

**ENS External Privacy Policy**

<b>Level</b>	Group
<b>Classification</b>	Public
<b>Policy owner</b>	Information Officer/Risk and Compliance Team
<b>Approved by</b>	ENS Chief Operating Officers (COOs)
<b>Date</b>	JUL 2021
<b>Date of last review</b>	FEB 2024
<b>Frequency of review</b>	Annual
<b>Date of next review</b>	MAR 2025



## 1. **WHO WE ARE**

When we refer to the "**ENS Group**" or "**we**" or "**us**" in this privacy policy we mean Edward Nathan Sonnenbergs Inc ("**ENS Inc**"). and/or any of its subsidiaries and/or any other legal entity, joint venture and/or partnership, wherever situated or operating (and irrespective of structure and/or legal nature/regime) that is associated with ENS Inc and which renders services or otherwise conducts business under a name which includes ENS and/or Edward Nathan or any variation thereof (including their subsidiaries, parties that are related or inter-related to them and/or their affiliated companies, to the extent applicable) and/or any trust founded by any member of the ENS Group for its own operations and/or any entities that are related and/or inter-related to those trusts, as the case may be, and all such entities' successors-in-title and/or practice, (wherever any such members may be located, including in countries which may not have data-protection laws similar to those of the country in which your personal information was collected) for as long as they remain associated with ENS Inc.

## 2. **Application of this privacy policy**

2.1. This privacy policy applies to the personal information the ENS Group collects in connection with:

- 2.1.1. our website, <https://www.ensafrica.com/>;
- 2.1.2. our social media profiles;
- 2.1.3. our events, marketing and business development activities;
- 2.1.4. our business communications and other online and offline business interactions;
- 2.1.5. our legal and professional services;
- 2.1.6. our CCTV cameras at our offices;
- 2.1.7. our subscription to any member of the ENS Group's services, publications or marketing database;
- 2.1.8. third party service providers, including analytics, advertising networks; search information, technical, payment and delivery services providers;
- 2.1.9. publicly available sources;

2.1.10. requests for tenders, quotations, proposals and the like made by or to us; and

2.1.11. the supply of products and services to us.

2.2. This privacy policy does not apply to the personal information that we collect about employees and other personnel, contractors, or applicants and candidates.

### 3. **Purpose of this policy**

3.1. The ENS Group respects your privacy and is committed to protecting your personal information (as defined in applicable data protection legislation).

3.2. This is our main general privacy policy which applies across our business, although we may publish additional privacy policies or country-specific schedules that apply to our operations in specific countries in order to help ensure our compliance with local data protection requirements.

3.3. **You warrant that you are lawfully entitled to provide personal information of any third party whose personal information you provide to any member of the ENS Group.**

3.4. **You indemnify the ENS Group against any loss, liability, damage or expense (including interest and penalties) suffered or incurred by any member of the ENS Group due to your provision of personal information of third parties to us in an unlawful manner.**

### 4. **HOW TO CONTACT OUR INFORMATION /DEPUTY INFORMATION OFFICER**

4.1. The ENS Group has an Information /Deputy Information Officer who oversees our data protection compliance.

You can contact our Information/Deputy information Officer at:

Name : Lee Mendelsohn/Lucky Busizi

Address: Tower 1, The MARC, 129 Rivonia Rd, Sandown, Sandton, 2196

E-mail address: [info@ENSafrica.com](mailto:info@ENSafrica.com)

Telephone number: +27 (0) 11 269 7600 .

## 5. **PRIVACY AND SECURITY**

5.1. The relevant members of the ENS Group have implemented reasonable technical and organisational measures to keep personal information secure and in compliance with applicable data protection laws. These include:

5.1.1. firewalls in place to control inbound and outbound traffic;

5.1.2. regular data backups to safeguard against data loss;

5.1.3. data loss prevention technologies and policies;

5.1.4. enforced careful access controls to limit who can access confidential data on devices and systems; and

5.1.5. utilisation of anti-virus and anti-malware solutions to prevent malicious attacks.

5.2. **You indemnify and hold the ENS Group harmless from any loss, damages or injury that you may incur as a result of:**

5.2.1. **any security compromise of personal information to unauthorised persons; or**

5.2.2. **your acts or omissions during the provision of personal information to any member of the ENS Group.**

## 6. **PERSONAL INFORMATION WHICH THE ENS GROUP MAY COLLECT**

6.1. It is not mandatory for you to provide us with your personal Information in order to access the ENS website. However, in certain instances it is mandatory to provide us with your personal information and failure to do so will result in us not being able to carry out actions for the conclusion or performance of a contract that we have with you.

6.2. The ENS Group may collect the following personal information:

6.2.1. name, address (including proof of address), other contact details (e.g. email and telephone numbers), gender, marital status, date and place of birth,

nationality, employer, job title, financial records and employment history, and family details, including their relationship to you;

- 6.2.2. identification numbers issued by government bodies or agencies, such as your identity number, passport number, tax identification number and driving licence number and company registration number;
- 6.2.3. demographic information such as your address, preferences and interests;
- 6.2.4. information relevant to the provision of our products and services;
- 6.2.5. information relevant to the procurement of products and services from suppliers;
- 6.2.6. bank account or payment card details, income or other financial information;
- 6.2.7. information that you provide to us as part of us providing products and services to you, which depends on the nature of your instructions to any employee or member of the ENS Group;
- 6.2.8. special or sensitive personal information as defined in applicable data protection legislation, including information about your health, racial or ethnic origin, political opinions, religious or philosophical beliefs and trade union membership; your genetic and biometric information; information about your sex life;
- 6.2.9. relevant information as required by applicable laws, including anti-money laundering legislation and as part of our client onboarding procedures, including evidence of source of funds;
- 6.2.10. information you provide to us for the purposes of attending meetings and events, including dietary requirements which may reveal information about your health or religious beliefs;
- 6.2.11. still and video images captured by CCTV at our offices. We use CCTV to help provide a safe and secure environment and you may be recorded when you visit our offices. Further information can be found in our CCTV Privacy Policy; and

- 6.2.12. identity data, contact data and special personal information from publicly available sources or third parties, service providers and the like who conduct screening on any member of the ENS Group's clients or vendors for anti-money laundering purposes, or third parties with whom any member of the ENS Group hosts events.

## 7. **QUALITY OF INFORMATION**

In certain jurisdictions, the ENS Group is obliged to keep personal information accurate and up to date. Please help us to do this by advising us of any changes to your personal information.

## 8. **PURPOSE OF PROCESSING OF PERSONAL INFORMATION**

- 8.1. The ENS Group may process the personal information it collects for a number of lawful purposes including:

- 8.1.1. to register you as a client of the ENS Group;
- 8.1.2. to conduct sanctions screening against any list that the ENS Group may in its sole discretion elect;
- 8.1.3. to comply with requirements under applicable laws;
- 8.1.4. to carry out legal or other services;
- 8.1.5. to carry out instructions provided to any employee or member of the ENS Group for legal or other services;
- 8.1.6. to provide you with any other services, products or offerings that you may have requested or otherwise consented to, or which may be ancillary thereto, or associated therewith, and to notify you about changes to such services, products or offerings;
- 8.1.7. to manage marketing preferences;
- 8.1.8. to manage the ENS Group's relationship with you which may include :
  - 8.1.8.1. notifying you about changes to any member of the ENS Group's terms (including to this policy);
  - 8.1.8.2. asking you to leave a review or take a survey;

- 8.1.8.3. assessing and dealing with complaints and requests;
- 8.1.8.4. managing payments, fees, charges and accounts (including collecting and recovering money owed to any member of the ENS Group);
- 8.1.9. to keep any work product or other documentation (including but not limited to opinions, agreements and other documents drafted by any member of the ENS Group and/or other professional firm/s and/or other documents received and/or prepared in connection with any particular matter/s) as part of the ENS Group's internal know-how;
- 8.1.10. to verify your identity or the identity of your beneficial owners;
- 8.1.11. to comply with lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- 8.1.12. to comply with measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination;
- 8.1.13. to monitor, keep record of and have access to all forms of correspondence or communications received by or sent from any member of the ENS Group or any of its employees, agents or contractors, including monitoring, recording and using as evidence, where applicable, all telephone and online communication software communications between us and you;
- 8.1.14. to detect and prevent fraud and money laundering and/or in the interest of security and crime prevention;
- 8.1.15. to administer and protect the ENS Group's business and website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data);
- 8.1.16. for operational, marketing, auditing, legal and record keeping requirements;
- 8.1.17. to conduct market research and provide you with information about the ENS Group's products or services from time to time via email, telephone or other means;

- 8.1.18. to deliver relevant website content and newsletters and other information to you (which may include direct marketing material);
- 8.1.19. to use data analytics to improve the ENS Group's website, products/services, newsletters, customer relationships and experiences;
- 8.1.20. to make suggestions and recommendations to you about goods or services that may be of interest to you;
- 8.1.21. to disclose personal information to third parties for reasons set out in this policy or where it is not unlawful to do so;
- 8.1.22. to improve or evaluate the effectiveness of any member of the ENS Group's business or products, services or offerings;
- 8.1.23. for submissions to awards and rankings agencies;
- 8.1.24. for purposes of material aimed to promote ENS;
- 8.1.25. to prevent and control any disease;
- 8.1.26. where you have unsubscribed from certain direct marketing communications, to take steps to implement your instruction;
- 8.1.27. to procure goods and services;
- 8.1.28. to respond to requests for quotations and tenders.

## 9. **DIRECT MARKETING**

You have the right to object to receiving direct marketing (opt out) at any time by unsubscribing here: <mailto:info@ENS.com?subject=unsubscribe>, or on any of our platforms.

## 10. **DISCLOSURE OF PERSONAL INFORMATION**

The ENS Group may share personal information with the parties set out below for the purposes set out in this policy:

### 10.1. Internal third parties

The members of the ENS Group share personal information with other members within the ENS Group. This may involve transferring personal



information outside the country where the ENS Group has collected that personal information, to entities in countries which may not have data protection laws which are similar to those of the country where the personal information was collected.

## 10.2. External Third Parties

10.2.1. The ENS Group may, as we may deem necessary for any one or more of the purposes set out in this policy or other lawful purposes, transfer personal information to third parties or service providers in countries which may not have data protection laws which are similar to those of the country where the personal information was collected, including to:

- 10.2.1.1. service providers acting as operators or processors or responsible parties or controllers who provide information technology and system administration services;
- 10.2.1.2. professional advisors acting as operators or processors or responsible parties or controllers, including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance, accounting and other services;
- 10.2.1.3. service providers and the like who conduct screening on any member of the ENS Group's clients (or their beneficial owners) or suppliers for anti-money laundering purposes;
- 10.2.1.4. regulators and other authorities if any member of the ENS Group is legally obliged to do so, or if instructed by you to do so, for purposes of preventing, detecting and reporting fraud and criminal activities, the identifying of the proceeds of unlawful activities and the combatting of crime;
- 10.2.1.5. any person if any member of the ENS Group is under a duty to disclose or share personal information in order to comply with any applicable laws, or to protect the rights, property or safety of any member of the ENS Group, other clients or other third parties, or the reputation of the ENS Group;

- 10.2.1.6. your agent or any other person acting on your behalf, or an introducer;
- 10.2.1.7. tracing agents, sheriffs and the like;
- 10.2.1.8. various awards and rankings agencies;
- 10.2.1.9. clients and prospective clients for purposes of rendering legal services, proposals, quotations, tenders and the like; and
- 10.2.1.10. third parties whom the ENS Group may choose to sell, transfer or merge parts of the ENS Group's business or assets. Alternatively, the ENS Group may seek to acquire other businesses or merge with them. If a change happens to the ENS Group's business, then the new owners may use personal information in the same way as set out in this policy.

## 11. **TRANSBORDER TRANSFERS**

- 11.1. The ENS Groups operates across various African jurisdictions and we provide cross-jurisdictional legal advice and related services to our clients.
- 11.2. The multi-national nature of our business means that your personal information may be transferred across national boundaries, including, potentially, to countries that do not have similar data protection laws to those where the personal information was collected.
- 11.3. If we transfer your personal information across national boundaries, we will make those transfers in compliance with applicable data protection laws.

## 12. **ACCESS TO, CORRECTION AND DELETION OF PERSONAL INFORMATION**

- 12.1. Under certain circumstances, you may have some or all of the rights set out below under the data protection laws that may be applicable in relation to your personal information which the ENS Group holds.
  - 12.1.1. Request access to personal information (commonly known as a "Data Subject access request"), including the right to receive a copy of the personal information.
  - 12.1.2. Request correction of any incomplete or inaccurate personal information.

- 12.1.3. Request erasure of personal information if ENS is not authorised to process the personal information.
- 12.1.4. Object to processing of personal information, if ENS is relying on its legitimate interest (or those of a third party) to process the personal information, but as a result of your particular situation such processing impacts on your fundamental rights and freedoms.
- 12.1.5. **Request restriction of processing** of personal information whilst a complaint is being investigated.
- 12.1.6. **Withdraw consent** at any time if ENS is relying on consent to process personal information. If you withdraw your consent, ENS may not be able to provide certain products or services to you. This will be considered on a case-by case basis.

### 13. **ELECTRONIC AND WEBSITE LINKS**

- 13.1. The ENS Group's website, newsletters and/or events marketing pages may include links to third party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share your personal information.
- 13.2. The ENS Group does not control these third party websites and is not responsible for their privacy policies. When you leave the ENS Group's website, we encourage you to read all applicable privacy policies.

### 14. **COMPLAINTS**

- 14.1. If you are not satisfied with the ENS Group's use of your personal information or our response to any request by you to exercise your rights, or if you think that we have breached any relevant data protection laws, you are encouraged to contact our Chief Information Officer at the contact details set out above or the relevant information officer set out in the applicable country specific schedule to this policy, if applicable. Should you remain dissatisfied, then you have the right to complain to the authority that supervises our processing of your personal information.

15. **LATEST VERSION**

The ENS Group keeps this policy under regular review, and may amend this policy from time to time.

## COUNTRY-SPECIFIC SCHEDULES

### South Africa

#### 1. Responsible party

1.1. If the South African Protection of Personal Information Act, 2013 (“**POPIA**”) applies to the processing of your personal information, then this privacy policy schedule applies in addition to the ENS Group Privacy Policy available above (“Group Policy”).

1.2. Edward Nathan Sonnenbergs Inc. (“ENS Inc” or “we” or “us”) is a law firm based in the Republic of South Africa with its registered office at Tower 1, The MARC, 129 Rivonia Road, Sandton, Johannesburg and is the responsible party in respect of personal information that we process in terms of POPIA.

#### 2. Personal information

Any reference to personal information in the Group Policy and this South African specific schedule shall include personal information relating to identifiable, living natural persons and identifiable, existing, juristic persons.

#### 3. Complaints

The Information Regulator is the competent authority to deal with complaints and claims in relation to non-compliance with the personal information protection requirements under POPIA. The Information Regulator’s contact details are available at [www.inforegulator.org.za](http://www.inforegulator.org.za).

#### 4. PAIA Manual

If you want submit a data subject access request, you will have to follow the process set out in our PAIA manual, which is available at our website, <https://www.ensafrica.com/>.

#### 5. Contact us

If you have any questions, please contact our Information Officer at:

Address: Tower 1, The MARC, 129 Rivonia Rd, Sandown, Sandton, 2196

E-mail address: [info@ENSAfrica.com](mailto:info@ENSAfrica.com)

Telephone number: +27 (0) 11 269 7600