

PRIVACY POLICY

SolomonHolmes Attorneys Incorporated

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Frequency of Review: Annually or when there are changes to legislation, whichever date occurs sooner.

Date of Last Review:

1. DEFINITIONS

- 1.1. **"Client"** means any prospective, new or existing Client of the Firm;
- 1.2. **"Data Subject"** includes all living individuals and juristic persons about whom the Firm holds Personal Information;
- 1.3. **"DIO"** means the Deputy Information Officer appointed as such by the Firm in terms of section 56 of POPIA and who will support the IO;
- 1.4. **"Device" and "Mobile Device"** means tablets, mobile or cellular phones, smartphones, handheld computers, PDAs, and laptop or notebook computers, including any accompanying software or hardware;
- 1.5. **"Employee"** means any person who works for or provides services to or on behalf of the Firm and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Firm. This includes partners, directors, all permanent, temporary and part-time Employees as well as consultants, independent consultants, agency workers and contract workers;
- 1.6. **"Firm"** means SolomonHolmes Attorneys Incorporated;

- 1.7. **"Image", "Photograph" and "video images"** refer to any kind of image capture, still or moving, obtained by any photographic device including still image cameras, video cameras, webcams and photographic enabled mobile telephones, and any other type of image capture device not specified here, whether digital or not, using technology existent from time to time, the Processing (including storage) of such images includes film negative, film positive (e.g. transparencies and slides, movies, etc.), photographic paper, digital media, magnetic tape and any other kind of storage method able to be used for the storage of images, still or moving, available now or in the future;
- 1.8. **"IO"** means the Information Officer appointed as such by the Firm in terms of section 56 of POPIA and who will have the ultimate responsibility to ensure that the Firm complies with the provisions of POPIA;
- 1.9. **"PAIA"** means the Promotion of Access to Information Act, 2000, including any regulations under that Act;
- 1.10. **"Personal Information"** means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person in particular by reference to an identification number or to one or more factors specific to physical, physiological, mental, economic, cultural or social identity, including the name, race, gender, marital status, address and identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person, recruitment details, financial history and the like. It also includes opinions about individuals as well as facts and also applies to corporate contacts;
- 1.11. **"POPIA"** means the Protection of Personal Information Act, 2013, including any regulations under that Act;

1.12. **“Processing”** refers to any activity that involves use of Personal Information. It includes any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of Personal Information;

1.13. **“Record”** means any recorded information:

- regardless of form or medium, including any of the following:
 - writing on any material;
 - information produced, recorded or stored by means of any tape- recorder, computer equipment, whether hardware or software or both, or other Device, and any material subsequently derived from information so produced, recorded or stored;
 - label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - book, map, plan, graph or drawing;

- photograph, film, negative tape, or other Device in which one or more visual Images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
 - in the possession or under the control of a Responsible Party;
 - whether or not it was created by a Responsible Party; and
 - regardless of when it came into existence;
- 1.14. **"Responsible Party"** is the person who or organisations which determine the purposes for which, and the manner in which, any personal information is processed. They have a responsibility to establish practices and policies in line with POPIA. The Firm is the responsible party of all Personal Information used in its business; and
- 1.15. **"Special Personal Information"** includes Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life or biometric information of a Data Subject, or the criminal behaviour of a Data Subject to the extent that such information relates to the alleged commission by a Data Subject of any offence; or any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings.

2. INTRODUCTION

- 2.1. The Firm respects your privacy and is committed to protecting your Personal Information.
- 2.2. This Privacy Notice explains how the Firm collects, uses, stores, discloses and otherwise Processes Personal Information in accordance with the POPIA, the PAIA, and other applicable South African laws.

2.3. By using the Firm's website, engaging our legal services, communicating with us, or otherwise providing Personal Information to us, you acknowledge that your Personal Information may be Processed in accordance with this Privacy Notice.

3. NATURE OF BUSINESS

The Firm is a specialist employment and labour law practice based in Johannesburg, South Africa.

4. CONTACT DETAILS OF THE FIRM AND OUR INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

IO Name:	Anthony Solomon
DIO Name:	Theresa Achada
Physical Address:	Le Val Westcliff 45 Jan Smuts Avenue Westcliff Randburg 2193
Postal Address:	P.O. Box 72181 Parkview 2122
Telephone:	+27 11 646 4235
Email address of IO:	solly@solomonholmes.co.za
Email address of DIO:	theresa@solomonholmes.co.za
Website:	www.solomonholmes.co.za

Requests relating to Personal Information, access to information, corrections, objections or complaints may be directed to the IO and the DIO.

5. RECORDS HELD BY THE FIRM IN TERMS OF POPIA

5.1. Depending on the nature of the Firm's relationship with you, the Firm may collect all types of Personal Information and Special Personal Information where legally permissible relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including but not limited to –

5.1.1. name, address (including proof of address), other contact details (e.g. email and telephone numbers), gender, marital status, date and place of birth, nationality, employer, job title, financial records and employment history, and family details;

5.1.2. identification numbers issued by government bodies or agencies, such as Clients identity number, passport number, tax identification number and driving licence number and company registration number;

5.1.3. demographic information such as addresses, preferences and interests;

5.1.4. information relevant to the provision of the Firm's legal services;

5.1.5. information relevant to the procurement of products and services from suppliers;

5.1.6. bank account or payment card details, income or other financial information;

5.1.7. information provided to the Firm as part of the Firm providing legal services, which depends on the nature of the instructions;

5.1.8. special or sensitive personal information as defined in applicable data protection legislation, including information about health, racial or ethnic origin, political opinions, religious or philosophical beliefs and trade union membership; genetic and biometric information;

5.1.9. relevant information as required by applicable laws, including anti-money laundering legislation and as part of the Firm's onboarding procedures, including evidence of source of funds; and

5.1.10. information provided to the Firm for the purposes of attending meetings and events, including dietary requirements which may reveal information about the persons' health or religious beliefs.

5.2. Where you provide the Firm with the Personal Information of third parties you should take the necessary steps to inform the third party that you need to disclose their details to the Firm. The Firm will process their Personal Information in accordance with this Policy.

5.3. Please ensure that the information the Firm holds about you is complete, accurate and up to date.

6. PROCESSING OF SPECIAL PERSONAL INFORMATION

Special Personal Information is Processed only where authorised by law, where consent has been obtained, or where necessary for the establishment, exercise or defence of legal rights.

7. PROCESSING OF PERSONAL INFORMATION

Categories of Data Subjects

The Firm may Process Personal Information relating to:

DATA SUBJECT	PERSONAL INFORMATION THAT MAY BE PROCESSED
Clients	Personal Information of Clients Client files Instructions and mandates Correspondence Pleadings Opinions Agreements Investigation reports Arbitration records Court documents

<p>Job applicants and employees of the Firm</p>	<p>Employment contracts</p> <p>Personnel records</p> <p>Leave records</p> <p>Payroll records</p> <p>Performance records</p> <p>Disciplinary records</p> <p>Training records</p>
<p>Service providers & Contractors</p>	<p>Identification and Contact Information</p> <p>Business and Professional Information</p> <p>Financial and Banking Information</p> <p>Contractual Information</p> <p>Compliance and Due Diligence Information</p> <p>Access, Security and IT Information</p>
<p>Any third party with whom the Firm conducts business</p>	<p>Identification and contact details</p> <p>Business and professional information</p> <p>Banking and financial information</p> <p>Tax and regulatory information</p> <p>Contractual records</p> <p>Due diligence information</p> <p>Correspondence and communication records</p> <p>Any other information reasonably required to establish, manage or terminate a business relationship</p>

Opposing parties	Identification and Contact Information Employment and Business Information Litigation and Dispute-Related Information Financial Information
Witnesses	Identification and Contact Information Employment and Professional Information Evidence and Matter-Related Information
Visitors	Identification and Contact Information Access and Security Information Health and Safety Information

How we collect Personal Information

7.1. The Firm may collect Personal Information, directly or indirectly:

- 7.1.1. From you;
- 7.1.2. From Clients;
- 7.1.3. From employers and employees;
- 7.1.4. From trade unions and employer organisations;
- 7.1.5. From witnesses and representatives;
- 7.1.6. Through correspondence and communications;
- 7.1.7. Through courts, tribunals and bargaining councils;
- 7.1.8. Through public records and publicly available sources;
- 7.1.9. Through our website and electronic systems;
- 7.1.10. From third parties authorised to provide such information.

7.2. The Firm may also collect your Personal Information from your appointed agent, any regulator, or other third party that may hold such information.

The purpose of Processing Personal Information

7.3. Personal Information is processed for *inter alia*:

- 7.3.1. Provision of legal services, legal advice and related matters
- 7.3.2. Employment management and administration
- 7.3.3. Client relationship management and administration
- 7.3.4. Compliance with legal and regulatory obligations
- 7.3.5. Litigation and dispute resolution
- 7.3.6. Regulatory reporting
- 7.3.7. Business administration
- 7.3.8. Processing payments and accounting records
- 7.3.9. Protecting legal rights and interests;
- 7.3.10. Managing website functionality and security.

7.4. Once you subscribe to receive communications from the Firm, it may from time to time contact you by email, phone, text or other means about services, training and other offerings available from the Firm which it believes may be of interest to you. You can unsubscribe from receiving such communications at any time.

Legal basis for Processing

7.5. The Firm Processes Personal Information where *inter alia*:

- 7.5.1. The Data Subject has consented;
- 7.5.2. Processing is necessary to conclude or perform a contract;
- 7.5.3. Processing complies with a legal obligation;
- 7.5.4. Processing protects a legitimate interest of the Data Subject;

7.5.5. Processing is necessary for pursuing the legitimate interests of the Firm;

7.5.6. Processing is necessary for the establishment, exercise or defence of legal rights.

8. RECIPIENTS OF PERSONAL INFORMATION

8.1. Depending on the nature of the Personal Information, the Firm may supply information of Records to the following category of recipients:

8.1.1. Courts and tribunals, including but not limited to, the CCMA and bargaining councils

8.1.2. Government departments

8.1.3. Regulatory authorities

8.1.4. Counsel and expert witnesses

8.1.5. Service providers

8.1.6. Sheriffs and tracing agents

8.1.7. Auditors

8.1.8. Insurers

8.1.9. Banks

8.1.10. Professional advisers

8.1.11. Where required by law or Client mandate

8.1.12. Banks and payment service providers

8.1.13. Information technology service providers

8.2. The Firm requires third parties to treat Personal Information confidentially and to Process it in accordance with applicable laws.

8.3. If you do not wish the Firm to disclose this information to third parties, please contact the Firm. The Firm may, however, not be able to provide legal services to you if such disclosure is necessary.

9. CROSS-BORDER TRANSFERS

9.1. The Firm may transfer Personal Information outside South Africa where *inter alia*:

- 9.1.1. Required for the provision of legal services;
- 9.1.2. Necessary for cloud-based technology solutions; and
- 9.1.3. Required by law.

9.2. When the Firm transfers Data Subject's Personal Information to another country, it will fully comply with applicable South African data protection legislation including POPIA and PAIA.

10. SECURITY MEASURES

10.1. The Firm takes appropriate information security measures to ensure the confidentiality, integrity and availability of Personal Information in its possession.

10.2. The Firm maintains appropriate technical and organisational measures to protect Personal Information against unauthorised and unlawful Processing and against accidental loss, destruction or damage, including but not limited to:

- 10.2.1. Security policies, procedures and standards
- 10.2.2. Access controls
- 10.2.3. Password protection
- 10.2.4. Multi-factor authentication
- 10.2.5. Secure document storage
- 10.2.6. Regular data backups
- 10.2.7. Use of anti-virus and anti-malware solutions
- 10.2.8. Confidentiality obligations
- 10.2.9. Employee training
- 10.2.10. Physical security controls

10.2.11. Data retention and destruction procedures

11. RETENTION OF PERSONAL INFORMATION

11.1. The Firm retains Personal Information only for as long as reasonably necessary to fulfil the purpose for which it was collected, comply with legal obligations, resolve disputes, enforce agreements and protect legal rights.

11.2. Records may be retained for longer periods where required by law, professional obligations or legitimate business requirements.

12. YOUR RIGHTS

12.1. Subject to applicable law, you may:

12.1.1. Request access to your Personal Information;

12.1.2. Request correction of inaccurate information;

12.1.3. Request deletion or destruction of information where appropriate;

12.1.4. Object to certain Processing activities;

12.1.5. Withdraw consent where Processing is based on consent;

12.1.6. Lodge a complaint with the Information Regulator.

13. PAIA REQUESTS

13.1. Requests for access to Records held by the Firm must be made in accordance with PAIA and the Firm's PAIA Manual.

13.2. The Firm's PAIA Manual is available on request and on the Firm's website.

14. COOKIES

14.1. The Firm's website may use cookies and similar technologies to improve functionality, analyse website usage and enhance user experience.

14.2. Users may disable cookies through their browser settings, although certain website functionalities may be affected.

15. COMPLAINTS

15.1. Any concerns regarding the Processing of Personal Information may be directed to the Firm's Information Officer.

15.2. You may also lodge a complaint with:

Physical Address:	JD House 27 Stiemens Street Braamfontein Johannesburg 0001
Telephone:	+27 010 023 5200
Email address:	PAIAcomplaints@info regulator.org.za
Website:	https://info regulator.org.za/complaints/

16. AMENDMENTS TO THIS PRIVACY NOTICE

16.1. The Firm reserves the right to amend this Privacy Notice from time to time.

16.2. Any updated version will be published on the Firm's website.