



**L♦J** Attorneys / Prokureurs

Attorneys • Notaries • Conveyancers

# **CODE OF CONDUCT 2024**

**PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013  
EMPLOYEE DATA SECURITY CODE OF CONDUCT  
2024**

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**1. INTRODUCTION**

- 1.1 Our firm offers conveyancing, property law, corporate and commercial law, general litigation, dispute resolution, administration of deceased estates, estate planning and drafting of wills, trust administration, divorce law, criminal law, labour law, debt collection and water rights services to our clients.
- 1.2 These services inevitably involve a high degree of confidentiality and the sharing of personal information with us, by our clients.
- 1.3 Our employees are expected to treat the clients and each other with respect, keep client information confidential in line with our firm's Data Privacy Rules, uphold high ethical standards and be honest at all times.
- 1.4 Our firm's mission is to strive to conduct its operations honestly and ethically wherever we operate in the world and whichever services we deliver.
- 1.5 We strive to constantly improve the quality of our services, products and operations. Management also regularly improves on existing Policies in order to create a reputation for honesty, fairness, respect, responsibility, integrity, trust and sound business judgment. No illegal or unethical conduct on the part of Directors, attorneys, and employees or affiliates is in our firm's best interest.
- 1.6 Our firm will not compromise its principles for short-term advantage. The ethical performance of our firm is the sum of the ethics of the men and women who work here. Thus, we are all expected to adhere to high standards of personal integrity.
- 1.7 Directors of our firm, and employees must never permit their personal interests to conflict, or appear to conflict, with the interests of our firm, its clients or affiliates.
- 1.8 The Directors of our firm, and employees must be particularly careful to avoid representing our firm in any transaction with others with whom there is any outside business affiliation or relationship. Directors, attorneys, and employees will avoid using their contacts to advance their private business or personal interests at the expense of our firm, its clients or affiliates.
- 1.9 No bribes, kickbacks or other similar remuneration or consideration shall be given to any person or organization in order to attract or influence business activity. Directors, attorneys and employees should avoid gifts, gratuities, fees, bonuses or excessive entertainment, in order to attract or influence business activity.
- 1.10 The Directors, and employees of our firm will often come into contact with, or have possession of, proprietary, confidential or business-sensitive information and must take appropriate steps to assure that such information is strictly safeguarded.
- 1.11 This information – whether it is on behalf of our firm or any of our clients or affiliates – could include strategic business plans, operating results, marketing strategies, customer lists, personnel records, upcoming acquisitions and divestitures, new investments, and manufacturing costs, processes and methods. Proprietary, confidential and sensitive business information about our firm, our clients, associates, service providers, individuals and entities should be treated with sensitivity and discretion and only be disseminated on a need-to-know basis.
- 1.12 All Attorneys and employees of our firm will adhere to the DATA PRIVACY TERMS AND CONDITIONS, the INTERNAL INTERNET AND EMAIL USAGE POLICY in terms of which they have received training and have signed an EMPLOYEE ACKNOWLEDGEMENT.
- 1.13 Misuse of material information in connection with trading in our firm's confidential information can expose both our firm, its clients, its services providers, employees and individuals to civil liability and penalties under the Protection of Personal Information Act 4 of 2013 ("POPIA"). Under POPIA, attorneys, Directors, and employees in possession of material information not available to the public are "insiders" and by implication their spouses, friends, suppliers, brokers, and others outside our firm who may have acquired the information directly or indirectly from the Directors, attorney or employee are also "insiders".
- 1.14 POPIA prohibits insiders from influencing customers or any other person in the purchase or sale of our firm's goods of any business with which we do business.

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- 1.15 The purpose of this policy is to make it clear what our firm expects from employees, and employees are required to be familiar with and comply with the terms of this policy at all times. Failure to do so may result in disciplinary action, including potential termination of employment.
- 1.16 In so far as this policy imposes any obligations of our firm, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. They set the terms and conditions of employment that are intended to be contractual out in an employee's written employment contract.
- 1.17 At our firm we require that all of our employees conduct themselves according to the highest standards of ethics, integrity, and behaviour when dealing with our clients, colleagues and other stakeholders. This includes, but is not necessarily limited to, full compliance with all legal obligations imposed by statute or any other source of law.
- 1.18 This Code establishes the standards of behaviour that must be met by all employees. Where these standards are not met, appropriate disciplinary action will be taken. In cases where the breach involves serious misconduct, this may result in summary dismissal. In cases where a breach of the policy involves a breach of any law, then the relevant government authorities or the police may be notified.
- 1.19 Our firm may unilaterally introduce, vary, remove or replace this policy at any time.

## 2. THE FOLLOWING GUIDELINES SHOULD BE FOLLOWED IN DEALING WITH INFORMATION BELONGING OUR FIRM

- 2.1 Until material information has been publicly released by our firm, an employee must not disclose it to anyone except those within our firm whose positions require use of the information.
- 2.2 As an employee, it is important that you know what personal conduct is expected of you while delivering services on behalf of our firm.
- 2.3 In most cases, your own good judgment will tell you what the right thing to do is. In addition to complying with our firm's POPIA and Financial Intelligence Centre Act (including amendments) 2001 and other Policies and job specific requirements, you are also expected to obey the rules and regulations of our firm and this Code of Conduct ("Code" or "Policy").
- 2.4 If your performance does not meet position requirements, you may be subject to disciplinary action, up to and including immediate termination, with or without notice, and with or without cause at any time.

## 3. PURPOSE

- 3.1 This Employee Code of Conduct Policy outlines our expectations regarding employees behaviour towards their colleagues, supervisors and the overall organization.
- 3.2 Although we promote freedom of expression, creativity and open communication, we expect all employees to follow our Code of Conduct. They should avoid offending, participating in serious disputes, and disrupting our workplace. We also expect them to foster a well-organized, respectful, and collaborative environment.

## 4. SCOPE

This Policy applies to all employees, regardless of employment agreement or rank.

## 5. VIOLATION WHICH ARE CONSIDERED AGAINST THE CODE OF CONDUCT

While discipline for standard violations will follow a progressive disciplinary procedure, our firm reserves the right to implement discipline in accordance with the grievousness of the violation. Violations of these or any other policies of the Firm, may subject the employee to disciplinary action, up to and including immediate termination:

- 5.1 Theft, fraud, embezzlement, or other proven acts of dishonesty.

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- 5.2 Any harassment of another employee (verbal, physical, or visual), including sexual harassment such as offensive gestures, unwelcome advances, jokes, touching, or comments of sexual nature made to or about another employee, vendor, or customer.
- 5.3 Obtaining employment or promotion based on false or misleading information.
- 5.4 Soliciting or accepting gifts (money, services, or merchandise) in connection with our firm's business.
- 5.5 Reporting for work under the influence of alcohol or any illegal substances, or possession, sale or distribution of alcohol or illegal substance while on our firm's premises or abusing such items while representing our firm or conducting legal business.
- 5.6 Engaging in unauthorized employment elsewhere while on paid benefits related to illness, or while on an extended absence.
- 5.7 Assisting anyone who the employee knows, or suspect to be involved in, committing any crime or engaging in any conduct which rises to the level of a crime.
- 5.8 Falsifying our firm's documents or records, including misuse of timekeeping records, or falsely inputting payment data.
- 5.9 Insubordination, meaning refusing to follow legitimate instructions of a superior directly related to performance of one's job.
- 5.10 Disrupting the work environment.
- 5.11 Excess absenteeism or unacceptable patterns of absenteeism.
- 5.12 Repeatedly failing to use a timeclock as directed.
- 5.13 Job abandonment, meaning the failure to report to work without properly notifying one's immediate supervisor, or leaving a job assignment prior to completion of your responsibilities.
- 5.14 Conduct that is likely to cause another employee, customer or vendor of our firm embarrassment, loss of dignity, feelings of intimidation, or loss of opportunity, including all forms of discrimination and harassment.
- 5.15 Unauthorized use of our firm or customer supplies, information, equipment, funds, or computer codes/passwords.
- 5.16 Knowingly mishandling a customer's or potential customer's account. This includes improper discriminatory practices.
- 5.17 Refusing to repay documented overpayment of any compensation.
- 5.18 Possessing firearms or weapons while on our firm's premises, or carrying them while on firm business; or threatening the personal safety of fellow employees, customers, or vendors.
- 5.19 Committing any act, on or off our firm's premises, which threatens or is potentially threatening to the reputation of our firm or any of its employees, customers, or vendors.
- 5.20 Repeatedly failing to meet job responsibilities, job budget or quality requirements.

### **6. OUR FIRM'S EXPECTATIONS**

#### **6.1 Our firm expects employees to:**

- 6.1.1 be present at work as required.
- 6.1.2 maintain agreed standards of performance.
- 6.1.3 comply with health and safety policies and procedures.
- 6.1.4 comply with all lawful and reasonable instructions.
- 6.1.5 maintain set standards of integrity, conduct, and concern for the public interest.
- 6.1.6 demonstrate commitment to our firm's vision, values and goals.
- 6.1.7 be active in his/her self-development.

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**6.2 We also expect employees to:**

- 6.2.1 comply with all reasonable instructions and work as directed by the relevant manager.
- 6.2.2 be familiar with, and consistently apply, the Acts and Regulations that directly affect his/her work.
- 6.2.3 be familiar with, and consistently apply, the requirements of our firm's operational manual, as well as our firm's policies and procedures that affect his/her work, for example, policies for managing human resources.
- 6.2.4 be consistent and fair in requiring compliance with statutory obligations.
- 6.2.5 adhere to his/her delegations, not exploiting or abusing any power or authority accorded to him/her because of his/her role. Authority includes statutory, delegated and administrative authorities.
- 6.2.6 not give any false information or make false declaration.
- 6.2.7 obtain permission from his/her manager before entering into any contract or agreement.
- 6.2.8 not create any liability for our firm beyond his/her authorization.
- 6.2.9 consistently follow workplace procedures for documenting decisions for action, and the reasons for taking those decisions.
- 6.2.10 show reasonable care for our firm property, resources, and funds and neither use nor approve them to be used for anything other than authorized purposes.
- 6.2.11 contact his/her manager within 30 minutes of his/hernormal/rostered starting time, or in accordance with local instructions, if you are unable to work because of sickness, or an emergency.
- 6.2.12 maintain the standard of dress and general appearance required in the workplace.

**7. STANDARDS OF CONDUCT**

The standards expected of employees include:

- 7.1 Compliance with all laws relevant to our firm's operations;
- 7.2 Compliance with all reasonable and lawful instructions given by or on behalf of our firm;
- 7.3 Devotion of the employee's entire time, attention and skill during normal working hours and at other times as reasonably necessary for the employee to perform their duties;
- 7.4 To be faithful and diligent and actively pursue our firm's best interests at all times;
- 7.5 To work in a safe and compliant manner, and to observe all workplace health and safety rules and responsibilities;
- 7.6 Refraining from any discriminatory, bullying or harassing behaviour toward customers, clients, co-workers, our firm management and the general public;
- 7.7 To not make any statements to the media about our firm's operations unless expressly authorised to do so by our firm (requests for media statements should be referred to the INFORMATION OFFICER appointed for our firm in terms of POPIA);
- 7.8 To not make any statements about our firm on social media, or any other public platform, that may harm our firm's reputation;
- 7.9 To not, in connection with the employee's employment, accept any financial or other benefit from any entity other than our firm – unless acceptance of such benefit is in accordance with our firm's other workplace policies or is otherwise disclosed to our firm and expressly permitted by our firm;
- 7.10 To not engage in any employment or provide any services to any person or entity other than our firm, except with our firm's prior written consent;
- 7.11 To not engage in any employment or provide any services to a supplier or competitor of our firm, except with our firm's prior written consent;

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- 7.12 Immediately disclosing any potential, perceived or actual conflict of interest (whether direct or indirect) that may give rise to a conflict with the performance of the employee's obligations to our firm, confidential information or reputational interests. Our firm may direct employees to take action to eliminate or reduce any such conflict, and employees must comply with such directions;
- 7.13 To not engage in conduct, whether during or after work hours, that in the opinion of our firm causes damage or potential damage to our firm's property or reputation;
- 7.14 To not discriminate on the basis of personal characteristics including (but not limited to) sex, race, disability, pregnancy, age, marital status or sexual orientation;
- 7.15 To ensure and maintain punctuality;
- 7.16 To respect our firm's property;
- 7.17 To dress in an appropriate manner and to ensure that your appearance is presentable, clean, neat and tidy;
- 7.18 Subject to the INTERNAL INTERNET USAGE POLICY in terms of POPIA, to not use our firm's internet to access and/or download sexually explicit material or other offensive material;
- 7.19 To not use our firm's email to send sexually explicit or suggestive material, or other offensive or harassing material;
- 7.20 To maintain both during employment and after termination of employment with our firm, the confidentiality of any confidential information, records or other materials acquired during the course of employment;
- 7.21 At all times, behave in a way that upholds our firm's core values and the integrity and good reputation of our firm;
- 7.22 Reporting any conduct of other workplace participants which is in breach of any of the above, or potentially in breach of any of the above, without delay.

### **8. EMPLOYEE'S EXPECTATIONS**

Our firm has an obligation to behave in a fair and reasonable manner towards employees by acting in compliance with its legal commitments. To do this, our firm will develop and implement human resources Policies which will be circulated to all employees who will receive training in respect of such Policies.

#### **8.1 These include:**

- 8.1.1 Impartial and open selection and appointment procedures;
- 8.1.2 Rules regarding the usage of alcohol and other narcotics;
- 8.1.3 Grievance procedures and to whom these must be escalated;
- 8.1.4 COVID 19 rules and ongoing Occupational Health and Safety processes;
- 8.1.5 Clear guidelines on the timing for performance reviews and remedial measures which may be required;
- 8.1.6 Clear expectations in the various appointments;
- 8.1.7 Clear restrictions in respect of the various positions;
- 8.1.8 Leave and rules regarding absence from work;
- 8.1.9 Maternity leave and rules regarding the maternity leave period;
- 8.1.10 Guidelines for supervisors and managers
- 8.1.11 Organizational goals and values
- 8.1.12 Systems to regularly review changes that may affect employees
- 8.1.13 Context for various programs and benefits, such as professional development and onboarding programs

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**EMPLOYEE ACKNOWLEDGEMENT**

<b>NAME AND SURNAME</b>	
<b>IDENTITY NUMBER</b>	
<b>POSITION HELD AT our firm</b>	
<b>LENGTH OF TIME IN EMPLOYEE OF our firm</b>	
<b>PERSONAL EMAIL ADDRESS</b>	
<b>PERSONAL TELEPHONE NUMBER</b>	
<b>SUPERVISOR DETAILS</b>	

1. Are you familiar with and do support our firm's general ethical culture and Code of Ethics?

YES	NO

2. Are you aware of any illegal, unethical or improper practices or conduct anywhere within our firm?

YES	NO

If the answer to the preceding question is "yes", list here, in full and complete details, all such practices or conduct. (Use additional pages if necessary)


3. Have any threats or promises been made to you in connection with your answers to the questions on this form?

YES	NO

If "yes" please identify them in full and complete detail and notify our firm management immediately.


**I declare that, to the best of my knowledge, the information above is true and correct.**

<b>DATE</b>	<b>PLACE</b>