

# **ENSLINS KIMBERLEY INC**

## **Privacy notice**

### **INTRODUCTION**

This Privacy Notice describes how Enslins Kimberley Inc. collects, processes, retains, and discloses your personal information in accordance with the requirements of the Protection of Personal Information Act ("POPIA"), the General Data Protection Regulation ('GDPR') and any other applicable laws or Regulations. This Notice will enable you to make an informed decision when signing the accompanying consent.

Please note that your consent is voluntary and may be withdrawn, with notice to us, at any time.

Enslins Kimberley Inc. is committed to protecting your privacy and to ensure that your personal information is collected and used properly, lawfully, and transparently.

Enslins Kimberley Inc., for purposes of this notice includes any member firm and/or affiliated entity within the Enslins Kimberley Inc. Network and is herein after referred to as 'Enslins, 'we', 'us'.

### **WHO WE ARE**

Enslins Auditors in Kimberley is a **firm of Chartered Accountants (SA) and Registered Auditors** providing quality and client centred audit and assurance, taxation, accounting, and consulting services to the corporate, private and government sector in South Africa.

### **HOW WE GET THE PERSONAL INFORMATION AND WHAT WE USE IT FOR**

We may collect your personal information from a variety of sources which includes, but is not limited to, that which we obtain from you directly as well as personal information we collect from other sources, including commercially available sources, such as public databases (where permitted by law). Primarily, we endeavour to collect information directly from you. We will inform you if the provision of your personal information is mandatory or voluntary. Failure to provide this personal information may, however, prevent or delay services being provided and the fulfilment of our obligations in relation thereto.

#### 1. Information we collect directly from you

The categories of personal information that we may collect directly from you include the following:

1. personal details (e.g., name, age, date of birth, gender, identity number, registration number contained in identity documents, birth certificates and founding documents).
2. contact details (e.g., phone number, email address, physical address, postal address, or mobile number).
3. employment details (e.g., job title; employer name, employee number).
4. economic or financial information (e.g., bank details, details of income, financial statements, VAT registration number, tax clearance certificate or investment information).

## 2. Information we collect from other sources

The following categories of personal information are collected from other sources as the Companies and Intellectual Property Commission; Search Works, Financial Institutions; SARS, include the following:

- Identity verification of personal details (e.g., name, age, date of birth, gender, identity number, registration number) from the Department of Home Affairs and the Companies and Intellectual Property Commission.
- contact details (e.g., phone number, email address, postal address, physical address or mobile number) from Search Works.
- employment details (e.g., job title; employer name, employee number) from Search Works or employer.
- economic or financial information (e.g., details of income, financial statements, VAT registration number, tax clearance certificate or investment information) from SARS, Financial Institution, and your accountant.

## **THE TYPE OF PERSONAL INFORMATION AND WHEN WILL WE PROCESS YOUR PERSONAL INFORMATION**

We currently collect and process the following information:

1. Personal Information means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-
  - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person.
  - information relating to the education or the medical, financial, criminal or employment history of the person.
  - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person.
  - the biometric information of the person.
  - the personal opinions, views, or preferences of the person.
  - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
  - the views or opinions of another individual about the person; and

- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Processing means any operation or activity or any set of operations, whether 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 information.

Personal information may only be processed if-

- the data subject or a competent person where the data subject is a child, consents to the processing.
- processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party.
- processing complies with an obligation imposed by law on the responsible party.
- processing protects a legitimate interest of the data subject.
- processing is necessary for the proper performance of a public law duty by a public body; or
- processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

## **PURPOSE OF ENSLINS PROCESSING YOUR PERSONAL INFORMATION**

- to perform the services and comply with the obligations set out in the relevant services contract.
- to conduct due diligences including, but not limited to, relevant conflict and risk assessments prior to accepting you as a client (which may include any criminal checks).
- to correspond and communicate with you.
- to ensure that our records are current and accurate.
- to ensure we issue accurate invoices, statements, or fee notes for our services.
- to comply with legal and regulatory obligations to which we are subject to.
- for insurance purposes.
- for the detection and prevention of fraud, crime, money laundering or other malpractice.
- in connection with legal proceedings.
- to comply with applicable legislation. A list of the applicable legislation in terms of which records are held by us can be found in our [PAIA Manual](#).

## **YOUR RIGHTS**

Please let us know if any of the personal information that we hold about you changes so that we can correct and update the personal information on our systems.

### 1. Right of access to information

You have the right to request confirmation as to whether we hold personal information related to you. You also have the right to request a copy of the personal information or a description of the personal information we hold about you. Submission of access request forms together with the details of the access request procedure can be found in our [PAIA Manual](#).

### 2. Right to request correction or deletion of personal information

You have the right to request, subject to any applicable law and where appropriate, the correction, updating or deletion of your personal information held by us. Submission of a request for correction or deletion forms together with the details of the request for correction and deletion procedure can be found in our [PAIA Manual](#).

### 3. Right to object to the processing of personal information

In certain circumstances, such as when we process your information for our or your legitimate interests, you may object to the processing of your personal information, unless we are required to process the information on another bases, such as a legal basis. Submission of objection forms together with the details of the objection procedure can be found in our [PAIA Manual](#).

### 4. Right to ask us to share your personal information in a usable format with another entity

We can provide the personal information in commonly used and machine-readable format.

### 5. Right to object to automated decision-making and profiling

Where we use automated decision-making or profiling to make decisions, you may object to this profiling. Alternatively, you may ask that a person review a decision made, or that you be provided with the logic around such a decision, so that you can make a representation in respect of the decision. (AVO op website of tax calc op website)

### 6. Right to unsubscribe from direct marketing

Where you do not wish to receive marketing communication from Enslins with regards to changes in tax related matters that might impact you, you can unsubscribe from marketing emails by clicking on the unsubscribe link provided in each email.

We will still be able to contact you when there is important communication required to be sent.

7. Right to withdraw consent

Where you have given your consent to a particular type of processing, you may withdraw that consent at any time by contacting us using the contact details set out below.

8. Right to request destruction of personal data

Request the destruction of your personal data. Enslins will consider your request considering any other laws or regulations prohibiting Enslins from destroying your personal data.

9. Right to lodge a complaint with the information regulator

You have the right to lodge a complaint with the Information Regulator, in the prescribed manner and form, if you believe that we are interfering with the protection of your personal information. You can contact the Information Regulator on 010 023 5207 (telephone number) and can lodge a complaint via email on [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za).

**Their contact details are as follows:**

**The Information Regulator (South Africa)**

33 Hoofd Street  
Forum III, 3rd Floor Braampark  
P. O Box 31533  
Braamfontein, Johannesburg, 2017

**Complaints** email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**INFORMATION SHARING**

- to third parties who provide IT services, data processing or IT functionality services, for example cloud-based software providers, web hosting services, data analysis providers and data storage or backup providers.
- to Enslins Member Firms and entities within the Enslins Network and/or Enslins affiliates, for the purpose of ensuring that the Enslins Network and/or Enslins affiliate, to whom the personal information is supplied, can perform the services and comply with the obligations set out in the relevant services contract.
- to fulfil our contractual obligations to you.
- to insurers.
- to our Regulators.
- where permitted by law, to protect and defend our rights and property; and
- when required by law, and/or public authorities.

## **INFORMATION SECURITY**

We have implemented generally accepted standards of technology and operational security to protect personal information from loss, misuse, alteration, or destruction. You may request a copy of our Information Security and Privacy Overview Policy from us using the contact details set out below.

We require all staff, (Partners and/or Directors and employees) to keep personal information confidential and only authorised staff have access to this personal information.

We will retain your personal information in accordance with our data retention policy which sets out data retention periods required or permitted by applicable law.

## **INFORMATION TRANSFER**

Where it is necessary, for the purposes of processing, your personal information may be transferred outside of South Africa in accordance with the appropriate data protection laws.

We anticipate that personal information may need to be transferred outside of South Africa for purposes of cloud storage, and where we do so, we will ensure that the necessary safeguards are in place to protect personal information.

When your personal information is transferred to a country whose data protection laws do not provide an adequate level of protection for your personal information, we use the European Commission's approved Standard Contractual Clauses to ensure that the appropriate mechanisms and safeguards are in place. If you wish to see a copy of the relevant mechanism that we use to transfer your personal information, please contact us using the contact details set out below.

## **CONTACT US**

If you have questions or concerns regarding the way in which your personal information has been used, or should you have any questions about this Privacy Notice, please use the contact details set out below and provide the details relating to your query.

## **CHANGES TO THE PRIVACY NOTICE**

Should we be required to collect additional personal information from you, we will send you an updated Privacy Notice.

## **TERMINATION**

Should you at any point wish to revoke this consent, please contact us and we will assist you accordingly.

## **RECORD KEEPING**

We keep your information for 7 years. We will then dispose your information by shredding.

## **CONTACT DETAILS**

You can contact the following persons at:

Privacy champion at [briand@enslinskby.co.za](mailto:briand@enslinskby.co.za)

Information Officer at [johanw@enslinskby.co.za](mailto:johanw@enslinskby.co.za)

Deputy Information Officer at [mariet@enslinskby.co.za](mailto:mariet@enslinskby.co.za)

<b><u>Status</u></b>	<b><u>Last updated</u></b>	<b><u>Contact person</u></b>
Data Privacy Champion	02/08/2021	Brian Deyzel
Information Officer	19/05/2021	Johan van Wyk
Deputy Information Officer	19/05/2021	Marie Theron