

The Finsolve Group

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FS Estate Planning Services (Pty) Ltd

(Registration number: 2017/430356/07)

Last Updated: June 2024

Privacy Policy in terms of the
Protection of Personal Information Act, No. 4 2013 (South Africa)

Organisation	FS Estate Planning Services (Pty) Ltd
Scope of Policy	This policy applies to the business of FS Estates wherever it is conducted but based at the registered office. It applies to paid staff, contractors, stakeholders and third-party associations. This Privacy Policy is an external document, and its aim is to inform outside parties how the company's information will be processed.
Policy operational date	30 June 2024
Policy prepared by	Ruzel van Jaarsveld
Date approved by Information Officer	30 June 2024
Next policy review date	30 June 2025
INTRODUCTION	
Purpose of policy	The purpose of this policy is to enable FS Estate Planning Services (Pty) Ltd to: <ul style="list-style-type: none"> • comply with the law in respect of the data it holds about individuals; • follow good practice; • protect FS Estate's staff and other individuals • protect the organisation from the consequences of a breach of its responsibilities.
Personal information	This policy applies to information relating to identifiable individuals, in terms of the Protection of Personal Information Act, 2013 (hereinafter POPI Act).
Policy statement	FS Estates will: <ul style="list-style-type: none"> • comply with both the law and good practice • respect individuals' rights • be open and honest with individuals whose data is held

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	<ul style="list-style-type: none"> • provide training and support for staff who handle personal data, so that they can act confidently and consistently <p>FS Estates recognises that its first priority under the POPI Act is to avoid causing harm to individuals. In the main this means:</p> <ul style="list-style-type: none"> • keeping information securely in the right hands, and • retention of good quality information. <p>Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, FS Estates will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.</p>
<p>Key risks</p>	<p>FS Estates has identified the following potential key risks, which this policy is designed to address:</p> <ul style="list-style-type: none"> • Breach of confidentiality (information being given out inappropriately) • Insufficient clarity about the range of uses to which data will be put — leading to Data Subjects being insufficiently informed • Failure to offer choice about data use when appropriate • Breach of security by allowing unauthorised access • Harm to individuals if personal data is not up to date • Data Operator contracts
<p>INFORMATION OFFICE RESPONSIBILITIES</p>	
<p>Scope</p>	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 1, and Chapter 5, Part B.</p>
<p>Information Officer Responsibilities</p>	<p>The Information Officer has the following responsibilities:</p> <ul style="list-style-type: none"> • Developing, publishing and maintaining a POPI Policy which addresses all relevant provisions of the POPI Act, including but not limited to the following: <ul style="list-style-type: none"> ○ Reviewing the POPI Act and periodic updates as published ○ Ensuring that POPI Act induction training takes place for all staff

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	<ul style="list-style-type: none"> ○ Ensuring that periodic communication awareness on POPI Act responsibilities takes place ○ Ensuring that Privacy Notices for internal and external purposes are developed and published ○ Handling data subject access requests ○ Approving unusual or controversial disclosures of personal data ○ Approving contracts with Data Operators ○ Ensuring that appropriate policies and controls are in place for ensuring the Information Quality of personal information ○ Ensuring that appropriate Security Safeguards in line with the POPI Act for personal information are in place ○ Handling all aspects of relationship with the Regulator as foreseen in the POPI Act ○ Provide direction to any Deputy Information Officer if and when appointed
<p>Appointment</p>	<p>The appointment of the FS Estates Information Officer will be authorised by the Designated Head.</p> <p>Consideration will be given an annual basis of the re-appointment or replacement of the Information Officer; the need for any Deputy to assist the Information Officer.</p>
<p>PROCESSING LIMITATIONS</p>	
<p>Scope</p>	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 2.</p>
<p>Processing Limitation</p>	<p>FS Estates undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, sections 9 to 12, subject to the following stipulation (Forms of Consent).</p>
<p>Forms of consent</p>	<p>FS Estates undertakes to gain written consent where appropriate; alternatively a record must be kept of electronic consent.</p>

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Nature of Personal Information	FS Estates has used the POPI-Personal Information Diagnostic tool to identify all instances of personal information in the organisation.
PURPOSE SPECIFICATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 3.
Purpose specification	FS Estates undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, sections 13 and 14, subject to the following stipulation (Retention periods).
Retention periods	<p>FS Estates will establish retention periods for at least the following categories of data:</p> <ul style="list-style-type: none"> • Directors • Staff • Customers • Suppliers <p>Detailed coverage of the relevant retention periods has been documented in the Personal Information Diagnostic tool.</p>
FURTHER PROCESSING LIMITATIONS	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 4.
Further processing limitation	FS Estates undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, section 15.
INFORMATION QUALITY	
Scope	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 5.</p> <p>FS Estates will comply with all of the aspects of Condition 5, section 16.</p>
Accuracy	<p>FS Estates will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:</p> <ul style="list-style-type: none"> • ICT systems will be designed, where possible, to encourage and facilitate the entry of accurate data.

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	<ul style="list-style-type: none"> Data on any individual will be held in as few places as necessary, and all staff will be discouraged from establishing unnecessary additional data sets. Effective procedures will be in place so that all relevant systems are updated when information about any individual changes. Staff who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.
Updating	FS Estates will review all personal information on an annual basis in November of each year.
Archiving	Archived electronic records of FS Estates are stored securely off site in Avalon Technologies servers.
OPENNESS	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 6.
Openness	In line with Conditions 6 and 8 of the Act, FS Estates is committed to ensuring that in principle Data Subjects are aware that their data is being processed and <ul style="list-style-type: none"> for what purpose it is being processed; what types of disclosure are likely; and how to exercise their rights in relation to the data.
Procedure	Data Subjects will generally be informed in the following ways: <ul style="list-style-type: none"> Staff: through this policy Customers and other interested parties: through the FS Estate Privacy Notice Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.
SECURITY SAFEGUARDS	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 7, section 19 to 22. This section of the policy only addresses security issues relating to personal information. It does not cover security

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	of the building, business continuity or any other aspect of security.
Specific risks	<p>FS Estates has identified the following risks:</p> <ul style="list-style-type: none"> • Staff with access to personal information could misuse it. • Staff may be tricked into giving away information, either about customers / member or colleagues, especially over the phone, through “social engineering”.
Setting security levels	<p>Access to information on the main FS Estates computer system will be controlled by function.</p> <p>FS Estates has used the POPI-Personal Information Diagnostic tool to identify security levels required for each record held which contains Personal Information.</p>
Security measures	<p>FS Estates will ensure that all necessary controls are in place in terms of access to personal information. Physical barriers to the office are present in the form of an alarm, Trelldoor, and also cybersecurity is enhanced by an antivirus, strong passwords that are frequently reviewed, lock screens, and the company has a server on site and all data is backed up in the cloud.</p>
Business continuity	<p>FS Estates will ensure that adequate steps are taken to provide business continuity in the event of an emergency.</p>
Related policy	<p>Please see the FS Estates Information Security Policy for further guidance.</p>
DATA SUBJECT PARTICIPATION	
Scope	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 8, sections 23 to 25.</p>
Responsibility	<p>Any subject access requests will be handled by the POPI Act Information Officer in terms of Condition 8.</p>
Procedure for making request	<p>Subject access requests must be in writing. All staff are required to pass on anything which might be a subject access request to the POPI Act Information Officer without delay.</p> <p>Requests for access to personal information will be handled in compliance with the POPI Act and in compliance with the</p>

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	Promotion of Access to Information Act (PAIA).
Provision for verifying identity	Where the individual making a subject access request is not personally known to the POPI Act Information Officer their identity will be verified before handing over any information.
PROCESSING OF SPECIAL PERSONAL INFORMATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Part B, sections 26 to 33.
Processing of Special Personal Information	<p>FS Estates has the policy of adhering to the process of Special Personal Information which relates to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject.</p> <p>Special personal information includes criminal behaviour relating to alleged offences or proceedings dealing with alleged offences.</p> <p>Unless a general authorisation, alternatively a specific authorisation relating to the different types of special personal information applies, a responsible party is prohibited from processing special personal information.</p>
PROCESSING OF PERSONAL INFORMATION OF CHILDREN	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Part C, sections 34 and 35.
Processing of Personal Information of Children	<p>FS Estates has the policy of adhering to the process of Special Personal Information of children. This applies to under-18 individuals, so an age check is required for all personal information records.</p> <p>General authorisation concerning personal information of children only applies where under-18 are involved.</p> <p>FS Estates has used the POPI-Personal Information Diagnostic tool to identify any records held which contain Personal Information of children.</p>

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PRIOR AUTHORISATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Chapter 6.
Prior Authorisation	FS Estates has the policy of adhering to the process of Prior Authorisation in terms of sections 57 to 59.
DIRECT MARKETING, DIRECTORIES AND AUTOMATED DECISION MAKING	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Chapter 8.
Direct Marketing, Directories and Automated Decision Making	FS Estates undertakes to comply with the POPI Act Chapter 8, sections 69 to 71.
Opting in & Opting out	Whenever data is first collected which might be used for any marketing purpose, this purpose will be made clear, and the Data Subject will be given a clear opportunity to opt in and to opt out.
Sharing lists	<p>FS Estates has the policy of sharing lists (or carrying out joint or reciprocal mailings) only on an occasional and tightly-controlled basis. Details will only be used for any of these purposes where the Data Subject has been informed of this possibility, along with an option to opt out, and has not exercised this option.</p> <p>FS Estates undertakes to obtain external lists only where it can be guaranteed that the list is up to date and those on the list have been given an opportunity to opt out.</p>
Electronic contact	Whenever e-mail addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.
TRANS-BORDER INFORMATION FLOWS	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Chapter 9.
Trans border information flows	<p>FS Estates will ensure that the POPI Act Chapter 9, section 72 is fully complied with.</p> <p>FS Estates has used the POPI-Personal Information Diagnostic tool to identify Trans border flows which contain Personal Information.</p>

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	Compliance with section 72 will be achieved through the use of the necessary contractual commitments from the relevant third parties.
STAFF TRAINING & ACCEPTANCE OF RESPONSIBILITIES	
Scope	The scope of this aspect of the policy is written in support of the provisions of the POPI Act, Chapter 5, Part B.
Documentation	Information for staff is contained in this policy document and other materials made available by the Information Officer.
Induction	The FS Estates Information Officer will ensure that all staff who have access to any kind of personal information will have their responsibilities outlined during their induction procedures.
Continuing training	FS Estates will provide opportunities for staff to explore POPI Act issues through training, team meetings, and supervisions.
Procedure for staff signifying acceptance of policy	FS Estates will ensure that all staff sign acceptance of this policy once they have had a chance to understand the policy and their responsibilities in terms of the policy and the POPI Act.
POLICY REVIEW	
Responsibility	The FS Estates Information Officer is responsible for an annual review to be completed prior to the policy anniversary date.
Procedure	The FS Estates Information Officer will ensure relevant stakeholders are consulted as part of the annual review to be completed prior to the policy anniversary date.

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APPENDIX A: FS ESTATES CUSTOMER PRIVACY NOTICE CONTENTS

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1. INTRODUCTION

We respect the privacy of everyone who visits this website. As a result we would like to inform you regarding the way we would use your Personal Information. We recommend you to read this Customer Privacy Notice and Consent so that you understand our approach towards the use of your Personal Information. By submitting your Personal Information to us, you will be treated as having given your permission – where necessary and appropriate – for disclosures referred to in this policy. By using this web site, you acknowledge that you have reviewed the terms of this Customer Privacy Notice and Consent to Use of Personal Information (the “Customer Privacy Notice and Consent”) and agree that we may collect, use and transfer your Personal Information in accordance therewith.

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If you do not agree with these terms, you may choose not to use our site, and please do not provide any Personal Information through this site. This Customer Privacy Notice and Consent forms part of our Site Terms and Conditions of Use and such shall be governed by and construed in accordance with the laws of South Africa. This Notice explains how we obtain, use and disclose your personal information, as is required by the Protection of Personal Information Act, 2013 (POPI Act). At Media Works we are committed to protecting your privacy and to ensure that your Personal Information is collected and used properly, lawfully and openly.

2. WHO WE ARE

FS Estates is a subsidiary of **The Finsolve Group** functioning within financial services space that is obligated to comply with The Protection of Personal Information Act 4 of 2013.

FS Estates collects and processes clients' personal information pertaining to the clients' trusts, wills and estate planning service needs. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, **FS Estates** will inform the client as to the information required and the information deemed optional.

Examples of personal information we collect include, but is not limited to:

- The Client's name, surname, address, postal code, telephone number and email address, income tax number, ID number
- Any other information required by **FS Estates**, in order to provide clients with an accurate analysis of their trusts, wills and estate planning service needs.
- **FS Estates** also collects and processes the client's personal information for marketing purposes in order to ensure that our products and services remain relevant to our clients and potential clients.

POPI requires **FS Estates** to inform their clients as to the manner in which their personal information is used, disclosed and destroyed.

FS Estates guarantees its commitment to protecting its clients' privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

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The Policy sets out the manner in which **FS Estates** deals with their clients' personal information as well as and stipulates the purpose for which said information is used. The Policy is made available on the company website www.finsolveplanning.co.za.

3. PERSONAL INFORMATION COLLECTED

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

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed. This may include:

- Providing products or services to clients and to carry out the transactions requested;
- Confirming, verifying and updating client details;
- Conducting market or customer satisfaction research;
- For audit and record keeping purposes;
- Providing Finsolve services to clients, to render the services requested and to maintain and constantly improve the relationship;
- Providing communication in respect of Finsolve and regulatory matters that may affect clients; and
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for **FS Estates** processing of Personal Information:

- a) The client's consent to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship, usually in the form of an email;
- b) The necessity of processing: in order to conduct an accurate analysis of the client's needs for purposes of financial services, accounting and tax
- c) Processing complies with an obligation imposed by law on **FS Estates**;
- d) Processing is necessary for pursuing the legitimate interests of **FS Estates** or of a third party to whom information is supplied — in order to provide **FS Estates** clients with products and or services both **FS Estates** 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.

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FS Estates aims to have agreements in place with all product suppliers and third party service providers to ensure a mutual understanding with regard to the protection of the clients' personal information. **FS Estates** suppliers will be subject to the same regulations as applicable to **FS Estates**.

With the client's consent, **FS Estates** may also supplement the information provided with information **FS Estates** receives from other providers in order to offer a more consistent and personalized experience with the client's interaction with **FS Estates**.

For purposes of this Policy, clients include potential and existing clients.

4. HOW WE USE YOUR INFORMATION

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed. This may include:

- Providing products or services to clients and to carry out the transactions requested;
- Confirming, verifying and updating client details;
- Conducting market or customer satisfaction research;
- For audit and record keeping purposes;
- Providing **FS Estates** services to clients, to render the services requested and to maintain and constantly improve the relationship;
- Providing communication in respect of **FS Estates** and regulatory matters that may affect clients; and
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for **FS Estates** processing of Personal Information:

- a) The client's consent to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship, usually in the form of an email;
- b) The necessity of processing: in order to conduct an accurate analysis of the client's needs for purposes of financial training
- c) Processing complies with an obligation imposed by law on **FS Estates**;
- d) Processing is necessary for pursuing the legitimate interests of **FS Estates** or of a third party to whom information is supplied — in order to provide

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FS Estates clients with products and or services both **FS Estates** 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.

5. DISCLOSURE OF PERSONAL INFORMATION

FS Estates may disclose a client's personal information to any of **The Finsolve Group** companies or subsidiaries, joint venture companies and or approved product- or third party service providers whose services or products clients elect to use. **FS Estates** has agreements in place to ensure that compliance with confidentiality and privacy conditions are met.

FS Estates may also share client personal information with, and obtain information about clients from third parties for the reasons already discussed above.

FS Estates may 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 **FS Estates's** rights.

6. SAFEGUARDING CLIENT INFORMATION

It is a requirement of POPI to adequately protect personal information. **FS Estates** will continuously review its security controls and processes to ensure that personal information is secure.

The following procedures are in place in order to protect personal information:

- ❖ THE FINSOLVE GROUP INFORMATION OFFICER is **Gavin Beretta** 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 POPI.
- ❖ THIS POLICY has been put in place throughout **The Finsolve Group** and training on this policy and the POPI Act No.4 of 2013 has already taken place amongst the company's employees, stakeholders and third party associates.

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- ❖ Each new employee will be required to sign an EMPLOYMENT CONTRACT containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;
- ❖ Every employee currently employed within **The Finsolve Group** will be required to sign an addendum to their EMPLOYMENT CONTRACTS containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;
- ❖ **FS Estates** archived client information is stored on site which is also governed by POPI, access is limited to these areas to authorized personal.
- ❖ **FS Estates** 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 electronic files or data are BACKED UP by the Group IT Division which is also responsible for system security that protects third party access and physical threats. The Group IT Division is responsible for Electronic Information Security;
- ❖ CONSENT to process client information is obtained from clients (or a person who has been given authorisation from the client to provide the client's personal information) during the introductory, appointment and needs analysis stage of the relationship.

7. ACCESS AND CORRECTION OF PERSONAL INFORMATION

Clients have the right to access the personal information **FS Estates** holds about them. Clients also have the right to ask **FS Estates** to update, correct or delete their personal information on reasonable grounds. Once a client objects to the processing of their personal information, **FS Estates** may no longer process said personal information. **FS Estates** will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

8. DEFINITION OF PERSONAL INFORMATION

According to the POPI Act "Personal Information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The POPI Act, which has more specific examples if you need them, can be found at the following link: www.gov.za/documents/download.php?f=204368

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9. AMENDMENTS TO THIS POLICY

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year. Clients are advised to access **FS Estates's** website periodically to keep abreast of any changes. Where material changes take place, clients will be notified directly or changes will be stipulated on the **FS Estates's** website.

10. DETAILS OF THE FINSOLVE GROUP INFORMATION OFFICER AND HEAD OFFICE

INFORMATION OFFICER DETAILS

NAME: Gavin Beretta

TELEPHONE NUMBER: (021) 300 1230

E-MAIL ADDRESS: gavin.beretta@finsolve.co.za

DEPUTY INFORMATION OFFICER DETAILS

NAME: Ashton Beretta

TELEPHONE NUMBER: (021) 300 1230

E-MAIL ADDRESS: ashton@finsolve.co.za

HEAD OFFICE DETAILS

TELEPHONE NUMBER: (021) 300 1230

PHYSICAL ADDRESS: 9 Altair Way, Hillwood Estate, Pinehurst, Durbanville, 7550

E-MAIL ADDRESS: info@finsolveplanning.co.za

WEBSITE: www.finsolveplanning.co.za

APPENDIX B: FS ESTATES POLICY FOR OBTAINING CONSENT FROM CUSTOMERS / MEMBERS

FS Estates collects personal information from when you register with us for business purposes. We will only use this information to carry out the processes for the purpose for which you registered with us.

We will protect your personal information in accordance with the provisions of the Protection of Personal Information Act, 2013 (South Africa). If you agree, we will use your information to send marketing information to you.

FS Estates will not share your personal information with external companies.

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Personal information will be protected in accordance with the conditions contained in Protection of Personal Information Act, No 4 2013 (South Africa).

The specific details of the Personal Information we process are contained in the **FS Estates** application form.

APPENDIX C: FS ESTATES POLICY FOR CONDITION FOR SPECIFIC PURPOSE

FS Estates will only collect personal information from you when the purpose for collection been explicitly defined and agreed. We undertake to ensure that as the data subject, you are aware of the purpose for collecting your personal information. Where reasons for processing for further purposes arise, these will be explicitly defined and agreed.

APPENDIX D: FS ESTATES POLICY FOR ENSURING INFORMATION QUALITY

FS Estates will take reasonable steps to ensure that information is complete, accurate, not misleading and, where necessary, updated.

FS Estates will ensure that appropriate information security measures are established to ensure that personal information is protected in line with industry practices and standards.

APPENDIX E: FS ESTATES CONSENT NOTICE FOR NOTIFICATION TO DATA SUBJECT (POLICY)

FS Estates will ensure that you, as the data subject, are made aware of information being collected.

If the data has not been collected directly from the data subject, the source of collection will be provided together with name and address of the party. The purpose of collection will be provided. Information relating to the following will also be provided where relevant:

- Whether the supply of information by the data subject is voluntary or mandatory;
- The consequences of failing to provide information
- The legislation requiring the collection of information
- If information is to be transferred to another country, information relating to the laws that will protect the information.