

## Privacy policy

Version	2.0
Effective date	10 April 2025

### 1. About us

1.1. This is the policy of the following group entities:

1.1.1. D Swart & Associates Incorporated t/a SWART Attorneys, a personal liability company duly incorporated in terms of the laws of the Republic of South Africa under registration number 2003/021176/21 (herein "**SWART Attorneys**"); and

1.1.2. Swart Advisory Services Proprietary Limited t/a SWART Advisory, a private company duly incorporated in terms of the laws of the Republic of South Africa under registration number 2016/317952/07 (herein "**SWART Advisory**").

1.2. SWART Attorneys and SWART Advisory have the following further details:

1.2.1. physical address: D9 Octo Place, 5 Elektron Road, Techno Park, Stellenbosch | P.O. Box 12266, Die Boord, 7613, Docex 22, Stellenbosch

1.2.2. email address: [hello@swart.law](mailto:hello@swart.law)

1.2.3. telephone: +27 21 880 5160

### 2. About this policy

2.1. The purpose of this privacy policy is to communicate how we process information relating to identifiable natural persons or existing juristic persons (collectively herein "**personal information**") and to share certain information as required under the Protection of Personal Information Act 4 of 2013 (herein "**POPIA**").

2.2. We may update this policy from time to time by publishing a revised version at [www.swart.law](http://www.swart.law), which shall take effect on the date of publication. Please keep yourself apprised of our latest policy.

Swart Advisory Services Proprietary Limited t/a SWART Advisory (Reg. No. 2016/317952/07)

D9 Octo Place, 5 Elektron Road, Techno Park, Stellenbosch | P.O. Box 12266, Die Boord, 7613, Docex 22, Stellenbosch

t +27(0)21.880.5160 | f +27(0)21.880.2807 | [hello@swart.law](mailto:hello@swart.law)

**Director:** Dérick Swart **Consultants:** Lizette Abbott | Chris Brand | Dirk Brand (Dr) | Steven Stuart-Steer | Dana van der Merwe (Prof) | Lara Wessels | Alicia Cusack | Inge Theron | Thasmika Appadoo **Finance manager:** Nadia Truter CA(SA)

- 2.3. This policy should be read with any other agreements, terms, policies, and the like published by us in relation to our services, as well as our prevailing standard terms of engagement for [SWART Attorneys](#) and [SWART Advisory](#). To the extent that any other binding document may conflict with this policy, the former shall prevail.
- 2.4. Should you have any questions about this policy or how we process your personal information, please contact us at [hello@swart.law](mailto:hello@swart.law).

### 3. What is personal information and when is it processed?

- 3.1. The term "**personal information**" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable existing juristic person. Such information includes, but is not limited to, information relating to a person's race, gender, sex, marital status, age, physical or mental health, disability, religion, language and birth, education, medical, financial, criminal or employment history, identity number, email, physical address, telephone number, location information, confidential or private correspondence, and the personal opinions or preferences of a person.
- 3.2. Personal information is "**processed**" when it is collected, received, recorded, organised, collated, stored, updated or modified, retrieved, altered, used, disseminated or made available, merged, linked, restricted, erased, degraded, or destructed.

### 4. Application of this policy

- 4.1. This policy applies to the personal information we collect as a responsible party in connection with:
- 4.1.1. our website ([www.swart.law](http://www.swart.law));
- 4.1.2. our marketing activities such as our newsletter; and
- 4.1.3. our legal and professional services.

### 5. Information we may collect from you

- 5.1. We may process the following personal information of our clients and visitors to our website:

Type of personal information	Source	Purpose of collection	Consequences of failure to provide the information	Legislation authorising collection?
<b>Transaction and financial information</b> , which may include bank account details,	Directly from you.	Accounts management.	We will not be able to process transactions or render services to you.	In respect of SWART Attorneys, Legal Practice Act 28 of 2014. In respect of SWART Attorneys and SWART

insurance information, financial statements, tax clearance certificates, VAT registration numbers, and details of payments made by you.				Advisory, the Value Added Tax Act 89 of 1991.
<b>Identifying information</b> , which includes information concerning your name and surname, identity number, marital status, title, occupation, date of birth, gender, or in the case of a company, registration number, date of incorporation, physical address, and names of directors.	Directly from you and/or from the CIPC.	To verify your identity or the identity of you and your beneficial owners to comply with applicable law.	In most cases, we will not be able to render services to you.	The Financial Intelligence Centre Act 38 of 2001.
<b>Contact information</b> , which includes your email address, telephone number, and physical address.	Directly from you and/or from the CIPC.	Registering you as a client, communicating with you to render legal or advisory services, for marketing purposes, or for billing.	We will not be able to contact you.	N/A.
<b>Correspondence</b> , which includes email and other communications from you to the extent that such communications are relevant to a matter.	Directly from you.	To carry out your instructions to us.	We will not be able to refer back to communications/instructions from you, which will impede our ability to provide legal services to you.	In respect of SWART Attorneys, Legal Practice Act 28 of 2014 and related regulations and rules.

<b>Marketing and communication preferences.</b>	Directly from you.	To give effect to your right to, at any time, unsubscribe from our newsletter.	We will not be able to give effect to your request to unsubscribe from direct marketing communications.	In respect of SWART Attorneys and SWART Advisory, POPIA.
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## 6. Your data protection rights

6.1. Your rights in terms of POPIA include the following:

- 6.1.1. **Access:** You have the right to establish whether we hold personal information about you and to request access to your personal information as provided for in section 23 of POPIA.
- 6.1.2. **Correction or deletion:** You have the right to request, where necessary, the correction, destruction, or deletion of your personal information as provided for in section 24 of POPIA.
- 6.1.3. **Objection:** You have the right to object, on reasonable grounds relating to your particular situation, to the processing of your personal information as provided for in terms of section 11(3)(a) of POPIA, unless the processing is provided for in legislation. You have the right to object to the processing of your personal information at any time for purposes of direct marketing in terms of section 11(3)(b) of POPIA, or in terms of section 69(3)(c) of POPIA.
- 6.1.4. **Complaints:** You have the right to lodge a complaint to the Information Regulator in terms of section 74 of POPIA as detailed in paragraph 13.

6.2. Should you wish to make a request to exercise any of your rights in terms of POPIA, please refer to paragraph 11 for the contact information of the Information Regulator, and to paragraph 1 for our contact information.

## 7. Automated collection of information

- 7.1. We may collect and analyse aggregate, non-personally identifiable data related to the access and use of our website. In so doing, we make use of Google Analytics, a web analytics service provided by Google LLC (herein "**Google**"), which is configured to not collect any personal information.
- 7.2. We do not use Google Analytics for tracking or profiling individual users. Google may process the collected data in accordance with its own policy, available at <https://policies.google.com/privacy>.
- 7.3. Our website, like most others, uses cookies (small text files placed on your device) to enable certain functionalities while you use the website. These cookies are used solely for functionality and not for tracking or profiling purposes. We will not use cookies for any purpose other than as set out in this paragraph 7.

## 8. Storage and security of your personal information

- 8.1. This paragraph 8 should be read with our prevailing website terms of use published on our website.
- 8.2. We implement technical and organisational measures to ensure that the personal information in our possession remains confidential and secure against unauthorised or unlawful processing, and against accidental loss, destruction, or damage. Our efforts in this regard will comply with the requirements of applicable law.
- 8.3. If you have been granted access to the extranet environment on our website, you are responsible for the security and confidentiality of your credentials.
- 8.4. We will retain your personal information only for as long as is reasonably necessary to achieve the purposes set out in this policy and to comply with applicable law.

## 9. How we share your personal information

- 9.1. Subject to compliance with POPIA, your personal information may be transferred within the SWART group, including to Swart Management Services (Pty) Ltd t/a SWART Management, a group entity responsible for business administration.

## 10. Disclosures

- 10.1. On rare occasions, we may be required to disclose your personal information because of legal or regulatory requirements. In such instances, we reserve the right to disclose your personal information as required in order to comply with our legal obligations, including complying with court orders, warrants, subpoenas, service-of-process requirements, and/or discovery requests.
- 10.2. We may also disclose information about our users to law enforcement officers or others, in the good faith belief that such disclosure is reasonably necessary to enforce our terms of use or this policy, or respond to legal claims that any content violates the rights of third parties, or to protect our intellectual property rights or our personal safety or the personal safety of our users or the general public.

## 11. How to contact the Information Regulator

- 11.1. Section 74(1) of POPIA provides that any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a data subject.
- 11.2. The Information Regulator can be contacted using the following contact information:

<b>Postal address</b>	JD House 27 Stiemens Street
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	Braamfontein Johannesburg 2001
<b>Telephone number</b>	+27 (0) 10 023 5200
<b>Fax number</b>	086 500 3351
<b>Email address</b>	<a href="mailto:enquiries@infoeregulator.org.za">enquiries@infoeregulator.org.za</a>
<b>Website</b>	<a href="http://www.infoeregulator.org.za">www.infoeregulator.org.za</a>