

NICHOLLS SOLICITORS

PRIVACY STATEMENT

INTRODUCTION

This Privacy Statement explains in detail the types of personal data we may collect about you when you use our services. It also explains how we will store and handle that data and keep it safe.

This Privacy Statement is dated 20th November 2019. We may change it from time to time in order to reflect any changes to the way in which we process your personal data or changing legal requirements. In case of any such changes the changed Privacy Statement will be posted on our website or by other appropriate means and the changes will take immediate effect.

Who is responsible for your data?

As your solicitors, Nicholls Solicitors Ltd is the Controller and is responsible for the processing of your personal data. Nicholls Solicitors Ltd (“we” “us” in this Privacy Statement) is a Limited Company. Its registered number is 05876569 and its registered office is at Mayfield Chambers, 228a Stockport Road, Timperley, Cheshire, WA15 7UN.

We are authorised and regulated by the Solicitors Regulation Authority. Our SRA authorisation number is 447622 and we are registered with the Information Commissioners Office, Registration Number Z5134209.

Ms Sarah Birdsey has been appointed Data Manager for the company. Should you have any enquiries in relation to your personal data please contact her on 0161 980 6099.

Why do we use your personal data?

The Primary reason for asking you to provide us with your personal data is to allow us to carry out your requested legal work. We may use your personal data for a number of legitimate business interests for example:

- Fraud Prevention
- Network and Information Systems Security
- Data / Analytics / Enhancing / Modifying or Improving Services
- Identifying Usage Trends
- Determining the Effectiveness of Promotional Campaigns and Advertising

When do we collect your personal data?

The information we hold about you may be gathered from a variety of sources. The primary one will be the information you provide yourself:

- When you instruct us to act on your behalf in the provision of legal advice and services
- When you visit our offices
- When you engage with us on social media
- When you contact us by any means with queries or complaints etc.
- When you ask us to email you information about our services
- When you book any kind of appointment with us or book to attend an event
- When you comment on or review our services

We may also gather information in the following ways:

- When you've given a third-party permission to share with us the information, they hold about you for example an estate agent
- We collect data from publicly available sources (such as Land Registry, Electoral Roll, Credit reference agencies) when you have given your consent to share information where the information is made public as a matter of law

In addition, you may provide information relating to someone else – if you have the authority to do so and information may be passed to us by third parties in order that we can act on your behalf. Typically, these organisations can be:

- Banks or Building Societies
- Panel Providers who allocate legal work to Law Firms
- Organisations that have referred work to us
- Medical or Financial institutions which provide us with your personal records

What sort of personal data do we collect?

- If you instruct us to act on your behalf, we will request your personal details such as your name, gender, date of birth, address, email and telephone numbers.
- We will keep records of any communication between yourself and any member of our team. For example, we collect notes from our conversations with you, emails, details of any complaints or comments you make, web pages you visit and how and when you contact us. If you make contact with us with an initial enquiry we may still have collected some of your personal data.
- We keep copies of documents you provide to prove your age or identity where the law requires this. This will include details of your full name, address, date of birth and in some cases, facial image. If you provide a passport, the data will also include your place of birth, gender and nationality.
- Information gathered by the use of cookies in your web browser.
- Payment card information
- Your comments and reviews regarding our services
- Your social media username, if you interact with us through those channels, to help us respond to your comments, questions or feedback.

- CCTV is in operation at our office locations and your image may be recorded if you visit our premises.
- In certain types of work, we will process your personal data which is by its nature is more sensitive. This type of information may include your racial or ethnic origin, religion, sexual orientation, political opinions, health data, trade union membership, philosophical views, biometric and genetic data. This type of data is only processed if absolutely necessary for the purposes of carrying out client instructions.

How do we use your personal data?

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we are about to enter into or have entered into with you to provide legal services to you
- Where we need to comply with a legal or regulatory obligation
- In case of special or sensitive personnel data, where you have consented and/or it is necessary for the establishing or defence of legal claims.

The following are some examples, although not exhaustive, of what we may use your information for:

- Verifying your Identity
- Verifying source of funds (to comply with Anti-money laundering regulations)
- Communicating with you
- Obtaining insurance policies on your behalf
- Processing your legal transaction including but not limited to providing you with advice, carrying out litigation on your behalf; attending hearings on your behalf; preparing documents or completing transactions on your behalf
- Keeping financial records of your transactions and the transactions we make on your behalf
- Seeking advice from third parties; such as legal and non-legal experts
- Responding to any complaint or allegation of negligence against us
- To provide you with any other information that you request from us
- To comply with our legal and professional responsibilities
- Where we have other legitimate reasons, such as for internal compliance and security purposes

How do we protect your personal data?

Client confidentiality is of upmost importance to us and the protection of your data while it is in our care is integral to this.

- We have put in place high standards of technological and operational security in order to protect data from loss, misuse, alteration or destruction.

- We have strict policies and procedures regarding the client confidentiality which apply to both internally to our personnel and externally to all third parties which might have access to the data

How long will we keep your personal data?

Your personal information will be retained, in computer or manual files, for as long as necessary to fulfil the purposes for which the information was collected, or as required by law or as long as it set out in any relevant contract you may have with us. For example:

- As long as it is necessary in order to carry out your legal work
- For a minimum of 6 years from the conclusion or closure of your legal work in case you, or we, need to re-open your case for the purpose of defending complaints or claims against us or for any other reason.
- For the duration of a trust
- Some information or matters may be kept for 10 or 12 years – such as commercial transactions, purchases, matrimonial matters (financial orders or maintenance agreements etc – 10 years)
- Probate matters where there is a surviving spouse or civil partner may be retained until the survivor has died in order to deal with the transferable inheritance tax allowance
- Wills and related documents may be kept indefinitely
- Personal Injury matters which involve lifetime awards or PI Trusts may be kept indefinitely.

We also often store original wills and deeds to properties for clients in our deeds and wills safe. These may be kept indefinitely or until you (or your executors) request that they are removed. We regularly review the items in storage to ensure that circumstances have not changed.

Who do we share your personal data with?

In order to fulfil our obligations to you as a client and in order to run our business it is necessary sometimes to share your personal data with trusted third parties. In these circumstances we provide only the information they need to perform their specific services and they may only use that data for the specified reasons.

In addition, we will ensure that they are contractually obliged to ensure that your privacy is respected and protected at all times and if we stop using their services, any of your data held by them will either be deleted or rendered anonymous.

Examples of these third parties include:

- HM Land Registry to register a property
- HM Revenue and Customs e.g. for Stamp Duty Liability
- Court or Tribunal

- Companies House
- Solicitors acting on the other side
- Asking an independent Barrister or Counsel for advice or to represent you
- Non legal experts to obtain advice or assistance
- Translation agencies
- Contracted suppliers
- External auditors or our Regulator; e.g. SRA, ICO etc
- Our Case Management providers, Accounts software providers, accountants
- Bank or Building Society; or other financial institutions
- Insurance companies
- Providers of Identify Verification
- Any disclosure required by law or regulations; such as the prevention of financial crime and terrorism
- If there is an emergency and we think you or others are at risk

There may be some uses of personal data that may require your specific consent. If this is the case we will contact you separately to ask for your consent which you are free to withhold or give and later withdraw at any time.

What are your rights over your personal data?

You have the right to:

1. **Request Access** to your personal data (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 lawfully processing it. A request for access to your personal data means you are entitled to a copy of the data we hold on you – such as your name, address, contact details, date of birth, information regarding, your health etc but it does not necessarily mean that you are entitled to the documents that contain this data. If you wish to make a request, please do so in writing to our Data Protection Officer Sarah Birdsey or contact the person dealing with your matter. In the vast majority of situations, you will not be charged for making an access request.
2. **Request Correction** of the personal data we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, although we may need to verify the accuracy of the new data you provide to us.
3. **Request Erasure** of your personal data – (‘right to be forgotten’). This enables you to ask us to delete or remove 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), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request for erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request
4. **Object to Processing** of your personal data where we are relying on our legitimate interests (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it

impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process our information which override your rights and freedoms.

5. **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data 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 your personal data to you or a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
7. **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

To protect confidentiality of your information, we will ask you to verify your identity before proceeding with any request you make under this Privacy Notice. If you have authorised a third party to submit a request on your behalf, we will ask them to prove they have your permission to act. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Complaints about the use of personal data

If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer, Sarah Birdsey. If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner's Office (ICO).

You can contact them by calling 0303 123 1113 or go online to 111.ico.org.uk/concerns (please note we can't be responsible for the content of external websites)

Further Information

We hope this privacy notice has been helpful in setting out the way we handle your personal data and your rights to control it.

If you have any questions that have not been covered, please contact our Data Manager who will be pleased to help you. She can be contacted on 0161 980 6099 or emailed on sarah.birdsey@nichollssolicitors.com