



MS Van Zyl, Sole Proprietor B(Com) Law LL.B, Attorney

PRIVACY POLICY

1. INTRODUCTION AND MS VAN ZYL ATTORNEY'S ROLE

- 1.1. MS van Zyl Attorneys is a Sole Proprietorship, and it adheres to the highest standards of protecting your personal information when you utilize our website or any of our services ("Services"). As such, we have created this specific and detailed Privacy Policy for you to read and understand exactly how we safeguard your personal information and respect your privacy ("Policy").
- 1.2. The right to privacy and this Policy is important to us. We are committed to taking steps to protect your privacy when you use our Services and we therefore implement business practices that comply with the South African Protection of Personal Information Act, No. 4 of 2013 (POPIA), as amended.
- 1.3. For more information regarding your personal information legally stored or used by MS van Zyl Attorneys, please contact litigation@msvanzylattorneys.co.za.
- 1.4. In some circumstances, MS van Zyl Attorneys is the "responsible party" (as defined in POPIA) 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.
- 1.5. Sometimes we may also operate as an "operator" (as defined in POPIA) 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

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P.O. Box 108, Cresta, 2118



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interchangeably in this Policy and refer to all persons engaging with MS van Zyl Attorneys whatsoever.

- 1.6. Changes to this Policy: unless notice is required in terms of any applicable laws, we may change this policy from time to time in line with any changes that the law or our internal organizational operations require, without prior notice. However, we will notify you of any material changes to this Policy. The current version of this Policy that applies each time that you use our Services will regulate our relationship. It is your responsibility to consider the Policy each time you utilise our Services. If you do not agree with any terms of this Policy, you must stop using our Services.
- 1.7. This Policy also applies to MS van Zyl Attorney's use of Artificial Intelligence tools, including but not limited to any AI-driven tools, applications, or platforms we may use or make available to you.

2. PERSONAL INFORMATION WE COLLECT FROM YOU

- 2.1. Should you decide to utilize our website, engage with us and/or use any of MS van Zyl Attorney's Services, you thereby expressly consent to, and opt in to MS van Zyl Attorney's collecting, collating, processing, and using the following types of information about you when you use the Website or our Services ("Personal Information")
 - 2.1.1. Information provided by you or from another responsible party authorized by you: MS van Zyl Attorneys processes personal information provided by you, that you choose to submit to us (that is information that personally identifiable,

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as defined in POPIA, for example but not limited to, your name, identification number, address, email address, company name, company registration number, contact details, phone numbers etc.) which MS van Zyl Attorneys 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 MS van Zyl Attorneys as the Operator.

2.1.2. Information that is collected automatically: MS van Zyl Attorneys receives and stores information which is transmitted automatically from a user's computer when the user browses the internet and accesses the Website. This information includes information from cookies (described in clause 11 below), the user's Internet Protocol ("IP") address, browser type and version, embedded web links, geographical location, log files, and other information-gathering tools. These tools collect certain standard information that your browser sends to the website such as your browser type and language, times of access, 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. MS van Zyl Attorneys will, however, not be able to update any personal information of yours attained from another responsible party. Should you wish to update this information, you must approach the relevant responsible party to do so. MS van Zyl Attorneys is under no obligation to ensure that your personal information or other information supplied by you is correct.

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- 2.3. We do not process the personal information of children when a data subject is below the age of 18 (eighteen). Do not provide us with such information. It is considered a material breach of this policy.
- 2.4. You warrant that you have the legal authority, permissions, and/or consents to provide the personal information submitted to us by you. You also warrant that any personal information provided to us by 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. You warrant further that MS van Zyl Attorneys shall be entitled to process any information that we obtain about you in terms of this Policy, without seeking any further permissions or consents from you and/or any third parties.

3. WHEN WE COLLECT YOUR PERSONAL INFORMATION:

We will process your personal information in the following circumstances:

- 3.1. When you submit an enquiry and/or contact us or request that we contact you;
- 3.2. When you visit or browse our Website;
- 3.3. When you engage with us on Social Media or in any other digital capacity;
- 3.4. When you contract MS van Zyl Attorneys to be a service provider;
- 3.5. When you are employee or independent contractor, or apply to be an employee or independent contractor of MS van Zyl Attorneys;

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- 3.6. When you complete any MS van Zyl Attorneys document; and/or
- 3.7. When you make use of our Services.

4. **HOW WE USE YOUR PERSONAL INFORMATION:**

4.1. MS van Zyl Attorneys undertakes to only process your personal information in such a manner which is adequate, relevant, and not excessive, taking into account the purpose for which it was collected. Any processing of your personal information will strictly be for our legitimate business purposes 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:

4.1.2. in relation to the provision to you of the Services and/or access to the Website;

4.1.3. to fulfil Service orders;

4.1.4. to contact you as requested by you;

4.1.5. to enable us to provide you with your contracted Services;

4.1.6. to facilitate and enable your work in your employment or independent contractor relationship with us;

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4.1.7. to contact you regarding current or new Services or promotions offered by us (unless you have opted out from receiving marketing material from us by, amongst other things, ‘unsubscribe’ from our mailing list using the link provided, or by sending an email to litigation@msvanzylattorneys.co.za requesting to be removed from our mailing list);

4.1.7.1. to keep the website secure and prevent fraud, as well as to improve our Website by, for example, monitoring browsing habits, or tracking your activities on the Website;

4.1.7.2. to improve the accuracy, efficiency, and performance of our AI tools, provided that any personal information used for such purposes will be de-identified or anonymized whenever reasonably possible; or

4.1.8. disclose your personal information other than as set out below:

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

4.1.8.2. to external responsible parties who already have your express consent to process and/or attain such personal information from and/or with us;

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4.1.8.3. 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

4.1.8.4. to our service providers (under contract with us) who help with parts of our operations. However our contracts dictate that these service providers may only use your information in connection with the services they perform for us, not their own benefit and under the same standards by which we operate.

4.2. We are entitled to utilize or disclose your personal information if such use or disclosure is required in order to comply with any applicable law, order of court or legal process served upon us, or to protect and defend our rights or property. In the event of fraudulent online payment, MS van Zyl attorneys 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

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contractual arrangements with you as the lawful basis on which we collect and process your personal information.

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

5.2.1. To make our Services available to you:

5.2.1.1. We use your personal information to provide you with Services and Information that you request and to communicate with you regarding such Services, and to respond to your queries and comments.

5.2.1.2. We also may use your personal information to measure how satisfied our users are and provide user service.

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

5.2.2.1. Should you make consensual use of third-parties' services accessed via a Website or as a result of your engaging with us, 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 these third parties may have their own privacy policies which you may be compelled to adhere to.

5.2.3. When you utilize our Website:

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

5.2.3.2. We also process your information should you sign up for a newsletter or mailing list

5.2.4. When you take part in a feedback survey or provide public testimonials:

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

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

5.2.5. For internal business purposes:

5.2.5.1. We may use your personal information for our internal business purposes, such as administrative processing of Service orders, administrative fulfilment of invoices and internal reporting.

5.2.5.2. We may also use your data to monitor the usage of our Website and ensure that our Website is presented in the most efficient manner for you

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and your device. This is in our legitimate interests as a business, and in your interests to ensure that our Website works properly, is user friendly and that our Services are as efficient as possible.

5.2.6. For legal and security 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. Establish, exercise, protect, or defend our legal rights;

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 is necessary for us to comply with a legal obligation (such as if we receive a legitimate request for 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 this way. Where we rely on our legitimate interests, we will always make sure that we balance those interests against your rights.

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5.2.7. In relation to your MS van Zyl attorneys user relationship: We use your personal information to personalize your experience with MS van Zyl attorneys to:

5.2.7.1. Provide you with non -marketing correspondence via WhatsApp, telephone, social media, and email as you have given us your consent to this;

5.2.7.2. Contact you when requested by you or in relation to a service we are providing you.

6. LINKS TO OTHER THIRD PARTY WEBSITES

6.1. MS van Zyl attorneys Website and the Services available through our Website, may contain links to other third party websites, including, but not limited to, social media platforms and appointment scheduling. If you select a link to any third party website, you may be subject to third party websites terms and conditions and/or other policies (including privacy policies), which are not under the control, nor responsibility of MS van Zyl attorneys.

6.2. Hyperlinks to third party websites are provided “as is” and MS van Zyl attorneys does not necessarily agree with, edit, endorse, or sponsor the content on these third party websites.

6.3. MS van Zyl attorneys urges users to evaluate the security and trustworthiness of any third party websites before disclosing any personal information to them. MS van Zyl

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attorneys does not accept any responsibility for any loss or damage in whatever manner, howsoever caused, resulting from your disclosure to third parties of personal information.

7. ORIGINAL AND UPDATED PURPOSES FOR PROCESSING

MS van Zyl attorneys 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. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

8.1. We will keep your personal information confidential and only share it with others in terms of this policy, or if you consent to it, or if the law requires us to share it. We may disclose your personal information to:

8.1.1. Our employees, independent contractors, third-party service providers, and processors in order to provide you with access to the Website and/or Services, in accordance with written agreements with these third parties. This may include trusted third-party AI service providers, strictly subject to confidentiality obligations and compliance with POPIA. Personal Information will be pseudonymised or anonymised prior to AI processing, except where the specific

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legal instruction required the inclusion of identifying data for the generation of accurate legal artifacts;

8.1.2. Legal and regulatory authorities, upon their request, or for the purpose of reporting any breach of applicable law;

8.1.3. Accountants, auditors, lawyers, and other external professional advisors, in terms of written agreements with them;

8.1.4. Any relevant party to the extent necessary for the establishment or defence of legal rights, criminal offenses, threats to public security, etc;

8.2. If we engage third party processors to process your personal information, the processors will only be appointed in terms of a written agreement which will require the third party processors to only process personal information in terms of our mandate, use appropriate measures to ensure the confidentiality and security of your personal information and comply with other requirements as set out in this agreement and required by POPIA and other applicable laws.

8.3. Our Website may connect to various social media platforms. If you want to use the Website for social media integration, we will share your information with the relevant social media platforms.

9. INTERNATIONAL DATA TRANSFERS

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- 9.1. Should we, for one of the purposes in clause 5, be required to transfer your personal information out of the country, we ensure a similar degree of protection is afforded to it by only transferring your personal information to countries that have been deemed to provide an adequate level of protection for personal information. You expressly agree to such transfers of personal information.
- 9.2. Should you submit personal information for publication on the Website, whether by way of testimonial, article or for any other purpose, you acknowledge that this will be published on the internet and may be available, via the internet, around the world. MS van Zyl Attorneys cannot prevent the misuse of such information by others.

10. MARKETING COMMUNICATIONS

- 10.1. We may process your personal information to contact you to provide you with information regarding our Services that may be of interest to you. Where we provide Services to you, we may send information to you regarding our Services and other information that may be of interest to you, using the contact details that you have provided to us. We will only send you direct marketing communications where you engage with us, where you have consented to us sending direct marketing or otherwise in compliance with POPIA and other applicable laws.
- 10.2. You may unsubscribe from any direct marketing communications at any time by clicking on the unsubscribe link that we include in every direct marketing communication, or by contacting us and requesting us to do so.

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10.3. After you unsubscribe, we will not send you any direct marketing communications, but we will continue to contact you when necessary in connection with providing you with the Services.

10.4. We will also send notifications of changes to our terms and conditions and policies (where necessary), updates, security alerts, and support and administrative messages regarding our Services.

11. USE OF COOKIES AND SIMILAR TECHNOLOGIES

11.1. The Website may make use of “cookies” to automatically collect information and data through “cookies” through the standard operation of the Internet servers. “Cookies” are small text files a website can use to recognize repeat users, facilitate the users ongoing 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.

11.2. The types of information that may be collected through the use of cookies include: browser software used, IP address, date and time of activities while using our Website; URL’s of internal pages visited; and referrers. This type of information is not used to personally identify you. If you do not want information to be collected through the use of cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature. Most browsers allow you to reject all cookies, while some browsers allow you to reject third-party cookies. Blocking all cookies however will have a negative impact on the usability of the MS van Zyl Attorneys website as cookies

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may be necessary to provide you with certain features available on our Website. Thus, if you disable the cookies on your browser you may not be able to use those features, which will limit your access to the website. 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.

11.3. For more information on the exact Cookies and technical data used, please contact litigation@msvanzylattorneys.co.za and we will gladly provide you with a full technical breakdown of these cookies and technical data.

12. DATA SECURITY AND HOW WE TREAT YOUR PERSONAL INFORMATION

12.1. We will ensure that all of our employees, consultants, and service providers who have 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 MS van Zyl Attorneys' in relation to your personal information.

12.2. We will:

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

12.2.2. take appropriate technical, security, and organisational measures to reasonably ensure, without guaranteeing due to inherent insecurity of data transmission over the internet, that your personal information is kept secure and protected against unauthorised or unlawful processing, accidental loss, destruction or

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damage, alteration, disclosure or access, including only providing restricted access to those who need it when processing personal information. While we cannot ensure or warrant the security of any personal information you provide us, we will continue to maintain and improve these security measures over time in line with industry best practices and legal/technological developments.

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

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

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

12.2.6. upon your request promptly correct, transfer, return, or erase all of your personal information in our possession or control, save for what we are legally obliged or entitled to retain (acknowledging that the quality of service might be negatively impacted as well as some Website functionality lost if certain personal information is amended or destroyed).

12.3. We will not retain your personal information for longer than the period for which it was originally needed, unless it is required by law to do so, or you consent to us retaining such information for a longer period. In some circumstances, other applicable legislation may require us to retain your data beyond your request for its deletion, or beyond your direct engagement with MS van Zyl Attorneys. As such we may retain

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our personal information in adherence with compulsory instructions from other applicable legislation, notwithstanding your application to have it amended or deleted.

- 12.4. Whilst we do all things reasonably necessary to protect your rights of privacy, we also 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 negligence or fraud.
- 12.5. If you disclose your personal information to a third party, MS van Zyl Attorneys shall not be liable for any loss or damage, however it arises, suffered by you as a result of the disclosure of such information to the third party. This is because we do not regulate or control how the third party uses your personal information. You should always ensure that you read the privacy policy of any third party.

13. YOUR RIGHTS AND OBLIGATIONS

- 13.1. You are entitled to request access to any relevant personal information held by MS van Zyl Attorneys where such access is necessary for you to exercise and/or protect any of your rights. For any personal information held by any other third party responsible party, you must approach that responsible party for the realisation of your personal information rights with them, and not with MS van Zyl Attorneys.
- 13.2. Under POPIA you have rights in relation to your personal information. Please contact us to find out more about these rights or enabling them. They include having the right to:

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- 13.2.1. have your data processed in a fair, lawful, and transparent way;
- 13.2.2. be informed about how your personal information is being used, as is covered in this Policy;
- 13.2.3. access personal information we hold about you;
- 13.2.4. require us to correct any mistakes in your personal information;
- 13.2.5. require us to delete any personal information concerning you in certain situations where there is no good reason for us to continue to process it;
- 13.2.6. data portability which is the right to request that we transfer your personal information to you or another service provider in a simple, structured format;
- 13.2.7. object at any time to the processing of your personal information for direct marketing purposes;
- 13.2.8. object to automated decision making which produces legal effects concerning you or similarly significantly affects you;
- 13.2.9. object in certain other situations to our continued processing of your personal information; and/or
- 13.2.10. restrict or temporarily stop our processing of your personal information in certain circumstances.

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- 13.3. You will not normally have to pay a fee to access your personal information (or to exercise any of your other rights). That being said, we may charge a reasonable fee if your request is clearly unfounded, repetitive, or excessive. We may also refuse to comply with your request under these circumstances.
- 13.4. We may need to request specific information or evidence from you to help us to 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 a response.
- 13.5. Users who are citizens from jurisdictions other than South Africa , please note that MS van Zyl Attorneys complies with all South African data protection laws when processing your personal information pursuant to the Services as we are a South African business operating in South Africa. Should foreign law be applicable in any regard to your use of the Services and/or Website in any way, including how we may process your personal information, please contact MS van Zyl Attorneys. At litigation@msvanzylattorneys.co.za who will gladly engage you on its application and your rights.
- 13.6. Users acknowledge that any content provided by any users on the Website, including automated forms, enters an open public forum, and is not confidential, where the author of which will be liable for the content, and not MS van Zyl Attorneys.

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In association with



Tel: +27 71 484 9161
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P.O. Box 108, Cresta, 2118



MS Van Zyl, Sole Proprietor B(Com) Law LL.B, Attorney

13.7. Users understand that there is a risk 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.

13.8. By accepting this policy, you have opted in to receive emails from MS van Zyl Attorneys, where your email address will be used to contact you from time to time and we may also use it for security reasons to confirm your identity.

13.9. You have the right to opt-out of receiving email communication by following the directions posted on every email communication or by emailing litigation@msvanzylattorneys.co.za and asking not to be contacted in future.

14. MS VAN ZYL ATTORNEYS' RIGHTS REGARDING PERSONAL INFORMATION

MS van Zyl Attorneys will disclose the users' personally identifiable information if it believes that it is required to do so by law, regulation, or other government authority, or to protect the rights and property of MS van Zyl Attorneys or the public.

MS van Zyl Attorneys also reserves the right to retain on our records information you have requested to be removed from our active databases for certain purposes, such as to resolve disputes or enforce our Terms of Use. Please note that information submitted to us by you may in some instances never be removed from our databases in response to any request you may submit. In particular, we reserve the right to retain records for the minimum statutory of 5 (five) years as required by the Financial Intelligence Centre Act ("FICA"), notwithstanding a request for deletion.

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Circumstances may arise where, whether for strategic, or other business reasons, MS van Zyl Attorneys is required to rebrand, restructure, sell, buy, merge, or otherwise reorganize its business, including changing its name and/or the type of legal entity that it operates as. Should this occur, it will involve the disclosure of personal information to the new entity. Such eventualities may involve the disclosure of personal information for necessary and legitimate purposes. It is MS van Zyl attorneys practice to seek reasonable protection for information in these types of arrangements and notify you prior to any disclosure of personal information. Such disclosure will also be subject to this Policy.

MS van Zyl Attorneys strives to keep the Users' personal information accurately recorded. MS van Zyl Attorneys will provide a user with a reasonable ability to review and correct it or ask for anonymization, blockage, transfer, or deletion as applicable, should it be so requested. Please contact litigation@msvanzylattorneys.co.za to engage MS van Zyl Attorneys on such actions or requests.

We also collect, share and aggregate 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 Policy.

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15. FEEDBACK / LODGING A COMPLAINT

- 15.1. If you have any questions or complaints about this Privacy Policy or any part of our Service, please contact us by emailing litigation@msvanzylattorneys.co.za. We will respond as soon as possible.
- 15.2. If you have a complaint about our use of your information, please contact us directly so that we can address your complaint.
- 15.3. You also have the right to formally lodge a complaint in terms of POPIA as follows:

Applicable Law: POPIA
Regulatory authority name: THE INFORMATION REGULATOR
Contact details:
Website: www.inforegulator.org.za
Address: WOODMEAD NORTH OFFICE PARK
54 MAXWELL DRIVE
WOODMEAD, JOHANNESBURG, 2191
Phone: 080 001 7160 / 010 023 5200
Email: POPIAComplaints@inforegulator.org.za

16. LEGAL DISCLOSURE

- 16.1. MS van Zyl Attorneys is a sole proprietorship owned, run and operated by Mercy Summer van Zyl.

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16.2. MS van Zyl Attorneys is a law firm that provides legal consulting services and solutions.

16.3. Information Officer

Mercy Summer van Zyl

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COMPILED ON: 2026-05-01

REVISED ON: 2026-05-01

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