

E-mail Warnings and Disclaimers

Bennett McNaughton & Jansen (“BMcJ”): Email warnings and disclaimers

You have accessed this web page by clicking on the warnings and disclaimer hyperlink appearing on an official from Bennett McNaughton & Jansen in South Africa (“the email”). The full text of the warnings and disclaimers appears below and is legally incorporated into this e-mail in terms of the South African Electronic Communications and Transactions Act, 25 of 2002, and is binding on the recipient and any other persons or entities who has sight of the e-mail.

Email Usage: Confidentiality and Disclaimer Warnings

Confidentiality Warning

This e-mail and any files or attachments transmitted with it are confidential and intended solely for the use of the individual or entity to whom, or to which they are addressed. If you are not the intended recipient of this e-mail (or such person’s authorized representative), please notify the sender of this e-mail immediately by return e-mail, facsimile or telephone and delete this message, together with any, and all attachments from your computer. If you are not the intended recipient then you may not, furthermore, print, store, forward or copy this message or any part thereof or disclose or cause information in this message to be disclosed to any other person, nor rely, or cause to be relied, on the information contained herein.

Warning concerning privilege and authority to bind

The information in or attached to this e-mail message is confidential and may be subject to legal privilege and client confidentiality. Nothing in this message constitutes an offer, warranty or representation from the company. While BMcJ may be entitled to rely on and hold you to your offers, warranties, representations or other statements made in or attached to this message, our employees or representatives may not conclude agreements or otherwise bind our company via email (or otherwise in writing, through conduct or verbal communication) unless the email is sent by a partner of BMcJ. In the event of any doubt, recipients of BMcJ email should confirm with the sender whether the sender has the necessary authority to bind the company, and if necessary, may request that the sender’s superior confirm this in writing prior to concluding any agreement via email. Requests for authorization may be sent to feedback@bmjattorneys.co.za

Disclaimer concerning viruses

Although BMcJ has taken reasonable precautions to ensure no viruses are present in this e-mail, the company cannot accept responsibility for any loss or damage arising from the use of this e-mail or attachments resulting from

malicious software code or viruses contained in this message or attachments, including data corruption resulting there from. BMcJ warns all recipients that computer viruses can be transmitted via email. E-mail transmission cannot be guaranteed to be secured or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The recipient should check this email and any attachments for the presence of viruses.

Disclaimer concerning sending of spam

BMcJ employees are prohibited from sending unsolicited messages ("spam"). If this e-mail contains spam then the employee has acted outside the scope of her or his employment with BMcJ for which the company accepts no liability whatsoever. Disciplinary action will be taken against such employees in addition to any legal action that may be instituted against such employees either by the company, regulatory authorities and/or other external parties. If you regard this message as spam, please inform BMcJ immediately by sending an e-mail to feedback@bmjattorneys.co.za

Disclaimer concerning sending of offensive, derogatory or defamatory matter

BMcJ employees are prohibited from sending messages containing offensive, derogatory or defamatory statements or materials. If this email contains such matters then the employee has acted outside the scope of her or his employment with BMcJ for which the company accepts no liability whatsoever, and only the sender can be held liable in his/her personal capacity. See also "Disclaimer concerning personal usage of email".

Disclaimer concerning personal usage of company email

The usage of company infrastructure including email and internet facilities is intended for company work-related product only. BMcJ does not accept any liability to recipient(s), either within BMcJ or external to BMcJ, for the actions of its employees when acting in a personal capacity and disclaims any liability for the contents of email sent by company employees using company facilities that contain partial or complete personal content. For the purpose of this policy the terms "personal usage", "personal reasons" and "personal content" refers to the usage of company facilities such as email to convey messages to a recipient(s), be it within BMcJ or external to BMcJ, that is not company work-related product.

Notice concerning monitoring of email

BMcJ employees making use of company facilities to send and receive emails, and the recipients or senders of such emails, are informed that the company has the right to monitor the use of its facilities including the contents of emails sent and received by employees. The company endeavors to protect the privacy rights of its employees provided that such rights do not impair, harm or threaten the

rights of the company and its legitimate interests, or any laws, rules and/or regulations of external authorities that may be binding on the company.

Implications of Section 11(3) of the South African “Electronic Communications and Transactions Act”

All company e-mails contain an abridged disclaimer which is linked to this page of the company website which contains the entire disclaimer. The entire disclaimer is deemed to form part of the email contents in term of Section 11 (3) of the South African “Electronic Communication and Transactions Act”, Act 25 of 2002, which reads as follows:

“11. (3) Information incorporated into an agreement and that is not in the public domain is regarded as having been incorporated into a data message if such information is -

- a. referred to in a way in which a reasonable person would have noticed the reference thereto and incorporation thereof; and
- b. accessible in a form in which it may be read, stored and retrieved by the other party, whether electronically or as a computer printout as long as such information is reasonably capable of being reduced to electronic form by the party incorporating it”

General

Unless otherwise agreed: (a) BMcJ is only deemed to have received an e-mail once the recipient has confirmed receipt thereof to you; (b) the company deems to have sent an e-mail once reflected as sent by our email service provider. For the purposes of this Confidentiality and Disclaimer Warning in respect of the usage of BMcJ e-mail, the term employee refers to any person, whether employed on a permanent, temporary or contract basis who has access to e-mail services provided by BMcJ.