

# PRIVACY STATEMENT FOR NF FACILITIES (PTY) LTD

Date: 03/03/2025

## Preamble

We, at NF Facilities (PTY) LTD recognize the importance of client privacy and the sensitivity of the personal information that we may have concerning any Data Subject.

As an Art Museum, venue and centre for learning we have a professional and ethical obligation to keep confidential all information we receive within a client relationship, subject to the client's instructions to provide all required services.

Further, we are committed to safeguarding the personal information we have in our possession or under our control concerning any Data Subject as may be required under all current and applicable legislation.

## Your Privacy Rights

NF Facilities (PTY) LTD will manage your personal information in compliance with the Protection of Personal Information Act 4 of 2013 and will also comply in all applicable circumstances with any other Acts that may have reference and application.

Your rights, subject to certain provisions under the aforementioned Act, are summarised as follows:

- To be notified that-
  - i) Your personal information is being collected, or
  - ii) Your personal information has been accessed or acquired by an unauthorised person;
- To establish whether we hold any of your personal information and to request access to this information;
- To request, where necessary, the correction, destruction or deletion of this information;
- To object, on reasonable grounds related to your personal situation, to the processing of your personal information;
- To object to the processing of your personal information at any time for purposes of direct marketing;
- Not to have your personal information processed for purposes of direct marketing by means of unsolicited electronic communication, subject to certain exceptions;
- Not to be subject, under certain circumstances, to decisions based solely on the basis of the automated processing of your personal information intended to provide a profile of yourself ("profiling");
- To submit a complaint to the Regulator regarding any alleged interference with the protection of your personal information, or the determination of an adjudicator;
- To institute civil proceedings regarding the alleged interference with the protection of your personal information.

### **Why we collect Personal Information**

We collect personal information only for the purposes of serving the legal and related needs of our clients, therefore we require the information to:

- Understand, advise and assist you, our client with your ongoing business needs;
- Ensure information is kept accurate and up-to-date;
- Comply with any legal requirements that may be applicable.

### **What personal information do we collect?**

Personal information as defined under the Act is any information that identifies you and may include the following:

- Information relating to your 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;
- Information relating to your education, or your medical, financial, criminal or employment history;
- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to yourself;
- Your biometric information;
- Your personal opinions, views or preferences;
- Correspondence sent by yourself that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence;
- The views and opinions of another person about you;
- Your name, if it appears with other personal information related to yourself, or if the disclosure of the name itself will reveal information about you.

We follow reasonable and prudent business practices to legally collect, use and disclose your personal information only for the purpose of providing you with any required business services and will not collect any personal information without your prior consent, or that may be excessive to the purpose that it is required for.

### **How do we collect your personal information?**

Our collection procedures are guided by the following:

- We will collect information only by lawful and fair means;
- When we make directed individual requests for your relevant sensitive personal information from a particular organisation or business, such as medical professionals or financial institutions, we will obtain your written consent thereto;
- Wherever possible we will collect your personal information directly from you;
- We may ask you for your consent, at the start of a retainer and during the course of our representation;
- Your consent may be in writing, verbal or implied as necessary to further your business needs;

- Our Privacy Statement also serve as your notice of the purposes for which we collect, use or disclose your personal information or business contact information;
- Dependent on the business services provided, with your consent, we may obtain this relevant information from whatever resource necessary and applicable, including, but not limited to:
  - You;
  - Medical professionals;
  - Public registries such as the Deeds Office, Department of Internal Affairs, Receiver of Revenue, or whichever registry may be of essence;
  - Financial institutions (for example to verify financial information);
  - Credit bureaux;
  - Your employer (for example, employment evidence for confirmation of income, etc.);
  - Motor vehicle and driver licensing authorities;
  - Law enforcement, if relevant;
  - Investigators.

### **Consent**

Our practice is to request either your written or express oral consent, which may be given in person or over the telephone if your identity can be properly authenticated.

If you volunteer to provide relevant personal information verbally, in writing, or via our website, we may assume that you are consenting to the collection, use and disclosure of your personal information as described in our Privacy Statement, or:

- When you initiate contact with us, we may determine that consent has been implied for us to collect, use and disclose personal information in a reasonable and lawful manner;
- In some situations, we will require express consent in writing, by the provision of a letter, application form, electronic signature, or other document authorizing certain activities;
- Take note that there are certain circumstances where we are required or permitted by law, to collect, use and disclose personal information without your consent.

We will handle all personal information confidentially and will substantiate the legal authority to collect, use and disclose personal information in these aforementioned circumstances if and when required. Under certain circumstances, we may disclose your personal information without your consent when:

- we are required or authorized by law to do so, for example if a court issues a subpoena;
- the use of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public;
- it is necessary to establish or collect our fees; or
- if the information is already publicly known.

### **Use of your information**

Our business practice subscribes to the following:

- We will use your personal information only for the purposes intended, to provide business advice and services to you and to administer our legal business incidental to providing business services, such as client billing;
- With your permission, we may send you information about our other business services, or about new developments in the business arena – (You may at any time withdraw your consent by notifying us, and we will not continue to send you any such material);
- We will not disclose or sell your personal information or business contact information to any third party to enable them to market their products and services without your express prior written consent.

### **Who do we release your information to?**

When we release information about you, it is done only to serve specific needs, in the course of providing required business services.

With your consent, we may provide information to:

- Our staff and agents who use the information for the reasonable business purpose of providing you with your required business services;
- A third party we may contract to provide administrative services to NF Facilities (PTY) LTD (like legal counsel, computer back-up services or archival file storage) and this third party agrees to comply with our Data Privacy and Information Security policy and any applicable privacy laws;
- Professionals working with us such as investigators, paralegals and experts;
- Financial institutions, (for example, the institution that carries your mortgage).

### **Accuracy of your information**

You have the right to request a correction of the personal information that we hold about you. We will rely on you to provide us with accurate and up-to-date personal and business contact information for the purposes of providing you with required legal services and to maintain contact with you.

If during the course of our professional relationship, any of your information should change, it will be required from you to inform us as soon as possible, in order to enable us to make any necessary changes.

### **How do we protect your personal information?**

In order to protect your personal information, we will:

- Endorse the principles for the processing of personal information as described under the Protection of Personal Information Act 4 of 2013;
- Draft and implement a comprehensive Data Privacy and Information Security Policy which will include the necessary controls and protocols to mitigate all reasonably foreseeable threats to all personal information in our possession or under our control;

- Introduce properly monitored awareness training interventions for our employees in order to maximise the safety levels for processing of personal information and minimising the threats of data breaches and loss of personal information;
- Maintain strong management and control protocols over any third-party service providers or operators with regards to the proper protection and processing of personal information;
- Implement and maintain an effective Information Security Management System (ISMS) with due regard to generally accepted Standards and Principles;
- Not collect, use or disclose your personal information for any purpose other than those specified as per your consent, or which are reasonably evident;
- Only disclose your personal information to those persons who have a need to know your personal information for the purposes stated in this Privacy Statement and which may be specified in your consent to process your personal information;
- Keep your personal information only for as long as it is needed to fulfill the stated purpose or as may be required by any other applicable legislation;
- Securely dispose of your redundant personal information as soon as possible after the fulfillment of the originally stated purposes, unless prohibited by the requirements of any other applicable legislation;
- Maintain your personal information in as accurate, complete and up-to-date format as possible;
- Keep your personal information physically secure, (for example, in locked or secure offices, rooms and/or filing cabinets);
- Implement and maintain applicable technological safeguards such as passwords or encryption for your sensitive personal information on information systems, in storage, in transit, or located on any mobile devices.

### **Access to your personal information**

You may request access to the personal information we have about you at any reasonable time after your identity has been properly authenticated.

The request must be in writing and directed to our Information Officer as identified below.

We may charge a reasonable fee for retrieval and copying of your personal information and if the retrieval or copying of your request is extensive, we will notify you of the fee prior to retrieval and copying.

### **Exceptions for access to your Personal Information**

There are exceptions to your right to access your personal information.

By law, we must deny access when:

- your file contains personal information on a third party and the information cannot be severed to maintain the privacy of the third party information;
- required or authorized by law (for example, when a record containing personal information about you is subject to a claim of legal professional privilege by one of our clients);

We have the right to deny access to your information and may deny access when your information relates to existing or anticipated legal proceedings against you, including unpaid bills to NF Facilities (PTY) LTD; If we deny your request for access to, or refuse a request to correct information, we shall explain why.

In all cases we will attempt to mediate a resolution if possible, but failing this, you can also revert to the processes as provided for under the Promotion of Access to Information Act (PAIA), or reflected in our Sec.51 PAIA manual that can be accessed on our website or obtained at our physical business premises.

### **Changes to this Privacy Statement**

We may review and change our Privacy Statement from time to time in order to update our privacy commitment to you and in keeping up with changes in privacy legislation and changes in the information security threat environment.

### **Contact information & resources**

Please contact our Information Officer at the address below if you:

- Wish to access your personal information;
- Wish to change your consent regarding the manner in which we collect, use and disclose your personal information as outlined in our Privacy Statement;
- Have concerns about our privacy policies or how we have handled your personal information;
- Want to have access to our Data Privacy and Information Security Policies or PAIA Sec. 51 manual.

Designated Information Officer: Jenna-Leigh Kleingeld

E-Mail address: [jenna.kleingeld@norvalfoundation.org](mailto:jenna.kleingeld@norvalfoundation.org)

Postal address: 1 Ou Kaapse Road, Tokai, Cape Town 7966

Physical address: 1 Ou Kaapse Road, Tokai, Cape Town 7966

Phone number: +27 (0) 87 654 5900

Facsimile number: N/A