

DATA PROTECTION AGREEMENT

BETWEEN

JACQUES CLASSEN ATTORNEYS

(PROCESSOR- JACQUES CLASSEN ATTORNEYS)

AND

(DATA SUBJECT- CLIENT)

WHEREAS the Processor hereinafter referred to as the Firm collects, use, holds and process data that contains personal information received from a Data Subject residing in South Africa, hereinafter referred to as the Client, and;

WHEREAS the Firm, due to the nature of the service rendered and or in order to properly execute its mandate, instruction given and duties in terms of the agreement with the Client, and;

WHEREAS the Firm holds and process data containing personal information received from the Client, which data will be use and process by the Firm in the execution of its mandate, and;

WHEREAS the purpose for the collecting, using, holding and processing of the data is for the sole purpose for the firm to properly execute the mandate, instruction given to the Firm by the Client and or is necessary for the execution of associated internal administrative processes, and;

WHEREAS both the Firm and the Client confirm that they are aware of the POPI Act and the requirements set out therein for the protection of personal data which became effective on the 30th of June 2021, and;

WHEREAS both the Firm undertake to adhere to the regulations as set out in the POPI Act in order to afford the Client's personal data, the protection as is required by the POPI Act;

NOW THEREFORE the Firm and the Client agree as follows:

1. Limitation of Purpose, Data and Storage

The Firm will:

- 1.1 Limit the processing of personal data/data holding personal information.
- 1.2 Only collect personal data/ data holding personal information which is necessary.
- 1.3 Not keep data holding personal information once the process purpose is completed.
- 1.4 Will not process personal data outside the legitimate purpose for which the personal data was collected as set out in Annexure "DP".
- 1.5 Will only request personal data/data holding personal information necessary for affecting the purpose the data was required for.
- 1.6 Agree that personal data once the legitimate purpose for which it was collected is fulfilled be deleted and or dealt with in accordance with the instructions of the Client.

2. Consent

- 2.1 The Firm will, prior to making the personal data of the Client available to any third party, ensures that the necessary consent from the Client was obtained, not only in as far as it pertains to the processing thereof by the Firm but also the processing thereof by the Third Party.
- 2.2 The Firm will ensure that the Client is informed as to how his/her/their personal information will be processed.
- 2.3 The Firm will in instances where they are dealing with the processing of personal data beyond the legitimate purpose, as well as when dealing with the processing of children's data ensure to obtain explicit consent **from** the Client and or the parent in the case of a child, if the child's age is under 18 (eighteen) years.
- 2.4 The required consent will include the Client being informed of:
 - 2.4.1 His/her/their right to withdraw his/her/their consent at any stage and should he/she/they withdraw his/her/their consent the Firm will immediately take the appropriate steps to delete the information.
 - 2.4.2 The purpose for which his/her/their personal data is being processed.
 - 2.4.3 The possibility that his/her/their personal data will be forwarded to a Third party by the Firm should the Firm be compelled to make use of the services of a Third party.
 - 2.4.4 The necessity for the Firms to obtain clear and explicit consent, should it become necessary to process personal data beyond the legitimate purpose for which the data was collected and processed, that once consent was obtained that such consent will be documented, which consent can be withdrawn at any stage.

3. Clients Rights

The Firm confirms and undertakes to:

- 3.1 Make available any information which the Client requests to be made available and or requests to be corrected.
- 3.2 Inform the client that they are aware that the Client has the right to request the correction of any information.
- 3.3 Inform the Client that they are aware that the Client may object to his/her/their personal information being processed and or ask for the deletion or transfer of his/her/their personal data.

4. Privacy and Security

The Firm:

- 4.1 Undertakes to incorporate organisational and technical mechanisms to protect the personal data/data containing personal information of the Client.
- 4.2 Put the necessary data protection systems/mechanisms in place which will include but not be limited to the following:
 - 4.2.1 Provide the necessary awareness and training to their employees to ensure that their employees are aware of their responsibilities regarding the protection of personal data and the responsibility regarding the reporting of any breach in the identification of personal data.
 - 4.2.2 Implement/prepare the necessary policies their employees must adhere to regarding the protection of personal data.
 - 4.2.3 Ensure that the necessary technical mechanisms to protect personal data are in place, which will include but not be limited to:
 - 4.2.3.1 Protection of server should data base be stored on a private server and or when data is stored in the cloud that the cloud service provider (i.e., Google) is secured.
 - 4.2.3.2 That all the data held on personal laptops and computers be encrypted.
 - 4.2.3.3 The necessary anti-virus mechanisms, firewalls and encryption software be installed on personal laptops and computers.
 - 4.2.3.4 That a data protection officer be appointed who on request of the Client will provide any information requested on the mechanisms that are put in place to protect the Clients personal data.

5. Fair and Transparent Processing

The Firm undertakes:

- 5.1 To ensure that when processing personal data, that such processing will take place in a lawful, fair, and transparent manner.

- 5.2 Not to process data for any other purpose than the legitimate purpose.
- 5.3 Should it become necessary that personal data be processed for any other purpose than the legitimate purpose, to obtain the Clients explicit consent.
- 5.4 That should any Third-party be instructed to process a Client of the Firm's personal data, the Firm will ensure that the Third-party executing processing activities of the Firms, Clients personal data/information that such Third-party will also protect the Clients personal data as is required by the POPI Act (Third-party to sign the agreement prepared for this purpose which must accompany the instruction forwarded to them by the Firm).
- 5.5 Based on the severity of the breach in personal data, inform the Client within 24 hours of identifying a breach.

Duly signed at _____ on the _____ day of _____

(JACQUES CLASSEN ATTORNEYS)

Signed by _____

duly authorised to sign on behalf of the company.

Witness: _____

Duly signed at _____ on the _____ day of _____

(CLIENT)

Signed by _____

duly authorised to sign on behalf of the company.

Witness: _____

DESCRIPTION OF THE PERSONAL DATA TO BE PROCESSED

The Client

The personal data transferred concern the following categories of data subjects:

- Clients' personal information.
- Other: _____

Purposes of the transfer of personal data

The transfer is made for the following purposes:

Execution of the instruction, and mandate given to the Firm by the Client.

Categories of Data

The Clients personal data transferred may concern any of the following:

Names, sex, date of birth, residential address, phone numbers, email address, passport details, medical details, profession marital status, insurance details.

Recipients

The personal data transferred may be disclosed only to the following recipients or categories of recipients.

- Staff directly or indirectly involved in the execution of the instruction and mandate.
- Authorities only when legally obliged.
- To Third parties with consent of Client.

Sensitive data (if appropriate)

The personal data transferred concern the following categories of sensitive data:

- All the personal data as mentioned above, data concerning medical conditions and passport details.

Additional useful information (storage limits and other relevant information)

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Contact person for data protection enquiries name and cell phone

FIRM _____

CLIENT _____

