

ROWLEY DICKINSON PRIVACY NOTICE

DATA PROTECTION

PROCESSING OF DATA

Rowley Dickinson Solicitors (collectively referred to herein as “we”, “us”, or “our” in this Privacy Notice) is the Data Controller and as such responsible for your personal data. This Privacy Notice aims to give you information on how your personal data is processed by us and sets out the ways we collect, use, retain and destroy your data within the accepted legal and ethical parameters. We hope this notice will answer any questions you may have but if you need any further information please email us via our contact page on www.rowleydickinson.co.uk and head your message ‘**Data Protection Request**’.

TYPES OF DATA

Personal Data

Due to the wide ranging nature of the legal services we provide the types of personal data we process can be quite varied. If you are our client or an employee of a business client it will usually include full names, contact details, dates of birth and other associated client information. It is our standard practice to request identification details, including for example, copies of your Passport or Driving Licence. Other information may include but is not limited to necessary details of your financial affairs (including statements from banks, building societies, pensions or other financial services providers), national insurance number, trade union affiliation, employment background, family and lifestyle/social circumstances, and details concerning any business you may be connected with. This list is not exhaustive and may include other types of data requests necessary to provide you with appropriate legal advice and assistance including special categories of data as set out below.

Special Categories of Data

Special categories of data relates to types of personal data considered sensitive and may include information about your physical or mental health/condition, racial or ethnic origin, sex life or sexual orientation, religious, political or philosophical beliefs, trade union membership, and/or genetic or biometric data (used for the purpose of unique identification).

We will, for example, need to process special categories of data if you instruct us to deal with a claim for personal injury damages or in an employment dispute relating to alleged discrimination against you.

OUR LAWFUL BASES FOR PROCESSING

Our lawful bases for processing your personal data may include one (or more) of the following categories:-

Contract

The processing is necessary in connection with a contract you may have with us (most commonly a contract for legal services), or because you have asked us to take specific steps before entering into such a contract.

Legal Obligations

The processing is necessary for us to comply with our legal and statutory obligations (not including contractual obligations); for example to carry out ID verification for the purpose of preventing money laundering.

Legitimate Interests

The processing is necessary in order that we may pursue our legitimate interests which may include our business of providing legal services and/or the pursuance of our general business interests.

Our general business interests would, for example, cover matters such as notifying our professional indemnity insurers if making a claim or for the purpose of obtaining cover, dealing with our Accountants and other similar matters.

In processing your personal data in connection with our legitimate interests we will assess the potential impact on you and will not use your personal data for activities where our interests (or those of your employer) are overridden by the impact on you (unless we have your consent or are otherwise required or permitted by Law).

Consent

In some circumstances we may process personal data on the basis that you have provided your express consent for example by instructing us on a matter and/or providing identification details. Please note that you have the right to withdraw consent, which you can do by getting in touch with us using the contact details advised above.

Please note that in the case of special categories of data (as set out above) the processing will only be done with your explicit consent (which you will have the right to withdraw as more particularly explained to you at the outset of your case by the fee earner instructed in your matter) and/or in circumstances where the processing is necessary for the establishment, exercise or defence of legal claims.

FAILURE TO PROVIDE PERSONAL DATA

In the event that you fail to provide personal data when requested which we may need to collect by Law, or under the terms of a Contract we have with you, then we may not be able to supply legal services to you. In this case, we may have to terminate our professional relationship with you and will notify you separately in writing should this later be the case.

SHARING OR DISCLOSURE OF YOUR PERSONAL DATA

In accordance with the lawful bases set out above there may be instances where we may have to share your personal data with third parties who may include the following:-

- Third parties instructed/involved in your legal case, for example expert and lay witnesses, Counsel/Barristers, Private Investigators, Costs Draftsmen, Counterparties, Courts or Tribunals.
- Your Trade Union in accordance with its legal advice and assistance schemes.
- Suppliers and service providers used by us in providing legal services, including (without limitation) postal services, document storage/destruction facilities, IT service providers, and providers of our IT servers.
- HM Revenue & Customs (for example if we are submitting a Stamp Duty Land Tax application or a Shares Stock Transfer form for stamping).
- The Land Registry (if we are dealing with a property transaction for you).
- Executors of your Will following your death (for matters relating to the administration of your Estate).
- Financial organisations, debt collection, credit reference and tracing agencies.
- Our Accountants/Auditors (who review a random selection of our client files from time to time).
- Our own legal and other professional bodies such as the Solicitors Regulation Authority, our insurers and insurance brokers.
- Government agencies, regulators and other authorities (including without limitation) the Information Commissioner and Ombudsmen.
- Third parties to whom we choose to sell, transfer, or merge parts of our business or our assets. Should a change happen to our business then the new owners will be obliged to process your personal data in the same way as set out in this privacy notice in accordance with legal requirements.

DATA SECURITY

We have taken steps to ensure your personal data is held securely and will not be subject to any unauthorised use, disclosure or access. In addition we limit access to your personal data to those employees and third parties who have a business need to know. They will only process your personal data on our instructions and are subject to a duty of confidentiality.

DATA RETENTION

We will keep your personal information for a minimum of 6 years after the end of your case or matter.

This period may be longer depending upon the type of matter and in some cases for example concerning matters such as Wills and Trusts we are legally required to keep the files indefinitely.

The person responsible for your case should inform you of the relevant file retention period at the outset of the matter and you should contact them in the first instance if you need to query the position.

YOUR DATA PROTECTION RIGHTS

If you wish to exercise any of the rights set out below please let us know using the contact details at the start of this Privacy Notice.

We may not have to comply with your request but we would provide reasons explaining why we believe we are entitled to refuse.

(1) Access to Data

You are entitled to request access to your personal data more commonly known as a **'data subject access request'**. This enables you to receive a copy of the personal data we hold about you and to check that we are processing it lawfully.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights set out below). However, we may charge a reasonable fee if your request is clearly unfounded, excessive or repetitive. Alternatively, we are entitled to refuse to comply with your request in these circumstances.

(2) Correction to Data

You are entitled to request correction of any personal data that we hold about you. We may, however, need to verify the accuracy of any new data you provide to us.

It is important that the personal data we hold about you is accurate and current. It will be helpful therefore if you please keep us informed if your personal data changes during your relationship with us.

(3) Erasure of Data

This entitles you to ask us to delete or remove/destroy personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below). Please note, however, that we may not always be able to comply with your request to erase your data for specific legal reasons which will be notified to you, if applicable, at the time of your request.

(4) Object to Processing of Data

This right would apply in the event we are relying on a legitimate interest (or those of a third party) and there is something concerning your particular situation which makes you want to object to processing on this ground, as you believe it impacts on your fundamental rights and freedoms. In some cases we may be able to continue processing if we can demonstrate that we have compelling legitimate grounds to process your information which overrides your rights and freedoms. We may also continue the processing if it is for the establishment, exercise or defence of legal claims.

You also have the right to object where we are processing your personal data for direct marketing purposes.

(5) Request Restriction of Processing of Data

This right would apply in the following scenarios:-

- (a) If you want us to establish the data's accuracy;
- (b) Where our use of the data is unlawful but you do not want us to erase it;
- (c) Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
- (d) You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

(6) Request the Transfer of Data/Data Portability

Where our systems allow, we will provide to you (or a third party chosen by you), your personal data in a structured, commonly used, machine readable format. Please note this right only applies to information which is processed by automated means. We do not currently hold client's personal data in a form that is readily portable and it is unlikely we would be able (or required) to comply with such a request.

(7) Withdraw Consent

You may withdraw consent at any time where we are relying on consent to process your personal data. This will not affect the lawfulness of any processing carried out before you withdraw your consent. If you do withdraw your consent, we may not be able to provide services to you and will advise you should this be the case at the time you withdraw your consent.

TIME LIMIT TO RESPOND

We try to respond to all legitimate requests concerning personal data within one month. Occasionally it may take us longer than a month if your request is substantial or complex or where you have made a number of requests. We will notify you in writing in the event we believe that it will take us longer than one month to deal with your request.

YOUR RIGHTS

If you are unhappy with the way in which we have processed your data you have the right to make a complaint at any time to the **Information Commissioner's Office (ICO), the UK Supervisory Authority for Data Protection Issues** (www.ico.org.uk).

We would appreciate the chance to deal with your concerns before you approach the ICO so please do contact us in the first instance. You may for example ask the Fee Earner dealing with your case to provide you with a copy of the firm's complaint's procedure or contact the firm's Senior Partner Mr A. Fitzpatrick on af@rowleydickinson.com