limiting access to matter files to those who require it;

12.2.3 encryption of data in transit and at rest within our Microsoft 365 environment, and encryption of portable devices;

12.2.4 secure backup and disaster recovery arrangements;

12.2.5 physical security at our premises, including controlled access and the secure storage of paper files, deeds, wills and original documents;

12.2.6 written confidentiality undertakings by all directors, employees and candidate legal practitioners, and ongoing training in confidentiality, privilege and data protection;

12.2.7 written operator agreements with all third-party processors, as described in clause 10;

12.2.8 secure destruction of paper and electronic records at the end of the applicable retention period; and

12.2.9 regular verification that the safeguards are effectively implemented, and continual updating of those safeguards in response to new risks and to generally accepted information security practices.

12.3 No system of electronic communication or storage is entirely secure. Electronic mail in particular is capable of interception, corruption and delay, and the firm cannot guarantee the security of information transmitted to us over the internet. Where a matter requires the transmission of particularly sensitive information, please contact us to arrange a secure method of delivery.

13 SECURITY COMPROMISES

13.1 Where there are reasonable grounds to believe that personal information of a data subject has been accessed or acquired by an unauthorised person, section 22 of POPIA obliges the firm to notify the Information Regulator and, subject to section 22(3), the affected data subject as soon as reasonably possible after the discovery of the compromise.

13.2 Notification to the Regulator is given on the prescribed Security Compromise Notification form. Notification to the data subject is given in writing in one of the manners prescribed in section 22(4), and contains sufficient information to allow the data subject to take protective measures, including a description of the possible consequences of the compromise, a description of the measures the firm intends to take or has taken to address it, a recommendation as to the measures the data subject should take to mitigate the possible adverse effects, and, if known, the identity of the unauthorised person.

13.3 The firm maintains an incident response procedure and a register of security compromises.

14 HOW LONG WE RETAIN PERSONAL INFORMATION

14.1 Section 14 of POPIA provides that records of personal information must not be retained for any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless retention is required or authorised by law, the firm reasonably requires the record for lawful purposes related to its functions or activities, retention is required by a contract, or the data subject has consented to the retention.

14.2 The principal retention periods applicable to the firm are:

Category of record	Retention period	Source of obligation
Client files, matter documents and accounting records	Not less than 7 years from the date of the last entry in the record or document	Rule 54.9.2 of the Rules made under the Legal Practice Act 28 of 2014
FICA client identification and verification records and transaction records	Not less than 5 years from the date on which the business relationship is terminated or the transaction is concluded	Sections 22, 22A and 23 of FICA
Company records, minute books and financial records	7 years	Section 24 of the Companies Act 71 of 2008
Records required for tax purposes	5 years from the date of submission of the relevant return, or longer where an audit, objection or appeal is pending	Sections 29 and 32 of the Tax Administration Act 28 of 2011
Employment records	As prescribed by the Basic Conditions of Employment Act 75 of 1997, the Employment Equity Act 55 of 1998 and the Labour Relations Act 66 of 1995	Applicable labour legislation
Original wills, title deeds and other originals held in safe custody	Retained until lawfully delivered to the client, the Master of the High Court or another person entitled to them	Common law and the terms of the mandate
Website enquiry and booking submissions that do not result in a mandate	[insert period, recommended 12 months]	Section 14 of POPIA
Website server logs and cookie data	As set out in the Cookie Policy	Section 14 of POPIA

14.3 Records may be retained beyond these periods where they are relevant to actual or contemplated litigation, a regulatory investigation, a complaint to the Legal Practice Council, an insurance claim or a claim against the firm, until the matter has been finally determined and any period for review or appeal has expired.

14.4 At the expiry of the applicable retention period, records are destroyed or de-identified in a manner that prevents their reconstruction in an intelligible form.

15 YOUR RIGHTS AS A DATA SUBJECT

15.1 Section 5 of POPIA confers the following rights on a data subject, which the firm respects and gives effect to:

15.1.1 **To be notified** that personal information about you is being collected, and that your personal information has been accessed or acquired by an unauthorised person (sections 18 and 22).

15.1.2 **To request confirmation and access**, free of charge, whether the firm holds personal information about you, and to request a record or description of that information together with the identity of all third parties who have had access to it (section 23, read with PAIA).

15.1.3 **To request correction or deletion** of personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, and to request the destruction or deletion of a record of personal information that the firm is no longer authorised to retain (section 24).

15.1.4 **To object**, at any time, on reasonable grounds relating to your particular situation, to the processing of your personal information in terms of section 11(1)(d), (e) or (f), and to object to processing for the purposes of direct marketing (section 11(3)).

15.1.5 **Not to have your personal information processed for direct marketing** by means of unsolicited electronic communications except as permitted by section 69.

15.1.6 **Not to be subject to a decision** which results in legal consequences for you, or which affects you to a substantial degree, based solely on the automated processing of personal information intended to provide a profile of you (section 71).

15.1.7 **To submit a complaint** to the Information Regulator regarding an alleged interference with the protection of your personal information (section 74).

15.1.8 **To institute civil proceedings** regarding an alleged interference with the protection of your personal information (section 99).

15.2 These rights are subject to the limitations contained in POPIA and PAIA, including the grounds on which access to a record may or must be refused, and to the firm's obligations of legal professional privilege, confidentiality and record retention described in clauses 8 and 14.

16 HOW TO EXERCISE YOUR RIGHTS

16.1 A request or objection may be delivered to the Information Officer by hand, by post, by electronic mail or by any other manner that is convenient to you, including by facsimile or short message service. A request made telephonically will be recorded electronically and confirmed in writing.

16.2 The following prescribed forms, published under the Regulations relating to the Protection of Personal Information, 2018, as amended, are available on the website of the Information Regulator and on request from the Information Officer:

Form	Purpose	Statutory reference
Form 1	Objection to the processing of personal information	Section 11(3) of POPIA
Form 2	Request for correction or deletion of personal information, or destruction or deletion of a record of personal information	Section 24(1) of POPIA
Form 4	Application for the consent of a data subject for the processing of personal information for the purpose of direct marketing	Section 69(2) of POPIA
Form 5	Complaint regarding interference with the protection of personal information	Section 74 of POPIA
SCN1	Security compromise notification	Section 22 of POPIA

16.3 A form substantially similar to the prescribed form will be accepted. Where you require assistance in completing a form, the Information Officer will render reasonable assistance.

16.4 A request for access to personal information in terms of section 23 of POPIA is dealt with under PAIA and is subject to the procedure and fees set out in our PAIA Manual. Confirmation of whether the firm holds personal information about you is furnished free of charge.

16.5 We will respond to a request for correction or deletion, and advise you of the action taken, within 30 days of receipt of the request. Where a correction or deletion is effected, we will, where reasonably practicable, notify each third party to whom the information has been disclosed.

16.6 Where the firm is unable to give effect to a request, we will provide written reasons and inform you of your right to complain to the Information Regulator.

17 DIRECT MARKETING

17.1 Section 69 of POPIA prohibits the processing of personal information for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, short message services and electronic mail, unless the data subject has given consent or is a customer of the responsible party.

17.2 Where you are not an existing client, the firm will send you legal updates, client alerts or other marketing communications only where you have given consent. Consent is requested only once, on the prescribed form or a form substantially similar to it. An election not to opt out does not constitute consent.

17.3 Where you are an existing client, the firm may send you marketing communications relating to its own similar services in terms of section 69(3), provided that your contact particulars were obtained in the context of a service rendered to you, that you were given a reasonable opportunity to object at the time of collection, and that you are given the opportunity to object in every communication.

17.4 Section 45 of the Electronic Communications and Transactions Act 25 of 2002, which previously permitted unsolicited commercial communications subject to an opt-out, was repealed with effect from 30 June 2021 by section 110 of POPIA. The firm accordingly applies the consent standard in section 69 of POPIA.

17.5 Every marketing communication sent by the firm identifies the sender and contains a facility by which you may object or unsubscribe at no cost. You may also object at any time by writing to the Information Officer.

17.6 Section 11 of the Consumer Protection Act 68 of 2008 confers a right on a consumer to pre-emptively block direct marketing communications. The firm honours registrations on any registry established for that purpose.

18 AUTOMATED DECISION-MAKING AND PROFILING

18.1 The firm does not take decisions which result in legal consequences for a data subject, or which affect a data subject to a substantial degree, based solely on the automated processing of personal information intended to provide a profile of that person, as contemplated in section 71 of POPIA.

18.2 Where automated tools are used in the course of practice, including document assembly, legal research tools and search and review technology, their output is at all times subject to the review, professional judgement and responsibility of an admitted legal practitioner of the firm.

19 COOKIES AND WEBSITE ANALYTICS

19.1 Our website uses cookies and similar technologies. Strictly necessary cookies are placed without consent, as they are required for the website to function. Non-essential cookies, including those set by embedded third-party content, are placed only where you have accepted them by means of the cookie banner.

19.2 The categories of cookies used, the identity of the parties who set them, their purposes and their duration, and the means by which consent may be given, refused or withdrawn, are set out in our Cookie Policy, which forms part of this Policy.

20 ACCESS TO INFORMATION UNDER PAIA

20.1 The firm is a private body as defined in section 1 of PAIA. A person who requires access to a record held by the firm for the exercise or protection of any right may request access in terms of section 50 of PAIA.

20.2 The procedure for making a request, the prescribed form, the fees payable, the periods within which the firm must decide, the grounds on which access may or must be refused, and the remedies available to a requester, are set out in our PAIA Manual, which is available on our website and at our principal place of business.

21 COMPLAINTS TO THE INFORMATION REGULATOR

21.1 If you are not satisfied with the manner in which the firm has processed your personal information or dealt with a request, we ask that you first raise the matter with the Information Officer so that we may attempt to resolve it.

21.2 You are in any event entitled to submit a complaint to the Information Regulator in terms of section 74 of POPIA on Form 5, or to lodge a PAIA complaint in terms of section 77A of PAIA. The particulars of the Information Regulator are:

Physical address	Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191
Telephone	010 023 5200
Toll-free	0800 017 160
General enquiries	enquiries@inforegulator.org.za
POPIA complaints	POPIAComplaints@inforegulator.org.za
PAIA complaints	PAIAComplaints@inforegulator.org.za
Website	www.inforegulator.org.za

22 AMENDMENT OF THIS POLICY

22.1 The firm reviews this Policy at least annually and whenever a material change in its processing operations, in the applicable law or in the guidance issued by the Information Regulator requires it.

22.2 The current version of this Policy is published at www.wveinc.co.za. The version number and the date of the last review appear on the first page. Where an amendment materially affects the rights of data subjects, we will take reasonably practicable steps to bring the amendment to the attention of affected data subjects.

23 GOVERNING LAW

23.1 This Policy and all matters arising from it are governed by the law of the Republic of South Africa.

23.2 If any provision of this Policy is found to be invalid or unenforceable, that provision is severable and the remaining provisions continue in full force and effect.

WILKENS VAN EMMENIS INCORPORATED

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