



CTLPA

CAPE TOWN LEGAL
PROFESSIONALS ASSOCIATION

WEBSITE POLICIES

Privacy Policy

Personal information and privacy rights
Membership and Association activities

For adoption
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1 Purpose and application

- 1.1 This policy explains how Cape Town Legal Professionals Association, the voluntary association established in 2019, handles Personal Information in connection with its website, membership, communications and activities, and the rights available to persons whose information is processed.
- 1.2 The Association proposes to continue its work through Cape Town Legal Professionals Association NPC, which has not yet been incorporated and will become responsible for information only when it lawfully receives or assumes control of that information, with affected persons informed of the change and the applicable contact particulars; the proposal does not itself transfer information or alter the responsibility for existing records.
- 1.3 Specific notices accompanying an application, event, initiative or service may explain its additional requirements, and must be read with this policy; merely visiting the website, applying for membership or acknowledging this policy does not constitute consent to every possible use of information.

2 Definitions

- 2.1 **“CTLPA”** or **“Association”** means Cape Town Legal Professionals Association, presently constituted as a voluntary association, and references to **“we”**, **“us”** or **“our”** have the corresponding meaning.
- 2.2 **“Website”** means <https://capetownlawyers.co.za> and its pages operated for CTLPA, while **“POPIA”** means the Protection of Personal Information Act, 4 of 2013, read with its applicable regulations and amendments.
- 2.3 **“Personal Information”** means information relating to an identifiable living natural person and, where applicable, an identifiable existing juristic person, and **“Data Subject”** means the person to whom that information relates.
- 2.4 **“Processing”** includes collecting, recording, using, storing, sharing, changing and disposing of Personal Information, while **“Responsible Party”** means the person or body determining its purposes and means.
- 2.5 **“Operator”** means a person processing Personal Information for CTLPA under a contract or mandate, without coming under CTLPA's direct authority, and **“Regulator”** means the Information Regulator established under POPIA.

3 Privacy contact

- 3.1 Privacy enquiries and requests may be addressed to Natalie Macdonald Spence through info@capetownlawyers.co.za, or by post to Cape Town Legal Professionals Association, Office 8, PineworX, Lonsdale Way, Pinelands, Cape Town, 7405, being the address for correspondence.
- 3.2 Natalie Macdonald Spence is nominated to serve as Information Officer of the proposed NPC, with the statutory authority for that role to be recorded and registration completed before she assumes the duties contemplated in section 55 of POPIA; privacy requests concerning the Association may be submitted through the contact in clause 3.1 without awaiting incorporation.
- 3.3 A person submitting a privacy enquiry or request should provide sufficient particulars to identify the matter and arrange an appropriate channel before sending identity documents, confidential professional material or sensitive supporting material, so that only information reasonably required for that matter is supplied.

4 Information collected and its sources

- 4.1 The public contact, membership and volunteer enquiry forms collect your name, email address, enquiry details and the topic, professional role or area of interest relevant to the form, with organisation and availability particulars optional where indicated. These enquiries are directed to CTLPA's private enquiry inbox for authorised administration, and the agreement to use your details to respond does not create an account, admit you to membership, confirm a placement or subscribe you to marketing.
- 4.2 When you contact CTLPA, apply for membership or participate in its activities, the information concerned may include your name, contact particulars, professional affiliation, legal qualifications, admission or enrolment status where relevant, candidate attorney or pupil training status, proof of student enrolment, application particulars, membership class and descriptive category, correspondence, subscriptions and communication preferences, with verification limited to what is reasonably needed for the applicable eligibility requirement. Information about office bearers, volunteers and committee participants may also include appointments, authority, declarations of interests, attendance and reimbursement particulars.
- 4.3 For publications and events, the information may include registration and attendance details, contributor permissions, professional profiles, photographs or recordings where lawfully obtained, and the accessibility information

reasonably required for participation; financial supporters and suppliers may provide donation, invoicing, payment and statutory reporting particulars.

- 4.4 Where assistance, a referral or an ethical complaint is undertaken, information may include the relevant eligibility details, instructions, statements, supporting material and procedural records of applicants, complainants, respondents and witnesses, subject to the safeguards for specially protected information and secure handling in sections 10 and 12.
- 4.5 We ordinarily obtain information from you, but may obtain relevant particulars from an authorised representative, a referring organisation, a professional register, a lawful public record or another source permitted by POPIA, and will explain the source where required by law. Information supplied about another person must be limited to what the matter requires and provided with the necessary authority or other lawful justification.
- 4.6 Use of the Website may involve technical information such as an internet protocol address, browser and device information, the pages requested and the time of a request, to the extent generated by the services actually used; cookies, browser storage and external website resources are addressed in the Cookie Policy.

5 Purposes and lawful grounds

- 5.1 CTLPA processes information to respond to enquiries, assess applications and relevant qualifications, administer membership and subscriptions, maintain governance records, coordinate voluntary work, arrange events and publications, deliver lawful initiatives and referrals, consider complaints, account for funding and comply with its contractual and statutory responsibilities.
- 5.2 The lawful ground depends on the purpose and circumstances and may include your consent, steps necessary to conclude or perform a contract to which you are a party, compliance with a legal obligation, or the protection or pursuit of legitimate interests recognised by POPIA, provided that any processing based on legitimate interests remains necessary and proportionate and subject to the applicable right to object.
- 5.3 Information requested for an application, transaction or activity will be identified as required or optional in the relevant process, with any particular statutory requirement explained where applicable; withholding information necessary to assess eligibility, contact you, administer a transaction or meet a legal obligation may prevent CTLPA from completing that particular request, while declining optional publicity or marketing does not of itself prevent membership.

- 5.4 We will use information for the identified purpose and consider the lawfulness and compatibility of any further use, with an additional notice and fresh consent obtained where the law requires them. Information will not be used for a decision having legal or similarly substantial consequences based solely on automated profiling unless the conditions and safeguards in section 71 of POPIA are satisfied.

6 Accounts, careers and activity journals

- 6.1 Where you create or use an account, CTLPA processes the account particulars, authentication information, verification and recovery requests, preferences and activity records needed to provide and protect the relevant service; a candidate careers account is limited to that service and does not itself establish membership or access to other member facilities.
- 6.2 A saved careers profile remains private and is not a public directory entry or a searchable candidate database, while submitting a vacancy application shares the name, email address, profile and cover note shown to you with the member who posted that vacancy. The application contains the information submitted at that time, so a later profile amendment does not alter an earlier application, and withdrawal removes the vacancy owner's access through the Website without retrieving copies already lawfully made, which remain subject to the recipient's independent obligations concerning lawful recruitment use and retention outside the service.
- 6.3 Careers applications are reviewed manually by the vacancy owner, and CTLPA's careers service does not rank candidates or make recruitment decisions. Vacancy moderation does not expose candidate profiles or applications to the moderation screen, although authorised technical administrators may require access to maintain the service or investigate a fault; further particulars appear in the [Careers Privacy Notice](#).
- 6.4 Personal learning and voluntary service journals are intended to record the activity, date, hours and supporting particulars relevant to the entry and any review you request, with client names, identity documents, privileged advice and sensitive case details excluded. Pseudonymous project references should be used where a reference is needed, and submitting an entry for review authorises only the access reasonably required by the stated review process.

7 Directory and public information

- 7.1 Where CTLPA offers a professional directory, only the profile and contact particulars approved for its stated audience will be included, with the intended public or member access explained before inclusion; material supplied in support of an application, identity documents, financial information, declarations of interests and complaint files will not form part of a directory entry.
- 7.2 You may request correction or withdrawal of a voluntary directory entry through the privacy contact in clause 3.1, although information already lawfully copied by another person or retained in a search engine cache may not disappear immediately when CTLPA updates its own pages, and a directory entry does not authorise unrelated marketing or unrestricted reuse of the underlying membership information.
- 7.3 A voluntary directory is distinct from a statutory register which the proposed NPC must maintain after incorporation, and any right to inspect or copy that register under the Companies Act, 71 of 2008, will be determined by that Act and the applicable protections; withholding directory consent does not override a mandatory statutory disclosure.

8 Newsletters and direct marketing

- 8.1 Necessary notices concerning an application, membership administration, a requested service or governance will be distinguished from promotional newsletters, event promotions, fundraising appeals and other direct marketing, so that an administrative relationship is not treated as unrestricted marketing consent.
- 8.2 Unsolicited electronic direct marketing will be sent only with the consent required by section 69 of POPIA or where every condition of its limited existing-customer exception is satisfied, which membership or an enquiry does not automatically establish; where consent is required, CTLPA may request it only in the manner and circumstances permitted by law, including the restriction on approaching a person more than once or after consent has been withheld.
- 8.3 Consent must be an informed, specific and voluntary affirmative choice obtained in accordance with regulation 6 of the POPIA Regulations and recorded separately from acceptance of membership or website terms, with silence, a preselected choice or a failure to unsubscribe insufficient to constitute consent; each direct marketing communication will identify its sender and provide a means to stop further marketing, which may also be requested without charge by emailing the privacy contact in clause 3.1.

- 8.4 Withdrawal or objection will be applied to the relevant marketing, while information necessary to record and honour that preference may be retained; administrative communications and records supported by an independent lawful ground are considered separately, and withdrawal does not invalidate processing lawfully undertaken before it.

9 Recipients and professional referrals

- 9.1 Information may be shared with authorised office bearers, committee participants, personnel and volunteers who need it for their responsibilities, and with appointed providers of website, communications, administration, payment or technical services where their involvement is necessary; an Operator must act within CTLPA's authority and the written confidentiality and security arrangements required by POPIA.
- 9.2 The Careers service uses Resend to send account verification, application receipts and progress messages, which link to the account without including the career history or cover note; delivery of those service messages is distinct from subscribing to a newsletter or promotional mailing.
- 9.3 Other recipients may include professional advisers, accountants, auditors or reviewers, insurers where relevant, authorised project participants and funders requiring lawful reporting, together with courts, professional bodies, regulators and public authorities where disclosure is required or permitted by law. The information disclosed will be limited to what is reasonably required for the purpose, and identifiable beneficiary or complaint information will not be disclosed merely because a funder requests it.
- 9.4 Where a legal practitioner or another professional independently determines the purposes and means of processing for a referral or engagement, that person acts under separate professional and privacy responsibilities, which will be identified in the referral arrangements. Contacting CTLPA or being referred does not, without an accepted professional engagement, establish an attorney and client relationship or make every communication privileged.
- 9.5 Links to independent websites or services are subject to the relevant provider's own privacy arrangements, and CTLPA's publication of a link does not authorise that provider to receive information beyond what you choose to submit or what is otherwise lawfully disclosed.

10 Children and specially protected information

- 10.1 Information concerning children, health, alleged criminal conduct, race, religious or philosophical beliefs and other specially protected categories will be processed only where the applicable requirements of POPIA are satisfied, including the consent of a competent person or another lawful authorisation where required.
- 10.2 Please do not submit such information through a general enquiry merely because it may relate to a legal topic; where an initiative or complaint requires it, CTLPA will identify the necessity, lawful authority and appropriate confidential channel, together with any prior authorisation required before the relevant processing commences.
- 10.3 Membership of CTLPA or acceptance of its ethical code does not waive these protections, and publication of information about children or identifiable persons receiving assistance requires its own lawful justification and appropriate safeguards.

11 Transfers outside South Africa

- 11.1 Resend, the provider identified for Careers service emails, processes and stores service data in the United States, including the recipient and message information needed to send and record delivery of those communications. Its published [data processing terms](#) address instructions, confidentiality, security, subprocessors and deletion, while CTLPA remains responsible for ensuring that its own arrangement satisfies POPIA.
- 11.2 Other website, communication, storage, backup and technical support arrangements may involve a recipient or authorised access outside South Africa, as may a particular international event, contribution or referral, and CTLPA will identify the relevant destination, purpose and protection in the notice accompanying such an arrangement.
- 11.3 A transfer must be permitted by section 72 of POPIA, whether through adequate protection under the recipient's law, binding rules or agreement, valid consent, or another ground meeting that section's requirements; the protection of onward transfers and any separate prior authorisation required for specially protected information or information about children must also be addressed.
- 11.4 General acceptance of this policy is not consent to an unspecified foreign transfer, and additional service or collection notices will explain the arrangements applicable to the information concerned before collection, or at the other time permitted by POPIA.

12 Security and retention

- 12.1 CTLPA is required to take reasonable and appropriate technical and organisational measures to protect the integrity and confidentiality of information, having regard to its sensitivity and the risks involved; the safeguards required for an activity include controlled access, confidentiality obligations, suitable account and device protection, secure handling and sharing, and appropriate backup, recovery and disposal arrangements.
- 12.2 Where there are reasonable grounds to believe that an unauthorised person has accessed or acquired Personal Information, CTLPA will assess and respond to the compromise and notify the Regulator and affected persons as soon as reasonably possible in accordance with section 22 of POPIA, subject to its exceptions and lawful grounds for delay.
- 12.3 Information will be retained only for as long as a legal requirement, the purpose of collection or another lawful ground justifies, taking account of membership administration, financial and tax records, complaints, proceedings and the need to establish or defend rights; when retention is no longer justified, the information must be securely destroyed, deleted or de-identified.
- 12.4 For Careers, application contents are to be removed from the service 180 days after the vacancy closing date recorded when the application was submitted, with the deletion date shown before submission. A limited submission, status and withdrawal record remains for account history, while the saved profile remains available for future applications, in each case subject to the continuing retention requirements of POPIA and the rights to request access, correction or deletion.
- 12.5 A request to withdraw from membership, remove a public profile or stop marketing does not necessarily require immediate destruction of every related record, but any continuing retention or restricted use must have its own lawful basis and must not be used to circumvent the request.

13 Access, correction and other rights

- 13.1 On adequate proof of identity, you may obtain confirmation without charge whether CTLPA holds Personal Information about you, and may request access to the information or a description of it, including information about third parties who have or have had access, subject to section 23 of POPIA and its lawful limitations and access charges.
- 13.2 You may request correction or deletion of information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained,

or destruction or deletion of information which CTLPA is no longer authorised to retain, and may request restriction or object to processing in the circumstances provided by POPIA.

- 13.3 Objections and correction or deletion requests are free of charge and may be submitted through the privacy contact in clause 3.1, using the Regulator's POPIA Form 1 or Form 2 respectively, or a substantially similar submission through an accessible and expedient channel, including email, post, delivery, SMS, WhatsApp or telephone where the relevant channel is available; assistance with a suitable channel may be requested, and a telephone submission will be electronically recorded, with the recording or a transcription made available on request without charge.
- 13.4 CTLPA will seek only the identification and authority reasonably necessary to deal with the request, act within the applicable statutory requirements and communicate the action taken; where a correction remains disputed, the procedures for recording that disagreement and notifying previous recipients will be followed where applicable.
- 13.5 You may complain directly to the Regulator without first exhausting CTLPA's assistance process, using the [POPIA Form 5 complaint procedure](#) or submitting the complaint to POPIAComplaints@inforegulator.org.za, and may contact the Regulator at Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191, on 010 023 5200 or 0800 017 160, with current particulars available at inforegulator.org.za/contact-us/.

14 Changes to this policy

- 14.1 This policy will be reviewed when CTLPA's activities, legal form, information arrangements or applicable law materially change, with the revised version and its date made available through the Website; a change to this policy does not retrospectively supply consent or remove a right already available under the law.
- 14.2 Where a change introduces a materially different purpose, recipient or processing arrangement, CTLPA will provide the notice and obtain any further consent required before relying on that change, while the privacy contact remains available to explain the arrangements applicable to your information.