



2nd Floor, 81 Richefond Circle,  
Ridgeside Office Park, Umhlanga Rocks, 4319  
PO Box 42, Umhlanga Rocks, 4320, South Africa  
Docex 278 Durban

**t:** 031 536 9700

**e:** [info@johnstonkzn.co.za](mailto:info@johnstonkzn.co.za)

**w:** <https://www.johnstonkzn.co.za/>



**DATA PRIVACY NOTICE 2023**

# CONTENTS

ITEM	DESCRIPTION	PAGE (S)
01	INTRODUCTION	2
02	WHO WE ARE	3
03	COLLECTION OF PERSONAL INFORMATION	3
04	CONSENT	4
05	PURPOSE FOR COLLECTION	4 - 5
06	COOKIES	6
07	STORAGE	6
08	DISCLOSURE	6
09	THIRD PARTY DISCLOSURE	7
10	MANDATORY DISCLOSURE	7
11	SECURITY	7 - 8
12	DATA SUBJECT RIGHTS	8
13	DISCLAIMER	9
14	KEY DEFINITIONS	9
15	CONTACT US	10

# 1. INTRODUCTION

At Johnston & Partners we are committed to protecting your privacy and ensuring that your Personal Information is collected and used properly, lawfully and openly.

This Notice explains how we obtain, use and disclose your personal information, as is required by the Protection of Personal Information Act, 2013 (POPI Act).

All references to "our", "us", "we" or "company" within this Policy are deemed to refer Johnston & Partners, its subsidiaries, affiliates, shareholders and any of their respective associated companies and related businesses.

This Data Privacy Policy applies to all prospective, present and past Johnston & Partners stakeholders, including, but not limited to:

- Visitors to our website <https://johnstonkzn.co.za/>
- Visitors to our physical site or events
- Clients/Customers/Members or prospective clients / Customers / Members
- Employees and prospective employees including permanent, temporary or contract employees)
- Third parties and suppliers
- Investors
- All of the above collectively referred to as "you" or "Data Subjects"

Where we process the personal information of Data Subjects on behalf of our clients, additional privacy requirements may be stipulated in the binding legal contract by us and our client.

By submitting your Personal Information to us, you will be treated as having given your permission – where necessary and appropriate – for disclosures referred to in this policy.

If you do not agree with these terms, you may choose not to use our website or services where personal detail is required to perform activities in line with our services to you and standard business operations.

We reserve the right to modify, add or remove certain sections of this Data Privacy Policy at any given time. We encourage you to visit or request this policy on a continuous basis to keep updated with our data privacy terms.

## 2. WHO WE ARE

Johnston & Partners is a leading, dynamic law firm in KwaZulu-Natal that operates at Ridgeside Office Park, Umhlanga Rocks. Our Firm specializes in all areas of law including High Court and Magistrates' Court Litigation, Commercial Law, Liquidations and Sequestrations, Foreclosures, Repossessions, Recoveries, Insurance Law, Matrimonial Law, Collections, Third Party and Indemnity Compensation, Estate Planning, Trusts and Conveyancing.

Johnston & Partners prides itself for being on some of the major Banking and Insurance Panels. We believe that we are in a position to satisfy all your legal requirements and that our Firm is structured to ensure that all matters are handled in a competent and professional manner.

Johnston & Partners was established and has been in practice since 1996. The Firm has a staff contingent of approximately 35 people, comprising of three Senior Attorneys, ten Junior Attorneys, three Candidate Attorneys and a number of secretaries, paralegals, bookkeepers and messengers.

## 3. COLLECTION OF PERSONAL INFORMATION

We collect and process your Personal Information mainly to provide you with access to our services, to help us improve our offerings to you and for certain other purposes explained below.

The type of information we collect will depend on the purpose for which it is collected and used. We will only collect information that we need for that purpose.

On our website and other digital platforms, you may be requested to provide certain Personal Information (including, but not limited to, your name and contact details). Such information may be collected in the following manner:

- Our "Contact Us" submission form
- Our newsletter sign up form
- Our "Data Request" submission form
- Cookies

As part of our business operations, we may collect your Personal Information in line with industry standards, lawful regulations and for the ability to offer our services. Such information may be collected in the following manner:

- Manual forms for site check in and disclosures
- Biometrics for security identifiers
- Hardcopy Agreements and Documents for contractual obligations and acceptance
- Emails and other communication platforms
- Voluntary enquiries and/or disclosures of personal information.
- Publicly recorded and accessible Personal Information.

## 4. CONSENT

Apart from the consent provided and as required by applicable law, we will also, but not exclusively, provide a disclaimer or platform to provide explicit consent where there is a first point of data collection. This will be provided on the document or platform where the data is first entered.

## 5. PURPOSE FOR COLLECTION

We will use your Personal and Non-Personal Information only for the purposes for which it was collected or agreed with you, for example:

- To confirm and verify your identity or to verify that you are an authorised client for security purposes
- To carry out our obligations arising from any contracts entered into between you and us
- To notify you about changes to our service
- For market research purposes
- To assist with business development
- For the detection and prevention of fraud, crime, or other malpractice
- To conduct market or customer satisfaction research or for statistical analysis
- For audit and recordkeeping purposes
- In connection with legal proceedings
- We will also use your Personal Information to comply with legal and regulatory requirements or industry codes to which we subscribe or which apply to us, or when it is otherwise allowed by law.
- For monitoring and auditing site usage
- Evaluate the use of the site, products and services
- Analyse the effectiveness of our advertisements etc.
- Personalise your website experience, as well as to evaluate (anonymously and in the aggregate) statistics on website activity, such as what time you visited it, whether you've visited it before and what site referred you to it

## 5. PURPOSE FOR COLLECTION

- Make the site easier to use and to better tailor the site and our products to your interests and needs
- Help speed up your future activities and experience on the site. For example, a site can recognise that you have provided your Personal Information and will not request the same information a second time.
- Collect information about the device you are using to view the site, such as your IP address or the type of Internet browser or operating system you are using, and link this to your Personal Information so as to ensure that the site presents the best web experience for you
- To contact you regarding services which may be of interest to you, provided you have given us consent to do so or you have previously requested service from us and the communication is relevant or related to that prior request and made within any timeframes established by applicable laws.
- Suggest services (including those of relevant third parties) which we think may be of interest to you
- Offer you the opportunity to take part in competitions or promotions
- You can opt out of receiving communications from us at any time. Any direct marketing communications that we send to you will provide you with the information and means necessary to opt out.
- To respond to your queries or comments
- Where we collect Personal Information for a specific purpose, we will not keep it for longer than is necessary to fulfil that purpose, unless we have to keep it for legitimate business or legal reasons within the time periods prescribed by legislation. In order to protect information from accidental or malicious destruction, when we delete information from our services we may not immediately delete residual copies from our servers or remove information from our backup systems.



## 6. COOKIES

As many other websites, we use “cookies” (or other types of tracking software) to help us gather information from visitors to our website about you, which is not personally identifiable.

For example:

- The IP address from which you access the site
- The type of browser and operating system used to access the site
- The date and time of your access to the site
- The pages you visit
- The internet address of the website from which you accessed the site

A cookie is a small data file that our server sends to your browser when you visit the site. The use of cookies helps us to assist your use of certain aspects of the site. You can delete cookies at any time or you can set your browser to reject or disable cookies. If you do disable cookies some functions on the site may not work correctly.

No information which personally identifies you will be collected through cookies. You can obtain information about how to manage cookies at [www.allaboutcookies.org](http://www.allaboutcookies.org).

Third parties (including, but not limited to, software providers, advertisers and ad placement agencies) may also use tracking technologies by or through the site. We have no responsibility or liability for any tracking, data collection or other activities of such third parties.

## 7. STORAGE

We may keep your Personal Information in either electronic or hard copy form. In both cases, we take reasonable and appropriate steps to ensure that the Personal Information is protected from misuse and loss and from unauthorised access, modification or disclosure.

Moreover, we will only keep your Personal Information for as long as is necessary to fulfil the purposes described in this Website Privacy Policy, unless you have given us permission to keep it longer or we are otherwise legally permitted to do so.

## 8. DISCLOSURE

We are not in the business of selling Personal Information and therefore we will not disclose your Personal Information to anyone except as provided in this Website Privacy Policy.

## 9. THIRD PARTY DISCLOSURE

We may disclose your Personal Information to our service providers who are involved in the delivery of products or services to you. We have agreements in place to ensure that they comply with these privacy terms.

We may disclose your Personal Information to third parties where required by law, where it is necessary to give effect to a contract with you, or where we have a legitimate interest in doing so. These are some of the instances where we may share your Personal Information with third parties, who may include:

- Other subsidiaries and entities of Johnson & Partners.
- Our website hosting and software development partners, as well as other third party service providers who assist us with operating this website.
- Researchers and analytics providers; and
- Third parties as required by law.

Should there be a sale, merger, consolidation, change in control, transfer of substantial assets, reorganisation or liquidation of our company, we may transfer your information to third parties involved in the sale, merger, consolidation, change in control, transfer of substantial assets, reorganisation or liquidation. By providing any Personal Information to us, you fully understand and clearly consent to the fact that we may transfer such Personal Information in these cases.

Note: When we share Personal Information with these third parties, we will require them to honour this policy, to the full extent required by applicable law.

## 10. MANDATORY DISCLOSURE

We may disclose your Personal Information if permitted by law or required to do so by law or where we believe such action is necessary in order to protect or defend our interests or the interests of our clients or users of our site. Such instances can include disclosing your Personal Information to the following:

- To regulators as law or governmental audit requires;
- Law enforcement as subpoena or court order requires; or
- Other third parties as applicable law requires.
- Where we believe it is necessary to protect our rights.

## 11. 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 will, on an on-going basis, continue to review our security controls and related processes to ensure that your Personal Information is secure.



## 11. SECURITY CONTINUED

Our security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access and usage of private information;
- Investigating and reacting to security incidents.

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that we remain responsible for, is kept secure.

We will 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.

## 12. DATA SUBJECT RIGHTS

As a Data Subject of Johnston & Partners you have the right and responsibility to ensure that the Personal Information we hold about you is accurate. In the absence of evidence to the contrary, we will assume that the information you provided to us is accurate. At your request, where the law requires us to do so, you can exercise your Data Subject rights as per the following, subject to verification and validation of your identity:

- Request access to your Personal Information that Johnston & Partners holds about you as set out in our PAIA manual.
- Request rectification of your Personal Information that Johnston & Partners holds about you.
- Request erasure, as permitted by law, of your Personal Information that Johnston & Partners holds about you.
- Request restriction of processing of your Personal Information.
- Object to processing of Personal Information as permitted by law.
- Lodge a complaint as it pertains to the processing activities of your Personal Information.

In order to exercise any of the above you can contact us on [info@johnstonkzn.co.za](mailto:info@johnstonkzn.co.za) or 0315369700

## 13. DISCLAIMER

The information, software, products, and services included in or available through the Johnston & Partners website may include inaccuracies or typographical errors. Changes are periodically added to the information herein. Johnston & Partners and/or its suppliers may make improvements and/or changes in the Johnston & Partners website at any time. Advice received via the Johnston & Partners website should not be relied upon for personal, medical, legal or financial decisions and you should consult an appropriate professional for specific advice tailored to your situation.

Johnston & Partners and/or its suppliers make no representations about the suitability, reliability, availability, timeliness, and accuracy of the information, software, products, services and related graphics contained on the Johnston & Partners website for any purpose. To the maximum extent permitted by applicable law, all such information, software, products, services and related graphics are provided "as is" without warranty or condition of any kind. Johnston & Partners and/or its suppliers hereby disclaim all warranties and conditions with regard to this information, software, products, services and related graphics, including all implied warranties or conditions of merchantability, fitness for a particular purpose, title and non-infringement.

To the maximum extent permitted by applicable law, in no event shall Johnston & Partners and/or its suppliers be liable for any direct, indirect, punitive, incidental, special, consequential damages or any damages whatsoever including, without limitation, damages for loss of use, data or profits, arising out of or in any way connected with the use or performance of the Johnston & Partners website, with the delay or inability to use the Johnston & Partners website or related services, the provision of or failure to provide services, or for any information, software, products, services and related graphics obtained through the Johnston & Partners website, or otherwise arising out of the use of the Johnston & Partners website, whether based on contract, tort, negligence, strict liability or otherwise, even if Johnston & Partners or any of its suppliers has been advised of the possibility of damages.

Because some states/jurisdictions do not allow the exclusion or limitation of liability for consequential or incidental damages, the above limitation may not apply to you. If you are dissatisfied with any portion of the Johnston & Partners website, or with any of these terms of use, your sole and exclusive remedy is to discontinue using the Johnston & Partners website.

## 14. KEY DEFINITIONS

The POPI Act, which has more specific examples if you need them, can be found at the following link:

[www.gov.za/documents/download.php?f=204368](http://www.gov.za/documents/download.php?f=204368)

## 15. CONTACT US

If you have any queries about this notice or believe we have not adhered to it, or need further information about our privacy practices or wish to give or withdraw consent, exercise preferences or access or correct your personal information, please contact us at the numbers/addresses listed on our website <https://johnstonkzn.com>

