

Personal Information Protection Act

(issued in accordance with Section 5 (a) (i) and 18 of the Protection of Personal Information Act, 4 of 2013 (POPI) and Article 13 of the General Data Protection Regulation (EU) 2016/679 (GDPR))

Aim and Purpose of this Notice

We value your privacy and want to be transparent about the personal information we process when interacting with you. With this Personal Information Protection Notice, we inform you and provide you with an overview of how we process your personal information and by doing so we are fulfilling our notification obligation.

We are committed to manage and process your personal information in accordance with the applicable privacy and information protection law provisions, which specifically provides for the lawful, fair and transparent process of your personal information for specified, explicit and legitimate purposes in a reasonable manner that does not infringe on your right to privacy. Please refer to our website for **our General Data Protection and Retention Policy, and Privacy Policy.**

We recognise and are committed to protect your fundamental rights and freedoms, more specifically your right to privacy which includes the right to the protection against the unlawful collection, retention, dissemination and use of personal information.

A. About Us and How to Contact Us

Responsible Party: **S. Haynes and Associates Inc**
 Physical Address: 5A Princes Road, Vincent, East London, Eastern Cape, 5241

B. Why do we Collect and Process Personal Information?

Our reason for collecting your personal information changes depending on the activity we need it for. We collect and process personal information for the below purposes, including but not limited to:

- completing income tax returns for individuals, corporates and trusts;
- managing our supplier and service provider relationships;
- managing transactions relating to our regulated, assured, registered, licensed and authorised individuals;
- recruitment and selection procedures;
- managing of our relationship with our employees; and
- managing our other stakeholder relationships, including associated entities, partners, complainants etc.

C. Personal Information Collected and Processed

'Personal information' is information which relates to an identified or identifiable natural person or a juristic person, by means of an identifying factor and subject to the applicable data protection laws. The personal information we collect, and process may differ depending on our purpose of collecting and processing your personal information. We may collect and process your personal information subject to the purpose above, which includes but are not limited to:

General Personal Information:	Full name and identifying details (including identity or passport numbers)
	Contact details, including telephone numbers, email addresses etc
	Gender
	Details of membership or other professional bodies
	Employment details, history, qualifications, and designations
	Educational details, including student number, educational establishment, dates of study, subject studied, exam results, awards etc.

General Personal Information	Complaints and disciplinary records
	Contact details, including but not limited to telephone number, email address, fax number, physical address, postal address etc.
	Video – and voice recordings
	High resolution jpeg. Image
	Income tax numbers
	VAT numbers
	Company details
	Bank account details (high risk)
Special Personal Information (We will collect and process special personal information only for specific purposes and only with your consent. We collect and process such to monitor equality and diversity).	Race or ethnic origin
	Health
	Criminal behaviour
	Biometric
	Personal information of children

D. Lawful Processing of Personal Information

We only process your personal information, if such;

- Processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a part e.g., applications for examinations, applications for training agreement, membership, recruitment, subscriptions, services etc.;
- Processing complies with an obligation imposed by law on us e.g., providing information to regulators, professional bodies, supervisory authorities, statutory bodies, law enforcement;
- Processing protects your legitimate interest;
- Processing is necessary for pursuing our or third parties whom the information is supplied legitimate; and/or
- Processing was agreed to by You (or a competent person where you are a child) in the form of a consent.

E. Consequences of Your Refusal to Provide Personal Information

In the event in which you refuse to provide or allow us to collect your personal information, where our purpose for such collections is based on a contractual requirement, legal obligation and/or our legitimate interest, it could hinder our ability to perform our duties and responsibilities in both your and our best interest, which could be to your detriment.

F. Working in Public and Private Interest

We are an existing Incorporated Company existing under the common law. Our principal purpose and objective are to provide Auditing, Accounting, and Income Tax services to our clients, and to contribute to the economic and social development in South Africa. To achieve this purpose we have a fundamental, enduring, and long-term ancillary objective for us to act in the public interest and to safeguard the values of the Auditing and Accounting Profession. We therefore work in public interest and through doing so collect and process personal information to meet our legal and regulatory obligations. We further work together with regulators, statutory bodies, law enforcement, government departments and other organisations to maintain and improve standards and to protect members of the public and the Profession.

To investigate conduct relating to employees, trainees, training offices and members we will process personal information relating to complainants, respondents and other third parties.

G. Persons who will Access your Personal Information

Our employees will have access to your personal information to administer and manage our inclusive services and our various stakeholder relationships. Your personal information will further be shared with third parties, subject to the purpose of us collecting and processing your information, including but not limited to:

- Operators, who process personal information for us in terms of a contract or mandate, without coming under our direct authority e.g., service providers etc.;
- Oversight and other regulators, professional bodies and statutory bodies;
- Your employer or training office;
- Universities, colleges or similar entities;
- Reciprocal entities;
- Potential clients, should you be registered on our directory; and
- Government agencies and law enforcement.

H. Protection and Retention of your Personal Information

We will take the necessary steps to secure the integrity and confidentiality of personal information in its possession and under its control by taking appropriate, reasonable technical and organisational measures to prevent loss of damage to or unauthorised destruction of your personal information and unlawful access to or processing of personal information, regardless of the format in which it is held.

We will retain your personal information for a period as required to achieve the purpose of which the personal information was collected initially or subsequently processed, unless retention is required or authorised by applicable law, or we reasonably require the records for lawful purposes related to our functions or activities or is required by a contract or you (or a competent person where you are a child) have consented to the retention of the record.

We may retain your personal information for periods longer than these periods for historical, statistical or research purposes based on us maintaining appropriate safeguards against the records being used for any other purposes.

In the event in which we used your personal information record to make a decision about you, we shall retain the record for such a period that may be required or prescribed by law or code of conduct or if there is no law or code of conduct, retain the record for a period sufficient to afford you a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.

I. Marketing Activities

We may contact you periodically to provide information regarding our events, seminars, products, services, and contract that may be of interest to you and to invite you to participate in research, creation of new Works etc. If applicable law requires that we receive your consent before we send you certain types of marketing communications, we will only send such communications after receiving your consent.

If you do not wish to receive further marketing and research communications from us, you can click on the 'unsubscribe' link in the marketing communication or contact us via secretary@shaynes.co.za to withdraw your consent. Note that all withdrawal of your consent will not affect the lawfulness of processing based on the consent prior to its withdrawal. Upon withdrawal of your consent, we will no longer be able to inform you of our products, services, publishing topics etc.

J. Use of your Personal Information to make Automated Decisions

We do not make use of automatic decision-making that would affect you to a significant degree or have legal consequences for you. We make use of real-time fraud detection processes, which would require us to make use of your personal information. This assists in the detection of fraudulent activities suspected where there is unusual activity on your profile. Should you wish to object against such an automated decision, you may request that such an automated decision be reviewed.

K. Receipt of Your Information from a Third Party

In some instances, we may receive your personal information (including your name and contact details) from a third party, and we will notify you of us collecting your personal information as soon as reasonably practicable after it has been collected.

L. Laws Authorising or Requiring the Collection of Personal Information

Under certain circumstances we are authorised or required by laws to collect your personal information. These laws include but are not limited to the below and includes their applicable Regulations and Directives etc.:

Auditing Professions Act, 26 of 2005	Income Tax Act, 58 of 1962
Basic Conditions of Employment Act, 75 of 1997	Occupational Health and Safety Act, 85 of 1993
Chartered Accountant Designation (Private) Act, 67 of 1993	National Qualifications Framework Act, 67 of 2008
Companies Act, 71 of 2008	Non-Profit Organisation Act, 71 of 1997
Compensation of Occupational Injuries and Disease Act, 130 of 1993	Skills Development Act, 97 of 1998
Disaster Management Act, 57 of 2002	Tax Administration Act, 28 of 2011
Employment Equity Act, 55 of 1999	Value Added Tax Act, 89 of 1991

M. Your Rights

POPI and GDPR guarantees you, as a data subject, certain rights which you may exercise against us where applicable. For more information on these rights refer to our **General Data Protection and Retention Policy** and **Privacy Policy** available on our website.

You have the right to:

- have your personal information to be processed in accordance with the conditions of lawful processing;
- be notified that your personal information is being collected;
- be notified that your personal information has been accessed or acquired by an unauthorised person;
- request confirmation of whether we hold personal information about you;
- request the record or a description of the personal information we hold about you, including information about the identity of all the third parties or categories of third parties who have or have had access to your information;
- request us to correct or delete your personal information in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, or destroy or delete a record of your personal information that we are no longer authorised to retain;
- object to the processing of your personal information, subject to the relevant lawful purpose of processing, on reasonable grounds relating to your particular situation;
- object to the processing of personal information for the purposes of direct marketing;
- request that the processing of your personal information is restricted under certain circumstances, subject to applicable law; and
- request that personal information held by us be transferred to another Responsible Party, subject to applicable law.

N. Information Officer

Information Officer: Stevan Haynes – Partner
Email address: secretary@shaynes.co.za

O. Information Regulator and Other Personal Information Supervisory Authorities:

Should you believe that the processing of your personal information is in contravention with applicable data protection laws, you can lodge a complaint with:

The Information Regulator (South Africa)

Follow link for contact details: <https://www.justice.gov.za/infoereg/contact.html>

P. Changes to Data Protection Notice

We will review this Personal Information Protection Notice and may amend or supplement this Notice from time to time, in accordance with regulatory changes, business strategies and new technology introduced into our operations.

We will publish an updated version of the Notice, as and when amendments or supplements have been made on our website.

In some instances, we may receive your personal information (including your name and contact details) from a third party, and we will notify you of us collecting your personal information as soon as reasonably practicable after it has been collected.

Should we have previously issued a Personal Information Protection Notice to you in relation to the collection of your personal information including similar categories of personal information or for a similar purpose of collection, we would not have to issue a new Personal Information Protection Notice and will be compliant with Section 5 (a) (i) and 18 of POPI and Article 13 of the GDPR.

Q. Enquiries, Requests and/or Concerns

You may address all your enquiries, requests and/or concerns regarding this Notice or relating to the processing of personal information to our Information Officer.