

# Legatus Trust (Pty) Ltd

## Privacy Statement

### **DEFINITIONS**

“We”, “us” and “our” refers to Legatus Trust (Pty) Ltd (Legatus Trust), a private company with limited liability registered under the company laws of the Republic of South Africa, registration number 1992/007405/07.

The principal places of business of the company is Third Floor, Roan House, 263 Kent Avenue, Randburg, 2194, and Third Floor, Imperial Terraces, Carl Cronje Drive, Bellville, 7530.

“You” and “your” refers to you as the principle party of the business relationship. “Your personal information” refers to personal information about you, your spouse, your dependants and your beneficiaries. It includes information about gender, age, contact numbers, addresses, financial status and/or any other information that may be required in the ordinary course of Legatus Trust performing its duties.

“**Process information**” means the activities of collecting, recording, organising, storing, updating, distributing and removing or deleting personal information.

“**Competent person**” means anyone who is legally competent to consent to any action or decision being taken for any matter concerning a child, for example a parent or legal guardian.

- ❖ When you engage with us, you trust us with personal information about yourself, your spouse, your dependents, your family and beneficiaries. You understand that when you include your spouse and/or dependents on your application, we will process their personal information as far as it is necessary to draft a Will/for trust benefits/for estate administration and to pursue their legitimate interest. We will furthermore process their information for the purposes set out in this Privacy Statement. We are committed to protecting your right to privacy. The purpose of this Privacy Statement is to set out how we collect, use, share and otherwise process your personal information, in line with the Protection of Personal Information Act (POPIA).
- ❖ You have the right to object to the processing of your personal information. It is voluntary to accept these terms and conditions. This means that if you do not accept the terms of this Privacy Statement, we will not process any of your personal information. The acceptance of these terms and conditions and the permission given to process your personal information will continue after your death, if there is a surviving spouse, or may cease should there be no beneficiaries who may require the continuance of our support in our capacities as executor and/or trustee. Should you wish to object, send an e-mail to [info@legatus.co.za](mailto:info@legatus.co.za). Please take note that Legatus Trust will not be able to

render the services needed to perform our duties, should we not be able to process information required for business-related services.

- ❖ We commit to keeping your personal information confidential. You may have given us this information yourself or we may have received it from other sources e.g. an intermediary. If you share your personal information with any third parties beyond our channels, we will not be responsible for any loss or harm suffered by you, your spouse, your dependents or your beneficiaries.
- ❖ You provide us the necessary assurance that when you give us personal information about your spouse, your dependents, or your beneficiaries, you have received their permission to share their personal information with us for the purposes set out in this Privacy Statement or any other related purposes.
- ❖ You understand that when you include your spouse and/or dependents in any interaction with Legatus Trust, we will process their personal information in the ordinary course of performing our duties for you and to pursue their legitimate interest. We will furthermore process their information for the purposes set out in this Privacy Statement.
- ❖ If you are giving consent for a person under 18 (a minor) you confirm that you are a competent person and that you have authority to give consent for them.
- ❖ By appointing Legatus Trust as your executor or trustee, you confirm that you give us consent to process your personal information and that we may:
  - Share with our selected range of service providers your personal information, necessary to ensure the efficient drafting of a Will, administration of an estate/trust and to ensure that we comply with all relevant legislation; as well as
  - Share your ordinary personal information and as, may be necessary, special personal information for purposes of performing our duties as executor and/or trustee in the ordinary course of the business relationship.
  - Obtain your personal information from a surviving spouse or applicable beneficiary(ies) for administration purposes.
- ❖ You agree that we may process your personal information for the following purposes:
  - Administration, maintenance and advisory purposes to ensure your best interests (including those of your dependents or beneficiaries) during the course of the business relationship;
  - Providing relevant information, including your personal information, to a contracted third party who requires such information to render a service to you in relation to our duties as executor of your estate or trustee of a

trust, provided that such contracted third party agrees to keep the information confidential.

- ❖ Further to the above, if a third party asks us for any of your personal information, we will share it with them only if:
  - You have already given your consent for the disclosure of this information to that third party;
  - We have a legal or contractual duty to give the information to that third party; or
  - For any of the purposes set out below.
  
- ❖ You confirm that we may share your personal information within Legatus Trust for the following purposes:
  - Administration;
  - Fraud prevention; and
  - The ordinary cause of performing the business of Legatus Trust.
  
- ❖ You consent and agree that we may process your information, including personal and special personal information, to conduct sanction screening against all mandatory and non-mandatory sanctions lists;
  - You also consent to us communicating such personal information to ALL relevant Regulatory Bodies as well as to other entities, as may be necessary and obligatory, if you are matched to one of these sanctions lists;
  - You understand that we may and shall terminate our business relationship with immediate effect if you are found to be on a sanctions list, without notice.
  
- ❖ You also confirm that we may share and combine all your personal information for any one or more of the following purposes:
  - Statistical and research; and
  - You agree that your personal information may be used for statistical purposes within the company or with parties outside of the company who may be responsible for these activities of the organisation (where applicable). We assure you that your personal information will only be shared, if it is in your best interest and where these parties keep your information confidential. No personal information will be made available to a third party unless that third party has agreed to abide by strict confidentiality protocols that we require.
  
- ❖ If we want to share your personal information for any other reason, we will do so only with your permission and explicit consent.

- ❖ We have a duty to take all reasonable steps to ensure your personal information is complete, accurate, not misleading and updated on a regular basis. To enable this, we will always try to obtain personal information from you directly, and update such on at least an annual basis. If necessary, where we are unable to do so, we will attempt to make use of verifiable independent third-party sources.
- ❖ We have the right to communicate with you telephonically or electronically about any aspects regarding your Will, an estate or a trust applicable to you.
- ❖ We have a duty to keep you updated about any enhancement offers/products that will add liquidity to your estate in the ordinary course of our business relationship with you and as such will make information available to you from time to time. Any entity with which Legatus Trust partners and/or contracted third-party service or product providers may communicate with you about these.
- ❖ You may opt out of any additional services by notifying Legatus Trust directly at [info@legatus.co.za](mailto:info@legatus.co.za). We will store your personal information for the purpose to action this request and action it as soon as reasonably possible.
- ❖ You have the right to know what personal information we hold about you. If you wish to receive a copy, please send an e-mail to [info@legatus.co.za](mailto:info@legatus.co.za), specifying exactly what you require. We will take all reasonable steps to confirm your identity before providing details of your personal information.
- ❖ You have the right to ask us to update, correct or delete your personal information. Where we cannot delete your personal information, we will take all steps to make it anonymous. You agree that we may keep your personal information until you ask us to delete or destroy it, unless the law requires us to keep it for a defined period of time, after which it may be deleted.
- ❖ We are required to collect and keep personal information in terms of the following laws:
  - The Electronic Communications and Transactions Act (ECT)
  - The Financial Intelligence Centre Act (FICA)
  - The Financial Advisory and Intermediary Services Act (FAIS)
  - The Consumer Protection Act (CPA); and
  - Long Term Insurance Act (LTIA); amongst others.
- ❖ You agree that we may transfer your personal information outside South Africa (if applicable):
  - If you give us an email address that is hosted outside South Africa; or
  - To administer certain services, for example, cloud services; or

- ❖ If we become involved in a proposed or actual sale, merger, acquisition of any assets, we have the right to share your personal information with third parties in connection with the transaction. In the case of a merger, acquisition or sale, the new entity will have access to your personal information. The terms of this Privacy Statement will continue to apply.
- ❖ We may change this Privacy Statement at any time. The most updated version will always be available on [www.legatus.co.za](http://www.legatus.co.za) or on request, as may be necessary at any time.
- ❖ If you believe that we have used your personal information contrary to this Privacy Statement, you must first attempt to resolve any concerns with us. If you are not satisfied after this process, you have the right to lodge a complaint with the Information Regulator, under POPIA.

Information Officer	Information Regulatory
Legatus Trust (Pty) Ltd Third Floor Roan House 263 Kent Avenue Randburg 2194 Tel: 0861 722 626 Fax: 0861 115 704 Email address: <a href="mailto:info@legatus.co.za">info@legatus.co.za</a>	SALU Building, 316 Thabo Sehume Street, PRETORIA Tel: 012 406 4818 Fax: 086 500 3351 <a href="mailto:info@justice.gov.za">info@justice.gov.za</a>

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