

28 June 2021

Valued client

Good day

**PROTECTION OF PERSONAL INFORMATION ACT (POPIA)**

All clients, please read further:

If you are not a client, you do not need to read further.  
This is not compulsory reading for all clients.  
Not only relevant to South African circumstances.  
No Afrikaans version of this e-mail available.

Apparently long gone are the days when “confidential” meant just that, keeping our clients information strictly confidential. Now the Protection of Personal Information Act (POPIA), a result of a worldwide drive to ensure the protection of people’s private information, forces our firm to issue you with this formal notice to confirm in writing that, yes, we shall keep your information strictly confidential, as we have done so in the past. Herewith the required notice:

**Privacy Notice**

Our firm values and respects your privacy and wants to be transparent about the personal information we process when interacting with you.

We have taken due cognisance of the recently promulgated Protection of Personal Information Act No 4 of 2013 (POPIA) regarding how we collect, process and retain your personal information. We recognise and are committed to protecting your right to privacy and ensuring that your personal information is lawfully collected, retained and used properly, lawfully and transparently for legitimate purposes in a reasonable manner that does not infringe on your right to privacy.

This privacy notice provides an overview of how we obtain, process and disclose your personal information, in accordance with the requirements of the POPIA.

**Information we collect**

We will collect and process your personal information to enable us to contact you for the purposes of understanding your requirements and delivering our professional services in accordance with your requirements. This information will be obtained directly from you unless you have authorised us to obtain information from third parties on your behalf. We from time to time are required to write to banks, lawyers and others to obtain updated client information.

Website usage information may be collected using “cookies” and “sessions” which allows us to collect standard internet visitor usage information.

**How we use your information**

We will use your personal information solely for the purposes:

- for which it was collected and agreed to enable us to undertake the services requested by you;
- to comply with an obligation imposed by law; and
- where it was agreed with you in the form of consent.

In addition, where necessary, your information may be retained for legal purposes.

**Laws authorising or requiring the collection of personal information**

Under certain circumstances we are authorised or required by law to collect your personal information. The laws in question include, but are not limited to, the following:

- Auditing Professions Act No 26 of 2005
- Companies Act No 71 of 2008
- Close Corporations Act No 69 of 1984
- Promotion of Access to Information Act No 54 of 2002
- Income Tax Act No 58 of 1962
- Value Added Tax Act No 89 of 1991
- Tax Administration Act No 28 of 2011
- Administration of Estates Act No 54 of 1969
- Trust Property Control Act No 57 of 1988

**Retention**

Our firm is required to comply with various different legislative retention periods. As such we have opted for the longest retention period required from us for legal purposes and apply this to all our data. Your personal information will be kept for a period of 10 years in order for us to comply with all legal retention requirements.

**Access to personal information**

Our employees will have access to your personal information to administer and manage our agreed services.

**Disclosure of information**

Where required, we may disclose certain personal information to other service providers who are involved in the delivery of related products or services to you. We have agreements in place to ensure that they comply with the privacy requirements as required by the POPIA.

We may also disclose your information:

- Where we have a duty or a right to disclose in terms of law;
- Where we believe it is necessary to protect our rights; and
- Where you have requested us to do so.

**Information security**

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorized access and use of personal information. We shall, on an on-going basis, continue to review our security controls and related processes to ensure that your personal information remains secure.

Our security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information considerations;
- Secure communications;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access and usage of private information; and
- Investigating and reacting to security incidents.

When we contract with third parties, we shall impose appropriate security, privacy and confidentiality obligations on them to ensure that your personal information is kept secure.

We shall ensure that anyone to whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

**Correction of your information**

You have the right to ask us to confirm, update, correct or delete your personal information. We would appreciate it if you would keep us updated so that your personal information with us remains accurate.

**Definition of personal information**

According to the POPIA, “personal information” means information relating to an identified or identifiable, living, natural person, and where it is applicable, an identified or identifiable, existing juristic person.

Further to the POPIA, we also consider all addresses including residential, postal, email addresses and bank account details as personal information.

Where in doubt, we shall also consider any other information as personal information.

Please contact us, should you require any further advice or assistance.

Regards

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