

Lawyers against Abuse

Privacy Policy

1 INTRODUCTION AND PURPOSE OF POLICY

- 1.1 We are committed to protecting privacy and to ensuring that all Personal Information provided to us is collected and used properly, lawfully and transparently.
- 1.2 The purpose of this policy ("**Privacy Policy**") is, therefore, to –
- 1.2.1 give effect to the constitutional right to privacy, by safeguarding Personal Information when such information is processed by Lawyers against Abuse ("**LvA**");
- 1.2.2 regulate the manner in which LvA processes Personal Information, by establishing conditions, in harmony with local privacy legislation, particularly the Protection of Personal Information Act No. 4 of 2013 ("**POPIA**"), that prescribe the minimum threshold requirements for the lawful processing of personal information; and
- 1.2.3 minimise the risk of regulatory sanctions and reputational damage to LvA due to non-compliance with POPIA.

2 APPLICATION

This Privacy Policy applies to all LvA –

- 2.1 employees;
- 2.2 board members;
- 2.3 volunteers; and

2.4 third party operators ("**Operators**") who may process personal information on behalf of LvA.

3 **DEFINITIONS**

The following definitions, as read with POPIA, are relevant to this Privacy Policy –

3.1 "**Child**" means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning himself or herself;

3.2 "**Client**" means any person who receives any legal and/or psychosocial support service from LvA;

3.3 "**Community Member**" means any person who participates in an LvA outreach initiative, awareness-raising activity or event or a workshop/training but does not necessarily receive any legal and/or psychosocial support service from LvA.

3.4 "**Competent Person**" means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a Child;

3.5 "**Consent**" means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;

3.6 "**Data Subject**" means the person to whom personal information relates for any person in respect of whom LvA processes Personal Information as contemplated in this Privacy Policy. Includes employees, board members, volunteers, clients, community members, stakeholders, donors and other supporters;

3.7 "**De-Identify**" means to delete any information that –

3.7.1 identifies a Data Subject;

3.7.2 may be used or manipulated by a reasonably foreseeable method to identify a Data Subject; or

- 3.7.3 may be linked by a reasonably foreseeable method to other information that identifies a Data Subject;
- 3.8 "**Direct Marketing**" means to approach a person, either by mail, electronic communication or in person, for the direct or indirect purpose of –
- 3.8.1 promoting or offering to supply, in the ordinary course of business, any goods or services; or
- 3.8.2 requesting the person to make a donation of any kind for any reason;
- 3.9 "**Operator**" means a person or third-party who processes Personal Information for LvA in terms of a contract or mandate, without coming under the direct authority of that party, which includes the Soweto Care System and MailChimp;
- 3.10 "**Personal Information**" means information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; or any identifiable contact information such as e-mail address, telephone number, physical address, online identifier or other particular assignment to the person.
- 3.11 "**Processing**" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- 3.11.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 3.11.2 dissemination by means of transmission, distribution or making available in any other form; or
- 3.11.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 3.12 "**Record**" means any recorded information regardless of the form or medium;

- 3.13 "Regulator" means the Information Regulator established in terms of section 39 of POPIA;
- 3.14 "Stakeholder" means any state or non-state actor who may participate in a meeting, initiative and/or event with LvA.
- 3.15 "Supporter" means any individual, corporate or grant-making institution who supports LvA financially and/or through an in-kind contribution or subscribes to the newsletter and/or any LvA campaigns; and
- 3.16 "Website" means the LvA website with the address <https://www.lva.org.za/>.

4 WHAT TYPE OF PERSONAL INFORMATION DOES LvA COLLECT?

- 4.1 The Personal Information that is collected by LvA is dependent on the nature of the relationship LvA holds with the Data Subject:
- 4.1.1 for Clients, Personal Information includes, amongst other things, the individual's name and surname; age; identification number; date of birth; contact details (including physical address, phone number and email address); gender; disability status; language preference; and employment status; and information in respect of the ongoing engagements with the Client for the purpose of providing legal services and/or therapeutic support.
- 4.1.2 for Community Members, Personal Information includes, amongst other things, the individual's name and surname; age; identification number; date of birth; contact details; gender and disability status.
- 4.1.3 for employees, board members and volunteers, Personal Information may include, amongst other things, the individuals name and surname; age; identification number; date of birth; contact details; gender; bank account information; and SARS registration details; and
- 4.1.4 for Stakeholders, Donors and other Supporters, Personal Information includes, amongst other things, the individual's name and surname and contact details.

4.2 The above types of information are not exhaustive and may be supplemented.

5 COLLECTION OF PERSONAL INFORMATION

5.1 LvA may collect or obtain Personal Information about a Data Subject –

5.1.1 directly from the Data Subject; and

5.1.2 when the Data Subject voluntarily provides such information electronically (e.g. when subscribing to the LvA newsletter).

5.2 LvA may only collect and/or obtain Personal Information in respect of a Child who requires the services of LvA if the processing is –

5.2.1 carried out with the prior consent of a Competent Person;

5.2.2 necessary for the establishment, exercise or defence of a right or obligation in law;

5.2.3 necessary to comply with an obligation of international public law; or

5.2.4 of Personal Information that has deliberately been made public by the Child with the consent of a Competent Person.

6 PURPOSE OF PROCESSING PERSONAL INFORMATION

6.1 The purpose of processing Personal Information that is collected by LvA is dependent on the nature of the relationship LvA holds with the Data Subject:

6.1.1 for Clients, the purpose of processing the Personal Information collected by LvA is –

6.1.1.1 to enable to provision of legal and/or psychosocial support services by LvA as per the needs of the individual; and

- 6.1.1.2 to comply with donor reporting requirements.
- 6.1.2 for Community Members, the purpose of processing the Personal Information collected by LvA is –
 - 6.1.2.1 for record-keeping purposes; and
 - 6.1.2.2 to comply with donor reporting requirements.
- 6.1.3 for employees, board members and volunteers, the purpose of processing the Personal Information collected by LvA is –
 - 6.1.3.1 for record-keeping purposes; and
 - 6.1.3.2 to comply with regulatory requirements imposed on employers.
- 6.1.4 for Stakeholders, Donors and other Supporters, the purpose of processing the Personal Information collected by LvA is –
 - 6.1.4.1 for record-keeping purposes; and
 - 6.1.4.2 for further communication with Data Subjects.

7 DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

- 7.1 LvA may disclose Clients' and Supporters' Personal Information to our Operators for purposes of storing and managing such Personal Information on behalf of LvA. Should LvA need to disclose a Client's Personal Information to a third party, other than the designated Operators, the Client's consent will first be obtained.
- 7.2 LvA may disclose the Community Members' and Stakeholders' Personal Information contained in registers to the Department of Social Development and/or other LvA donors, as may be required by the donor requirements.

8 PROTECTION OF PERSONAL INFORMATION

- 8.1 LvA implements reasonable technical and organisation security measures to protect the Data Subjects' Personal Information that is in the possession of LvA to prevent –
- 8.1.1 loss of, damage to or unauthorised destruction of Personal Information; and
- 8.1.2 unlawful access to or processing of Personal Information.
- 8.2 The reasonable technical and organisation security measures, as contemplated above in clause 8.1, include –
- 8.2.1 identifying all reasonable foreseeable internal and external risks to Personal Information in LvA's possession or control;
- 8.2.2 establishing and maintaining appropriate safeguards against the risks identified above in clause 8.2.1;
- 8.2.3 regularly verifying that the safeguards are effectively implemented; and
- 8.2.4 ensuring that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 8.3 LvA shall notify the Regulator and the Data Subject, in writing and as soon as reasonably possible, where there are reasonable grounds to believe that the Data Subject's Personal Information has been accessed or acquired by an unauthorised person.
- 8.4 Whilst LvA will do all things reasonably necessary to protect a Data Subject's rights of privacy, LvA cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of Personal Information, whilst in LvA's possession, made by third parties who are not subject to LvA's control, unless such disclosure is as a result of our gross negligence.
- 8.5 If a Data Subject discloses Personal Information to a third party, such as an entity that operates a website linked to LvA's website or anyone other than LvA, LvA shall not be liable for any loss or damage, howsoever arising, suffered by the Data

Subject as a result of the disclosure of such information to the third party. This is because LvA does not regulate or control how that third party uses the Data Subject's Personal Information.

9 DATA ACCURACY

9.1 Data Subjects must provide LvA with Personal Information that is accurate, complete and up-to-date.

9.2 In the event of a change to the Data Subject's Personal Information, the onus shall be on the Data Subject to notify LvA of the change and provide LvA with the updated and accurate Personal Information.

10 DATA MINIMISATION

LvA shall restrict the processing of a Data Subject's Personal Information to the extent that the Personal Information shall only be processed –

10.1 in accordance with the purpose for which the Personal Information was collected;

10.2 until such time that the Personal Information has been sufficiently processed for the fulfilment of the primary purpose for which the Personal Information was collected; and

10.3 in a manner that is adequate, relevant and not excessive.

11 DATA RETENTION

11.1 LvA shall not retain Records of Personal Information for a period that is any longer than is necessary for achieving the purpose for which the Personal Information was collect or subsequently processed.

11.2 LvA may retain Records of Personal Information for periods in excess of those contemplated above in clause 11.1 for historical, statistical or research purposes provided that LvA has put in place the appropriate the appropriate safeguards to prevent the Records being used for any other purpose.

- 11.3 LvA shall destroy or delete a Record of Personal Information or De-Identify the Personal Information as soon as reasonably practicable after LvA is no longer authorised to retain the Records.
- 11.4 The destruction or deletion of the Records of Personal Information, as contemplated above in clause 11.3, shall be done in such a manner as to prevent the reconstruction of the Records in an intelligible form.
- 11.5 LvA shall upon a Data Subject's request, promptly return or destroy any and all of the Data Subject's Personal Information in its possession or control, save for that which LvA are legally obliged to retain.

12 CLIENT'S LEGAL RIGHTS

- 12.1 Data Subjects have the rights, as provided for in POPIA, which include the rights to –
- 12.1.1 be notified that that their Personal Information is being collected, or if their Personal Information has been accessed or acquired by an unauthorised person;
- 12.1.2 establish whether LvA holds Personal Information of that Data Subject and to request access to their Personal Information held by LvA;
- 12.1.3 request, where necessary, the correction, destruction or deletion of their Personal Information. To request a correction or deletion of their Personal Information, a Data Subject must do so using Form 2 which can be [downloaded here](#). Form 2 should be submitted to LvA using the contact details in clause 16 below.
- 12.1.4 object, on reasonable grounds, to the processing of their Personal Information. To object to the processing of their Personal Information, a Data Subject must submit the objection on Form 1 to LvA using the contact details in clause 16 below. Form 1 can be [downloaded here](#).

- 12.1.5 object to the processing of their Personal Information for the purposes of Direct Marketing;
 - 12.1.6 not have their Personal Information processed for purposes of Direct Marketing by means of unsolicited electronic communications; and
 - 12.1.7 institute civil proceedings regarding the alleged interference with the protection of their Personal Information.
- 12.2 All the rights of a Data Subject are contained in POPIA. The information on these rights can be found at the Regulator's website at <https://www.justice.gov.za/infoereg/>, to whom the Data Subject has the right to make a complaint, if LvA does not resolve a Data Subject's concern.

13 COOKIES AND SIMILAR TECHNOLOGIES

- 13.1 LvA uses Cookies, which are small files placed on the device of any party who visit the Website.
- 13.2 LvA may process the Data Subject's or any other party's Personal Information by means of Cookies and similar technologies.
- 13.3 When a Data Subject or any other party visits the Website, LvA may place Cookies onto the device of such party or read Cookies already on the device, subject to obtaining the Data Subject or party's consent.
- 13.4 LvA uses Cookies to record information about the Data Subject or user's device, browser and in some cases, the Data Subject or user's preferences and browsing habits.

14 DIRECT MARKETING

- 14.1 LvA shall Process the Personal Information of a Client and/or Community Member for the purposes of providing a Client and/or Community Member with information regarding LvA services and content which may be of interest or use to the Client and/or Community Member only –

- 14.1.1 if LvA has obtained the contact details of the Client and/or Community Member in the context of providing a service to them;
 - 14.1.2 for the purpose of Direct Marketing in respect of similar LvA services; and
 - 14.1.3 if the Client and/or Community Member has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, but has not raised such an objection.
- 14.2 Data Subjects, including Clients and/or Community Members, may voluntarily subscribe to the LvA newsletter and/or any other LvA campaign, thereby consenting to receive relevant Direct Marketing.
- 14.3 If the Data Subject no longer wish to receive the LvA newsletter and/or other marketing information, the Data Subject may unsubscribe for free at any time by notifying LvA by e-mail or telephonically using the details reflected below in clause 16.

15 **AMENDMENTS TO THE POLICY**

This Privacy Policy may be amended from time to time. Should you not agree to any amendments, you must immediately notify the information officer providing reasons as to why you do not agree to such amendment.

16 **INFORMATION OFFICER**

LvA's current Information Officer is:

Name: Lindsay Henson
Telephone number: 072 031 1840
E-mail address: info@lva.org.za

17 **VERSION CONTROL**

Last updated: 24 June 2021

