

# WEBBER WENTZEL ALERT



Webber Wentzel Alert is a web-based tool that helps launch an automated emergency response at the click of a button to quickly mobilise the right people and expert advisors into action.

It ensures that a pre-identified group of individuals (internal and external) are notified of the raid / breach / inspection / incident and at what site (business premises). It also provides best practice customised guidelines and checklists to ensure that the business response is legally compliant and organisationally aligned.

Quick and considered responses can mitigate some of the serious consequences of non-compliance.

Non-compliance can have severe consequences including large fines and imprisonment. Operations can also be shut down. Over and above that, the reputational damage for businesses and individuals can be devastating.

## COMMON RISK AREAS WHERE THE ALERT TOOL IS CRITICAL:



### Dawn raids

Regulator raids by tax and competition authorities are always a possibility. There is also an uptick of unexpected arrivals by special crime investigation units like the Hawks.



### Environmental incidents

The department of environmental affairs also inspects premises for non-compliance and has an environmental crimes and an incidents hotline.



### Workplace inspections and incident response

Workplace inspections are also common. These inspections have increased since Covid-19 struck in 2020. Employers must also ensure that reportable incidents are appropriately managed and reported in order to ensure compliance with health and safety laws.



### Data breaches

Data breaches are on the increase, particularly cyber-attacks or hacking. Data is increasingly being regulated too.

## ASSESSING THE COMMON RISKS:

- The Competition Commission raided 70 companies over the past few years. A company may face a penalty of up to 10% of its annual turnover if found guilty of anti-competitive behaviour
- In 2019 the Department of Labour conducted almost 200 000 workplace inspections – and almost 40 000 contravention notices were issued. Involved personal and the CEO in their personal capacity can be liable for a breach of Occupational Health and Safety Act
- In 2020 the environmental management inspectorate issued 1400 notices and opened 1300 criminal dockets. Over 5400 facilities were inspected (2000 were unplanned/ unannounced). The environmental hotline received over 1000 complaints during 2020. Directors can be held criminally and civilly liable for environmental non-compliance and transgressions
- Mimecast reports that during the last quarter of 2019 South Africa was hit by 14 major cyberattacks across several industries, including IT, retail, insurance, banking and transport. The Mimecast Email State of Security Report 2020 showed that 53% of South African organisations have reported an increase in phishing attacks, 46% reported an increase in impersonation fraud and 75% of that increase in impersonation fraud occurred in the first 100 days of Covid-19. 29 data breaches were reported to the Regulator’s office between May and September in South Africa. Cyberbreaches have very significant reputational risks and may also face significant fines by information regulators

## THE BENEFITS AND COSTS OF WEBBER WENTZEL ALERT:

### BENEFITS



#### Guide your actions

Best practice guidelines, contact information and checklists on your mobile to access on the move.



#### Reduce your risk profile with a solution that is tailored to your business

Fit-for-purpose workflow and navigation to suit the situation with updates in line with legislative changes.



#### Ensure your response is well coordinated and consistent with the right legal assistance

Take advantage of our experience to design and implement guidelines and procedures to follow, as well as practical training on how to respond.

### COSTS



#### Costs depend on specific requirements

Like the number of sites and the number of specific applications required. We aim to keep the costs reasonable and see the tool as more of a value-add service to our clients.

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#### About Webber Wentzel

We are the leading full-service law firm on the African continent, providing clients with seamless, tailored and commercially-minded business solutions within record times. Our alliance with Linklaters and our relationships with outstanding law firms across Africa ensures our clients have the best expertise wherever they do business.