

LEGALESE'S PRIVACY AND PERSONAL INFORMATION POLICY

Legalese Solutions (Pty) Ltd. (registration number 2014/250183/07) ("**Legalese**") adheres to the highest standards of protecting your personal information when you use www.legalese.co.za or any of its related blogs, websites, applications or platforms (collectively, "**the Website**") or any Legalese services ("**Services**"). As such, we have created this specific and detailed Privacy Policy for you to read and appreciate exactly how we safeguard your personal information and respect your privacy ("**Policy**").

- For more information regarding your personal information lawfully stored or used by the Website or Legalese, please contact info@legalese.co.za who will gladly assist.
- This Policy was last updated on 30 April 2020.
- Not all terms are necessarily defined in order.
- This Policy complies with, and facilitates the obligations required from, the South African *Protection of Personal Information Act, No. 4 of 2013* ("**POPI**"), as amended.

1. Introduction and Our Role:

- 1.1. In some circumstances, Legalese is the "*responsible party*" (as defined in POPI) and is responsible for your personal information (collectively referred to as "**we**", "**us**" or "**our**" in this Policy) in instances where we decide the processing operations concerning your personal information.
- 1.2. Sometimes we also operate as an "*operator*" (as defined in POPI) of personal information on behalf of a third-party responsible party, where that responsible party's privacy terms will apply. The terms "**user**", "**you**", "**data subject**" and "**your**" are used interchangeably in this Policy and refer to all persons accessing the Website or engaging with Legalese for any reason whatsoever.
- 1.3. We have appointed a data representative at Legalese who is responsible for overseeing questions in relation to this Policy. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact the representative using the details set out below.
- 1.4. Our full details are:
 - 1.4.1. Full name of legal entity: **Legalese Solutions (Pty) Ltd.**
 - 1.4.2. Name or title of data representative: **Thomas Reisenberger**
 - 1.4.3. Email address: **info@legalese.co.za**
 - 1.4.4. Postal address: **190A Buitengracht Street, Cape Town**
 - 1.4.5. Telephone number: **021 422 0214**
- 1.5. You have the right to make a complaint at any time to the South African data regulator's office ([Information Regulator's Office of South Africa](#)). We would, however, appreciate the chance to deal with your concerns before you approach any such regulator, so please contact us in the first instance.

2. Personal information we collect from you:

- 2.1. Should you decide to register with or function as a user on the Website, engage with us and/or use any Legalese Services, you thereby expressly consent to, and opt-in to Legalese collecting, collating, processing, and using the following types of information about you when you use the Website ("**personal information**"):
 - 2.1.1. **Information provided by the user or from a user's other authorised responsible party:**

Legalese processes personal information (that is information about the user that is personally identifiable like the user's name, address, date of birth, age, gender, email address, company name, company registration number, contact details, phone number(s) and other unique information such as service preferences and contact preferences that are not otherwise publicly available) which Legalese either processes as its own responsible party, or which is received from another responsible party to whom you have provided your personal information with your permission to be shared with Legalese as the operator; and
 - 2.1.2. **Information that is collected automatically:**

Legalese receives and stores information which is transmitted automatically from the user's computer when the user browses the internet and accesses the Website. This information

includes information from cookies (which are described in clause 14 below), the user's Internet Protocol ("IP") address, browser type, embedded web links, and other commonly used information-gathering tools. These tools collect certain standard information that your browser sends to the Website such as your browser type and language, access times, and the address from which you arrived at the Website.

- 2.2. Should your personal information change, please update it by providing us with updates to your personal information as soon as reasonably possible to enable us to update it. Legalese will, however, not be able to update any personal information of yours attained from another responsible party, where should you want to update same, you must approach the relevant responsible party to do so. Legalese is under no obligation to ensure that your personal information or other information supplied by you is correct.
- 2.3. **We do not process the personal information of children when a data subject user is below the age of 18 (eighteen). Do not provide us with any such information, where same is considered a material breach of these Terms.**
- 2.4. You warrant that the personal information disclosed to Legalese is directly from you as the user on the Website or in connection to the Services, and all such personal information is lawfully yours to provide. You also warrant that any personal information provided to us from a third-party responsible party, was attained from you lawfully and provided to us with your express consent to the relevant responsible party to do so.
- 2.5. You may choose to provide additional personal information to us, in which event you agree to provide accurate and current information, and, generally, not to impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.

3. **When do we collect your personal information:**

We will process your personal information in the following circumstances:

- 3.1. you submit an enquiry and/or contact us or request that we contact you;
- 3.2. you visit or browse our Website;
- 3.3. when you contract with us to be a provider of services to Legalese;
- 3.4. you complete any Legalese document including its client form, Terms of Engagement or surveys; and/or
- 3.5. you make use of our various legal and other Services.

4. **How we use your personal information:**

- 4.1. Any processing of your personal information will be reservedly for our legitimate business purposes and as a necessary function of your engagement with the Website and/or our Services, and you have expressly consented to this by using our Website and/or Services, but we will not, without your express consent:

- 4.1.1. use your personal information for any purpose other than as set out below:

- 4.1.1.1. in relation to the provision to you of the Services and/or access to the Website;
- 4.1.1.2. to fulfil orders for products and Services;
- 4.1.1.3. to contact you as requested by you;
- 4.1.1.4. to enable you to provide us with your contracted services;
- 4.1.1.5. for internal record keeping of responsible party third parties and the development of metrics of third-party searches;
- 4.1.1.6. to contact you regarding current or new Services or any other product offered by us (unless you have opted out from receiving marketing material from us, possible through that same correspondence to you); and/or
- 4.1.1.7. to improve our Website by, for example, monitoring your browsing habits, or tracking your activities on the Website; or

- 4.1.2. disclose your personal information to any third party other than as set out below:

- 4.1.2.1. to our employees and/or third-party service providers who assist us to interact with you via our Website, email or any other method, for your use of the Services, and thus need to know your personal information in order to assist us to communicate with you properly and efficiently;

- 4.1.2.2. to external responsible parties who already have your express consent to process and/or attain such personal information from and/or with us;
- 4.1.2.3. to our professional services providers (such as our insurers or lawyers where we believe that it is required under our contractual relationship with our insurance provider to do so);
- 4.1.2.4. to law enforcement, government officials, fraud detection agencies or other third parties when we believe in good faith that the disclosure of personal information is necessary to prevent physical harm or financial loss, to report or support the investigation into suspected illegal activity or the contravention of an applicable law, or to investigate violations of this Policy and/or the Website's other policies; and
- 4.1.2.5. to our service providers (under contract with us) who help with parts of our business operations (fraud prevention, marketing, technology services etc). However, our contracts dictate that these service providers may only use your information in connection with the services they perform for us, not for their own benefit and under the same standards as how we operate.

4.2. We are entitled to use or disclose your personal information if such use or disclosure is required in order to comply with any applicable law, subpoena, order of court or legal process served on us, or to protect and defend our rights or property. In the event of a fraudulent online payment, Legalese is entitled to disclose relevant personal information for criminal investigation purposes or in line with any other legal obligation for disclosure of the personal information which may be required of it.

5. **Our legal justifications for processing your personal information:**

5.1. Your use of the Website and/or any of our Services constitutes your explicit opt-in consent to our processing of your personal information. Further, we also rely on our contractual arrangements with you as the lawful basis on which we collect and process your personal information when you make an order for products and Services.

Alternatively, in some cases, we rely on our legitimate interests as a business (for example, to measure user satisfaction and troubleshoot user issues). Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

5.2. Subject to the other provisions in this Policy, the following constitutes our reasons for processing your personal information:

5.2.1. **To make our legal products and Services available to you:**

5.2.1.1. We use your personal information to provide you with information, legal products and Services that you request or purchase from us (i.e. to complete certain tasks, processes or orders on our Website, take payment online (where applicable) and deliver your products or Services), and to communicate with you regarding those legal products and Services that you acquired from us and respond to your questions and comments.

5.2.1.2. We may also use your personal information to measure how satisfied our users are and provide user service (including troubleshooting in connection with purchases or your requests for Services or when you ask us questions on social media).

5.2.2. **To allow third parties to make their independent services available to you:**

5.2.2.1. Should you make use of third-parties' services accessed via the Website (such as a payment gateway with a plug-in on our Website), we provide them with your necessary data in order for them to provide you with their services.

5.2.2.2. You expressly understand and agree that same third-party companies may have their own privacy policies governing how they process personal data, which you may be compelled to adhere to.

5.2.3. **When you make use of our Website and features thereon:**

5.2.3.1. We require your information in order to provide the Website to you and deliver our services and fulfil our contract with you.

5.2.3.2. We also process your information when you sign-up for our newsletter.

5.2.4. **When you take part in a feedback survey:**

5.2.4.1. When you take part in our feedback survey, we record certain types of your data and your answers to questions we ask about your opinion of, and use of, our Website and services.

5.2.4.2. We use this information to develop and improve our Website and services and our user relationships. Your job role, organisation and some or all of your comments may be publicly displayed on our website as a testimonial. We will do this based on our legitimate interest in explaining our Website and services.

5.2.5. For administrative and internal business purposes:

5.2.5.1. We may use your personal information for our internal business purposes, such as administrative fulfilment of orders, administrative fulfilment of invoices, project management and internal reporting. We may also use your data to monitor the use of our Website and ensure that our Website is presented in the most effective and relevant manner for you and your device and setting default options for you.

5.2.5.2. It is in our legitimate interests as a business to use your personal information in this way. For example, we want to ensure our Website is user-friendly and works properly and that our Services are efficient and of high quality. We also want to make it easy for you to interact with us.

5.2.6. For security and legal reasons:

5.2.6.1. We use your personal information to:

5.2.6.1.1. ensure the personal and financial information you provide us is accurate;

5.2.6.1.2. conduct fraud checks or prevent other illegal activity;

5.2.6.1.3. protect our rights or property (or those of others); and

5.2.6.1.4. fulfil our legal and compliance-related obligations.

5.2.6.2. In some cases we will use your personal information because it's necessary for us to comply with a legal obligation (such as if we receive a legitimate request from a law enforcement agency). In other cases (such as the detection of fraud) we will rely on our legitimate interests as a business to use your personal information in this way. Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

5.2.7. In relation to your Legalese user relationship:

5.2.7.1. We use your personal information to personalise your experience with Legalese to:

5.2.7.1.1. provide you with non-marketing correspondence via SMS, post and email as you have given us your consent to this;

5.2.7.1.2. contact you when requested by you or in relation to a legal service we are providing you;

5.2.7.1.3. process your website-use data to analyse how you use our Website and Services. This may include information on Services you have viewed and historical transactions. This allows us to provide a browsing experience which is relevant to you;

5.2.7.1.4. carry out limited automated decision making (segmentation) based on the information you have given us when we segment our Legalese user database to determine which offers that you may be interested in.

6. Links to Other Websites:

6.1. Our Website may contain hyperlinks to websites that are not operated by us. These hyperlinks are provided for your reference and convenience only and do not imply any endorsement of the activities of these third-party websites or any association with their operators.

6.2. We do not control these websites and are not responsible for their data or privacy practices. We urge you to review any privacy statement posted on any site you visit before using the site or providing any personal information about yourself and others.

7. Original and updated purposes for processing:

7.1. We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

8. International Transfer of personal information:

8.1. We may share your personal information within the Legalese group of companies and this may involve transferring and processing your data outside of South Africa.

8.2. Whenever we transfer your personal information out of the country, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

8.2.1. we will only transfer your personal information to countries that have been deemed to provide an adequate level of protection for personal information;

8.2.2. where we use certain service providers, we may use specific contracts approved by the European Commission which give personal information the same protection it has in Europe under the GDPR; or

8.2.3. where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal information shared between Europe and the US.

9. How we treat your personal information and Data Security:

9.1. We will ensure that all of our employees, third party service providers, divisions and partners (including their employees and third-party service providers) having access to your personal information are bound by appropriate and legally binding confidentiality obligations and process your personal information at standards equal to or higher than Legalese's in relation to your personal information.

9.2. We will:

9.2.1. treat your personal information as strictly confidential, save where we are entitled to share it as set out in this Policy;

9.2.2. take appropriate technical, security and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access;

9.2.3. provide you with reasonable access to your personal information to view and/or update personal details;

9.2.4. promptly notify you if we become aware of any unauthorised use, disclosure or processing of your personal information;

9.2.5. provide you with reasonable evidence of our compliance with our obligations under this Policy on reasonable notice and request; and

9.2.6. upon your request, promptly correct, transfer, return or destroy any and all of your personal information in our possession or control, save for that which we are legally obliged or entitled to retain (acknowledging that some Website and/or Service functionality might be lost if certain personal information is amended or destroyed).

9.3. We will not retain your personal information longer than the period for which it was originally needed, unless we are required by law to do so, or you consent to us retaining such information for a longer period. In some circumstances, other applicable national laws require us to retain your data beyond your request for its deletion, or beyond your direct engagement with Legalese. **As such, we may retain your personal information in adherence with compulsory instructions from other applicable national laws, notwithstanding your application to have it deleted or amended.**

9.4. Whilst we will do all things reasonably necessary to protect your rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of your personal information, whilst

in our possession, made by third parties who are not subject to our control, unless such disclosure is as a result of our gross negligence or fraud.

- 9.5. If you disclose your personal information to a third party, such as an entity which operates a website linked to the Website or anyone other than Legalese, **Legalese shall not be liable for any loss or damage, howsoever arising, suffered by you as a result of the disclosure of such information to the third party, including another user.** This is because we do not regulate or control how that third party uses your personal information. You should always ensure that you read the privacy policy of any third party.
- 9.6. We are committed to implementing the necessary measures to keep your data secure, where we have implemented current industry-setting standards to keep your data secure.

10. User rights and obligations:

- 10.1. The user is entitled to request access to any relevant personal information held by Legalese and where such access is necessary for you to exercise and/or protect any of the user's rights. For any personal information held by any third-party responsible party, the user must approach that responsible party for the realisation of the user's personal information rights with them, and not with Legalese.
- 10.2. Under POPI, you have rights in relation to your personal information. Please contact us to find out more about, or manifest, these rights:
 - 10.2.1. have your data processed in a fair, lawful and transparent way;
 - 10.2.2. be informed about how your personal information is being used, an example being this privacy policy;
 - 10.2.3. access personal information we hold about you;
 - 10.2.4. require us to correct any mistakes in your personal information;
 - 10.2.5. require us to delete personal information concerning you in certain situations where there is no good reason for us to continue to process it;
 - 10.2.6. request that we transfer your personal information to you or another service provider in a simple, structured format;
 - 10.2.7. object at any time to processing of your personal information for direct marketing purposes;
 - 10.2.8. object to automated decision making which produces legal effects concerning you or similarly significantly affects you;
 - 10.2.9. object in certain other situations to our continued processing of your personal information; and/or
 - 10.2.10. otherwise restrict or temporarily stop our processing of your personal information in certain circumstances.
- 10.3. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.
- 10.4. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- 10.5. We try to respond to all legitimate requests within one week. Occasionally it may take us longer than a week if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.
- 10.6. **Users with citizenships from jurisdictions other than of South Africa, please note that Legalese complies with all South African data protection laws when processing your personal information pursuant to the Services as we are a South African entity operating in the South African market. Should foreign law be applicable in any regard to your use of the Services and/or the Website in any way, including how we may process your personal information, please contact Legalese at info@legalese.co.za who will gladly engage you on its application and your rights.**
- 10.7. Users acknowledge that any content provided by users on the Website, including via a messaging system, enters an open, public forum, and is not confidential, where the author of which will be liable for that content, and not Legalese.

- 10.8. Users understand that there are risks involved in sharing personal information. By disclosing personal information such as the user's name and email address, users acknowledge and understand that this information may be collected and used by an authorised third party to communicate with you.
- 10.9. By accepting this Policy, you have opted-in to receive emails from Legalese, where your email address will be used to contact you from time to time and may also use it for security reasons to confirm your identity.
- 10.10. You have the right to opt-out of receiving email communication by following the directions posted on every email communication or by emailing info@legalese.co.za and asking to not be contacted from then on.

11. Legalese's rights relating to personal information:

- 11.1. Legalese will disclose the user's personally identifiable information if it reasonably believes that it is required to do so by law, regulation or other government authority or to protect the rights and property of Legalese, its affiliates or the public. Legalese may also co-operate with law enforcement in any official investigation and may disclose the user's personally identifiable information to the relevant agency or authority in doing so.
- 11.2. Circumstances may arise where, whether for strategic or other business reasons, Legalese decides to sell, buy, merge or otherwise reorganize its business. Such a transaction may involve the disclosure of personal information to prospective or actual purchasers, or the receipt of it from sellers. It is Legalese's practice to seek reasonable protection for information in these types of transactions and notify you prior to any disclosure of personal information. Such disclosure will also be subject to this Policy.
- 11.3. Legalese strives to keep the user's personal information accurately recorded. Legalese provides a user with the reasonable ability to review and correct it or ask for anonymization, blockage, transfer or deletion, as applicable. Please contact info@legalese.co.za to engage Legalese on such actions or requests.
- 11.4. We also collect, use and share aggregated data or de-identified data such as statistical or demographic data for any purpose. Such de-identified or aggregated data may be derived from your personal information but is not considered personal information in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific Website feature. However, if we combine or connect aggregated data with your personal information so that it can directly or indirectly identify you, we treat the combined data as personal information which will be used in accordance with this Privacy Policy.

12. Feedback:

- 12.1. If you have any questions or complaints about this Privacy Policy or any part of our service, please contact us by e-mailing info@legalese.co.za.
- 12.2. If you have a complaint about our use of your information, please contact us directly so that we can address your complaint.

13. Notification of Changes:

- 13.1. We are continually improving our ways of work and our existing Services and Website. We regularly review and, if appropriate, update our Privacy Policy from time to time, and as our services and use of personal data evolves. Because of these ongoing changes, changes in the law and the changing nature of technology, our data protection practices may also change from time to time. If and when our data protection practices change, we will update this Privacy Policy to describe our new practices.
- 13.2. If we want to make use of your personal data in a way that we have not previously identified, we will contact you to provide information about this and, if necessary, to ask for your consent.
- 13.3. If we do, we will notify you next time you visit our Website. We encourage you to check this Policy regularly.
- 13.4. We will update the version number and date of this document each time it is changed.

14. Cookies provisions:

- 14.1. The Website may make use of "cookies" to automatically collect information and data through the standard operation of the Internet servers. "Cookies" are small text files a website can use (and which we may use) to recognise repeat users, facilitate the user's on-going access to and use of a website and allow a website to track usage behaviour and compile aggregate data that will allow the website operator to improve the functionality of the website and its content, and to display more focused advertising to a user by way of third party tools.

- 14.2. The type of information collected by cookies is not used to personally identify you. If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature. Please note that cookies may be necessary to provide you with certain features available on our Website, and thus if you disable the cookies on your browser you may not be able to use those features, and your access to our Website will therefore be limited. If you do not disable “cookies”, you are deemed to consent to our use of any personal information collected using those cookies, subject to the provisions of this Policy and the Website’s other policies.
- 14.3. For more information on the exact Cookies and technical data used, please contact info@legalese.co.za who will gladly provide a full technical breakdown of same cookies and technical data.