

# FINTAX

Accounting Services & Tax Consultancy

**Diane Farley Tax Consultants CC**

**Privacy Statement**

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## Fintax: our company

Diane Farley Tax Consultants CC t/a FINTax is a South African accounting and tax consulting services company. We provide the following major services:

- professional accounting services
- tax consulting services
- bookkeeping services

Note that, in this document, by the terms “WE”, “FINTax”, “our Company”, “the Company”, etc. we refer to Diane Farley Tax Consultants CC.

## Our Privacy Policy

Our Privacy Policy takes into consideration the requirements of the Protection of Private Information Act (PoPIA) in South Africa.

FINTax is cognisant of the requirements General Data Protection Regulation (GDPR) in the European Union. We currently do not comply fully with GDPR.

This Privacy Policy Notice explains how we use the personal information we collect from you. The Notice applies to all information processed by FINTax; both collected through our website or offline.

## Terminology

As the terminology may differ, the following terms are used interchangeably:

PoPIA	GDPR
Personal Information	Personal Data
Responsible Party	Data Controller
Operator	Data Processor
Data Subject	Data subject
Third party	Third party
(not explicitly defined)	Recipient

For a definition of those terms, refer to the respective law/regulation.

## What is personal information?

We define as Personal Information (PI) any information that identifies or relates specifically to you, such as your identification number, your email address, your name or contact details, your company registration number, your phone number, etc.

## When do we collect information from you?

We collect information, including personal information, directly from you when you:

- submit information by completing a form on our web-site (e.g. to register with our services or to request a quote from us)

- email us information in order to request services from our company
- perform credit checks in order to approve your application for services
- communicate with our employees in order to obtain additional services from our company (e.g. resolve issues)
- use our PBX system (i.e. place or receive a call)

FINtax will collect your information directly from you or anyone authorised on your behalf.

## What information do we collect from you, store or otherwise process?

When you use our website we may process your information, such as:

- records of your information on our server logs from your browser or mobile platform, including your location, IP address, cookie information, and the page you requested. This data is treated as non-personal information, except if we are compelled to do otherwise by law or a legal authority
- your name and contact information, including email address and company details which you may submit to us when you request a quote

When you apply for one or more of our services (via the web-site or via email) we may process information necessary to performing credit checks and creating your account, such as:

- your name, identification information and contact details
- copies of director ID and company registration documents
- telephone numbers

When you call us or we call you:

- we may intercept (record calls) and monitor your communications to the extent permissible by law. Our sole intention in doing so is to monitor the quality of the service we give you in order to ensure the quality is maintained, and for disclosure purposes
- we update the information we have on your account profile based on the information you provide, if necessary

When you apply for employment with us:

- your name, contact details, ID number and whatever other information you submit to us via your CV as part of a job application
- your background check report

In all cases, the requested information is necessary for us to provide you with service. We review our collection processes on a regular basis to ensure the information we collect is not excessive.

### Website Cookies

Cookies are text files placed on your computer to collect standard Internet log information and visitor behavior information. When you visit our websites, we may collect information from you automatically through cookies or similar technology.

We use first party cookies. Those are cookies that are set by our website and can only be read by our website. They are used for the functionality of the website (allowing our Website to recognise that you have visited it before, allowing you to securely use our phone system, etc.).

Our fin-tax.co.za website also uses third party cookies (Google). These are cookies set by Google services or software, such as analytics, maps, online videos, advertising and remarketing or social networking features. Google uses cookies on your browser to store your options such as user preferences, information of google maps, preferred zoom level, website statistics, etc. These cookies may get re-read during a visit to other sites if they do business with Google as well (e.g. YouTube). Data collected is used in accordance with Google's privacy policy (<https://policies.google.com/privacy>).

You can set your browser not to accept cookies. Some of our website features may not function as a result. For further information, on removing cookies from your browser, visit [allaboutcookies.org](http://allaboutcookies.org).

## What do we use your information for?

The information we collect from you may be used in one of the following ways (in addition to the ways we have set out above):

### Sales and Administration

- To enter into a contract with you
- To support our legitimate interests in managing our business (or those of a third party)
- To create your account
- To recommend a solution that optimally addresses your needs
- To recover debts or trace those who owe us money

### Product and Support

- To provide you with the accounting, bookkeeping, tax or other services you have requested
- To allow you to administer your account
- To bill you in accordance with your use of our services
- To prevent and detect fraud, information security and privacy incidents and other crimes
- To notify you about problems, important changes or developments in the services you receive
- To respond to your inquiries / complaints
- To process your requests in relation to your information

### Operations and Marketing

- For internal record keeping
- To evaluate our services with the purpose of improving our services
- To inform you of other products we offer by email or other direct contact, also known as direct marketing (only where you have not withdrawn your permission for us to do so)
- To advertise our business by publishing the names of our clients
- To do research and statistical analysis to understand how you use our network, products and services and enable FINtax to improve those

### Human Resources

- For evaluating candidates for positions within the company or evaluating staff and consultants

We use your information in-line with the reason you submitted it to us and we respect your interests and rights. For instance, CV related information will only be used to process job applications and for no other reason.

## How do we protect your information?

We have implemented an Information Security Framework and are putting in place a variety of security measures to maintain the safety of the personal information that is processed by FINtax. These measures are in line with market standards, and generally acceptable requirements in the industry, and in line with any requirements imposed on us by law or in a code of conduct approved by the Information Regulator.

### Shared Responsibility Model

Privacy, just as security, is a shared responsibility between FINtax (who is an Operator in terms of PoPIA) and the customer (who is the Responsible Party in terms of PoPIA).

FINtax is responsible for providing a secure communications tool and the customer is responsible for using it securely.

FINtax has put controls in place to secure the customer's information while it is stored and transferred in the FINtax environment.

The customer's responsibility lies with:

- ensuring that access to the FINtax system is controlled (e.g. by selecting a strong password and keeping it safe) and
- conforming with the legal requirements that apply to the customer when obtaining, processing and storing their information in the FINtax system. In terms of the South African law (PoPIA, 2013), the customer is the Responsible Party and should conform with the requirements for Responsible parties when processing information using the FINtax systems.

### Third party access to your information

We use third parties to enable our service to you. They may be suppliers of telecommunications lines, hosting services and data storage or companies that provide us with technical support, email communications, etc. We implement controls to ensure your information cannot be accessed by our third-party providers without authorisation (encryption of information, access controls, terms and conditions agreements, etc.).

We review the Terms and Conditions and the Service Level Agreements of our third parties to ensure your information cannot be processed in a manner contrary to the requirements of the South African Protection of Personal Information Act, 2013 (PoPIA).

We may disclose your information to professional advisers, judicial, regulatory and law enforcement bodies as and when required, for the purposes of defending or instituting claims, litigation, disputes or taking legal advice on any matter including matters that are strategically important to FINtax. We do not grant access to any information that is not strictly within the scope of work of those parties, nor do we grant them access to any more information that is strictly necessary.

With the exception of the cases mentioned above, none of your information is shared with any other company for any reason whatsoever, unless we first obtain your explicit consent.

### What if you refuse to submit the requested information?

Providing your personal information to FINtax is voluntary.

However, should you not provide the information we request, or should you withdraw consent for us to have your personal information (see below) we may not be able to provide you with our services.

Where relevant, consent clauses are included in our forms, including opt-in/opt-out for using your customer logo and name for advertising purposes.

Should you provide us with the personal information of any other third party, it is your responsibility to inform the third party that you intend to disclose or that you have disclosed their details to FINtax and notify them of this Privacy Notice. You indemnify us against any claim from that third party regarding our access to or use of their personal information.

You may withdraw your consent to our collecting, processing or use of your personal information at any time by addressing a written notice to us.

## What is the lifecycle of your information?

### Customer information

The information you provide in order to enter into a contract with us is stored into our systems for the period of our relationship. Should our contract come to an end for any reason, we will need to retain the information we require under section “For how long does FINtax retain your information?”.

## Do you use an automated decision-making system?

Automated decision-making systems are not relevant to our Company’s business and are therefore not used.

## For how long does FINtax retain your information?

For accounting, tax and legal reasons, we keep the following client information for an unlimited amount of time:

- information provided to create your account and render services
- tax or accounting related information: invoices and Call Detail Records (CDRs)

However, we only store and we do not process that information after your services have been terminated; unless we need to use it in dealing with complaints, disputes, legal action or prospective litigation, or taking advice on any of these.

## Transborder Data Transfers

FINtax uses local and international cloud services to provide an economical, secure and scalable product. As a result, many of our services are hosted outside South Africa. However, we review the Terms and Conditions of our service providers to ensure that the level of protection of your information is in line with the information security requirements imposed by PoPIA, and this is our sole responsibility in this regard.

## What are your rights?

To protect your privacy FINtax provides you with the following:

- **The right to access** – You have the right to request details of personal information which we hold about you under the Promotion of Access to Information Act, 2000 (PAIA) as well as under the Protection of Personal Information Act (PoPIA), 4 of 2013.

If you would like to obtain a copy of your personal information held by FINtax, please email [queries@fin-tax.co.za](mailto:queries@fin-tax.co.za) for a copy of our PAIA Manual

- **The right to rectification** – You have the right to request that we correct any information about you that you believe is inaccurate or incomplete.
- **The right to erasure (right to be forgotten)** – You have the right to request that our Company erases your personal data, unless the law requires us to keep it. We cannot delete data that is related to our billing system.
- **The right to restrict processing** – If you are not a customer, you may withdraw from our mailing lists at any time by unsubscribing. If you are our customer, we process your personal data in order to provide you with our services. You have the right to request that Our Company restricts the processing of your personal data. In such a case, we will not be able to provide you with our services.
- **The right to object to processing** – If you are not a customer, you may withdraw from our mailing lists at any time by unsubscribing. FINtax will remove your contact details from our marketing platforms.

If you are our customer, we process your personal data in order to provide you with our services. You have the right to object to Our Company's processing of your personal data. In such a case, we will not be able to provide you with our services.

- **The right to data portability** – You may request a copy of your call recordings. You may save those at a medium of your choice. The rest of the data we collect about you are only relevant to our system and cannot be transferred to another organisation.

If you make a request, we will respond to you within a month. If you would like to exercise any of these rights, please contact us.

Further, FINtax provides you with the following:

- **Your right to withdraw consent** - You may withdraw your consent to our contacting you for direct marketing at any time by unsubscribing from our mailing lists.

At any stage, you may withdraw your consent to our processing your data altogether. You will need to give us adequate time to remove you from our systems and note that this may result in us terminating your services.

- **Your right to lodge a complaint with a supervisory authority** - Should you have concerns about the way your data is handled by FINtax and should the explanations provided not be satisfactory, you have the right to lodge a complaint with the Information Regulator. The latest contact details, can be found here: <https://www.justice.gov.za/infoereg/contact.html>

## Terms and Conditions

The Privacy Notice reflects our Privacy Policy, is complementary to and should be read and understood together with our Terms and Conditions.

The Terms and Conditions establish the use, disclaimers, and limitations of liability governing the use of all our services.



## Changes to our Privacy Policy

If we decide to change our Privacy Policy, we will post those changes on our website. We will also notify you by means of a prominent notice on the Website prior to the change becoming effective only if we make material changes to this policy.

## Your Consent

By using our website, otherwise contacting us or by using our product you confirm that you have read, understood and consent to the terms and conditions set out in this notice.

You may withdraw your consent at any stage. We will need adequate time to remove you from our systems.

## Contact details

You should direct any queries on our privacy policy notice to our Information Security Officer:

Diane Pardoe  
queries@fin-tax.co.za  
021 782 5575

or write to us:  
PO Box 37759, Vallyland, 7978