



HISEC TAX AND FIDUCIARY SERVICES (PTY) LTD

POPIA POLICY AND COMPLIANCE FRAMEWORK

POPIA Policy statement and compliance framework in respect of Protection of Personal Information and the Retention of Documents for **Hisec Tax and Fiduciary Services (Pty) Ltd**.

Version number: v2.0

Last Updated: 18/06/2024

Protection of Personal Information Act, 4 Of 2013 POPI Policy

1. INTRODUCTION

Hisec Tax and Fiduciary Services (Pty) Ltd is a company functioning within the financial services sector, that is obligated to comply with the Protection of Personal Information Act 4 of 2013 (POPIA). POPIA requires this business to inform its clients, as to the manner in which their personal information is used, disclosed and destroyed.

Hisec Tax and Fiduciary Services (Pty) Ltd is committed to protecting its clients' privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws. The Policy sets out the manner in which the business deals with clients' personal information and also stipulates the purpose for which such information will be used.

2. PERSONAL INFORMATION COLLECTED

Section 9 of POPIA states that "*Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.*"

Hisec Tax and Fiduciary Services (Pty) Ltd collects and processes clients' personal information pertaining to each client's financial assessment. For purposes of this Policy, clients include potential and existing clients. The type of information will depend on the need for which it is collected and will be processed for that purpose only.

Whenever possible, the client will be informed as to the information required and the information which is deemed optional. Examples of personal information we collect include, but are not limited to:

- a) The client's Identity number, name, surname, postal and physical address, gender, marital status, number of dependants, income and details of any insurance, pension funds and investments.

- b) Description of the client's, business, assets; liabilities, financial information, tax number, banking details, etc.
- c) Any other information required by **Hisec Tax and Fiduciary Services (Pty) Ltd**, its contracted suppliers, insurers, Hisec Group and SARS, in order to provide each client with an accurate analysis of his/her/company's annual income tax assessments.
- d) **Hisec Tax and Fiduciary Services (Pty) Ltd** does not collect or processes the client's personal information for marketing purposes, without the client's consent.
- e) **Hisec Tax and Fiduciary Services (Pty) Ltd** strives to have written agreements in place with all product suppliers, insurers, SARS and any other third-party service providers to ensure a mutual understanding with regard to the protection of the client's personal information.
- f) **Hisec Tax and Fiduciary Services (Pty) Ltd**'s suppliers, insurers, Hisec Group, SARS and any other third-party service providers, will be subject to the same regulations as applicable to **Hisec Tax and Fiduciary Services (Pty) Ltd**.

3. THE USAGE OF PERSONAL INFORMATION

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed, and with the client's written consent.

This may include:

- a) Providing services to clients as required;
- b) Analyse, assessment and submission of information and returns;
- c) Collating, assessing and processing of information and returns;
- d) Confirming, verifying and updating clients' details;
- e) Registration and de-registration processes;
- f) Request of compliance status;
- g) For purposes of submission and obtain returns history;
- h) Communicate and submission of relevant material;
- i) To file and lodge information and to pursue objections and appeals;
- j) For the detection and prevention of fraud, crime, money laundering or other malpractices;
- k) For audit, record keeping and invoicing purposes;
- l) Providing services to clients, to render the services requested and to maintain and constantly improve the relationship;
- m) Providing communication, the financial services industry and other regulatory matters that may affect clients; and
- n) in connection with and to comply with legal and regulatory requirements; or when it is otherwise allowed by law.

3.1 According to section 10 of POPIA, personal information may only be processed if certain conditions, listed below, are met along with supporting information for **Hisec Tax and Fiduciary Services (Pty) Ltd**'s processing of Personal Information:

- a) The client has consented to the processing: - consent to be obtained from clients;
- b) The necessity of processing in order to conduct an accurate analysis of the client's financial situation;
- c) Processing complies with an obligation imposed by law or a contractual obligation;

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- d) Processing protects a legitimate interest of the client- it is in the client's best interest to have full and proper assessments performed, in order to provide the client with an accurate and applicable service;
- e) Processing is necessary for pursuing the legitimate interests of **Hisec Tax and Fiduciary Services (Pty) Ltd** or of a third party to whom information is supplied — in order to provide clients with products and or services both this company and any of our product suppliers require certain personal information from the clients in order to make an expert decision on the unique and specific product and or service required.

4. **DISCLOSURE OF PERSONAL INFORMATION**

Hisec Tax and Fiduciary Services (Pty) Ltd may:

- a) not disclose a client's personal information to any product or third-party service provider/s where no agreements are in place to ensure that there is compliance with confidentiality and privacy conditions. **Hisec Tax and Fiduciary Services (Pty) Ltd** may disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect its rights.
- b) also share client's personal information with; and obtain information about clients from third parties for the reasons already discussed above.
- c) also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect the rights of this company.

5. **SAFEGUARDING CLIENT INFORMATION**

It is a requirement of the POPIA to adequately protect personal information. **Hisec Tax and Fiduciary Services (Pty) Ltd** will continuously review its security controls and processes to ensure that personal information of our clients is at all times secure.

6. **CLIENT INFORMATION SAFEGUARDING AND SECURITY**

The Information Officer appointed for **Hisec Tax and Fiduciary Services (Pty) Ltd**, in terms of section 55. (2) of POPIA is **JOHANNES CHRISTIAN PRETORIUS** (ID: 5403015011084), whose details are available below and who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPIA.

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Please note that archived client information is stored off site by **atWORK Internet Software Solutions (Pty) Ltd, Reg. No.: 2001/013302/07 & Microsoft** which entity is also governed by POPI, access to retrieve information is limited to authorized personal.

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All product suppliers, insurers and other third-party service providers will be required to sign a service level agreement guaranteeing their commitment to the Protection of Personal Information; this is however an ongoing process that will be evaluated as needed.

All current electronic files or data are backed up by **RITO Technologies cc**, which is also responsible for **Hisec Tax and Fiduciary Services (Pty) Ltd** 's system security, that protects third party access and physical threats.

7. **ACCESS TO AND CORRECTION OF PERSONAL INFORMATION**

All Clients have the right to access the personal information that **Hisec Tax and Fiduciary Services (Pty) Ltd** holds about them. Clients also have the right to ask to update, correct or delete their personal information on reasonable grounds.

Once a client objects to the processing of their personal information has been met, then, **Hisec Tax and Fiduciary Services (Pty) Ltd**:

- a) may no longer process said personal information; and
- b) will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.
- c) Subject to legislative requirements.

8. **AMENDMENTS TO THIS POLICY**

Amendments to, or a review of this Policy, will take place on an ad hoc basis as circumstances dictate. Where material changes take place, clients will be notified directly, or changes will be stipulated on the **HISEC GROUP** website: <https://www.hisec.co.za>

9. **POLICY ON THE RETENTION & CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS**

Purpose: To exercise effective control over the retention of documents and electronic transactions:

- (a) as prescribed by legislation; and
- (b) as dictated by business practice.

Documents need to be retained in order to prove the existence of facts and to exercise rights the company may have. Documents are also necessary for defending legal action, for establishing what was said or done in relation to business conducted and to minimize reputational and compliance risks. There is also the need to ensure that **Hisec Tax and Fiduciary Services (Pty) Ltd** 's interests are protected and that own and clients' rights to privacy and confidentiality are not breached.

10. **ACCESS TO DOCUMENTS**

All **Hisec Tax and Fiduciary Services (Pty) Ltd** and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- 10.1 where disclosure is under compulsion of law;
- 10.2 where there is a duty to the public to disclose;
- 10.3 where the interests of the Company require disclosure; and
- 10.4 where disclosure is made with the express or implied consent of the client.

11. DISCLOSURE TO 3RD PARTIES

- 11.1 All employees have a duty of confidentiality in relation to information relating to our business and its clients.
- 11.2 Information on clients: Our clients' right to confidentiality is protected in the Constitution and in terms of ECTA. Information may be given to a 3rd party if the client has consented in writing to that person receiving the information.
- 11.3 Requests for company information: These are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like this company, must however refuse access to records, if disclosure would constitute an action for breach of the duty of secrecy owed to a third party. In terms hereof, requests must be made in writing on the prescribed form to the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee. The company's manual in terms of PAIA will be made available on request to clients who seek it.
- 11.4 Confidential company and/or business information may not be disclosed to third parties as this could constitute industrial espionage. The affairs of the Company must be kept strictly confidential at all times.
- 11.5 **Hisec Tax and Fiduciary Services (Pty) Ltd** views any contravention of this policy very seriously and employees who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

12. DESTRUCTION OF DOCUMENTS

Documents may be destroyed only after the expiry of the retention periods reflected below.

Financial Advisory and Intermediary Services Act, No 37 of 2002:

Section 18 of the Act requires a retention period of 5 years, except to the extent that it is exempted by the registrar for the below mentioned documents:

- a) Known premature cancellations of services by clients;
 - b) Complaints received together with an indication whether or not any such complaint has been resolved;
 - c) The continued compliance with this Act and the reasons for such non-compliance;
 - d) And the continued compliance by practitioners and representatives with the requirements referred to in section 13(1) and (2).
- Proper procedures to record verbal and written communications relating to a service rendered to a client as are contemplated in the Act, this Code or any other Code drafted in terms of section 15 of the Act;

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- Store and retrieve such records and any other material documentation relating to the services rendered to the client;
- And keep such client records and documentation safe from destruction;
- All such records must be kept for a period after termination, to the knowledge of the provider of the service rendered.

Financial Intelligence Centre Act, No 38 of 2001:

Section 22 and 23 of the Act require a retention period of 5 years for the documents and records of the activities mentioned below:

- Whenever an accountable transaction is concluded with a client, the institution must keep record of the identity of the client;
- If the client is acting on behalf of another person, the identity of the person on whose behalf the client is acting and the client's authority to act on behalf of that other person;
- If another person is acting on behalf of the client, the identity of that person and that other person's authority to act on behalf of the client;
- The manner in which the identity of the persons referred to above was established;
- The nature of that business relationship or transaction;
- In the case of a transaction, the amount involved and the parties to that transaction;
- All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;
- The name of the person who obtained the identity of the person transacting on behalf of the accountable institution;
- Any document or copy of a document obtained by the accountable institution.
 - These documents may also be kept in electronic format.

13. REVIEW OF POLICY AND COMPLIANCE FRAMEWORK

This policy, manual and compliance framework will be reviewed and amended whenever there is a change to legislation governing the POPI Act, or when it is required to amend a procedure to make it more effective.

POLICY AND PROCEDURES VERSION v2.0

POLICY CREATED: 29/06/2021

POLICY REVISED: 18/06/2024

Policy approved and adopted by Director: **Johannes Christian Pretorius**

Signature: 

Policy approved and adopted by Information officer: **Johannes Christian Pretorius**

Signature: 

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