

Prettys Solicitors LLP
Privacy Information Notice for our clients

What is the purpose of this document?

Prettys Solicitors LLP (referred to below as "Prettys", "the Firm", "we", "us" or "our") is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you when you purchase products and services from us.

Prettys is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former clients as well as prospective clients. Although we have a number of corporate clients, we do not anticipate the data that we collect in relation to those corporate clients to be personal data. However, we anticipate that we may collect limited data about some individuals within those corporate clients, such as directors and managers who may give us instructions, or otherwise be involved in matters where we are instructed by the company. This notice therefore also applies to those individuals.

This notice does not form part of any contract with you and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.

- Gender.
- Marital status and dependants.
- Bank account details.
- Your billing history, and financial history with us.
- Your credit history.
- Your driving licence and passport details.

In addition, the nature of our business means that we may collect a significant amount of other personal information about you or those connected with you for the purposes of advising you or representing you. The nature of this personal data is too wide for us to do anything other than give examples, but these examples would include:

- Where we are acting for you in a dispute, details of your relationships with other parties; details relating to particular facts or circumstances relevant to the dispute, and details of your intentions relating to the outcome of that dispute.
- Where we are acting for you in the purchase of a property, details of your property, including its value and state of repair; details of your mortgage provider, and how you are financing the purchase, together with details of your bank, and the identities of various other providers of services to you, such as your insurer, independent financial adviser etc.
- Where we are acting for you in preparing a will, then we will process information about your family members, your assets and your wishes for your funeral.
- Where we are acting for you in a personal injury claim then we will have information relating to your medical history, the nature of your injuries, your job and your attitude towards the dispute.

If you are involved in a matter because you are connected with a company or other organisation that is our client, then we will only process personal information about you to the extent that it is relevant to our instructions. Typically this will involve keeping a record of your work contact details, and position within the organisation. In some circumstance, such as where we are acting for a company in a dispute, then we may also need to process personal information relating to your involvement with that dispute. This may include information about your work history, your expertise and your involvement in, or recollection of, certain relevant situations or facts.

Sometimes the nature of our relationship with you may mean that we need to process what is known as “special category” data about you. This is dealt with below.

How is your personal information collected?

We typically collect personal information about clients and potential clients directly from them. We may sometimes collect additional information from third parties including:

- Credit reference agencies
- Companies House
- The Land Registry
- Other professional advisers, such as independent financial advisors or medical experts

- The other parties (or their representatives) in disputes or transactions
- Government agencies, such as HMRC.

How we will use information about you

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

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

Situations in which we will use your personal information

We will need to use the categories of information set out in the list above under the heading 'The kind of information we hold about you' in certain circumstances. The situations in which we will process your personal information are listed below.

We have identified by the use of asterisks on the list below, the lawful basis on which we rely when we are processing or will process your personal information. We have also indicated which categories of data are involved.

Where we need the information primarily to allow us to perform our contract with you, this is indicated by *.

Where we need the information to enable us to comply with legal obligations, this is indicated by **.

In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. This is indicated by ***.

- Processing the contract that we have entered into in respect of our services. This will involve taking your name and address, taking full details of the matter about which you have sought our advice, setting out how we work and agreeing fees with you.*
- Fulfilling your instructions.*
- Undertaking routine "Know Your Client" checks. This may include a credit reference check (which we use for both money laundering compliance purposes and to assess your credit worthiness, so that we can assess whether to require money on account of our fees) and/or an identity check.**
- Liaising with you in relation to any issues or problems. *
- Contacting you to inform you of other products and services you might be interested in. ***

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. For the purposes of carrying out our or your obligations, or exercising specific rights in the field of employment, social security or social protection law.
3. Where it is needed in the public interest.
4. Where it is needed to protect your, or someone else's vital interests and you are not capable of giving your consent.
5. Where the processing is necessary to establish, exercise or defend legal claims or whenever courts are acting in a judicial capacity.

We will only process "Special Category" data where we need to do so for the purposes of fulfilling your instructions, or because of a professional obligation that we owe as a result of you having instructed us. Where we do process special category data we usually only do so for the purposes of establishing, exercising or defending legal claims, or where we need it because our instructions involve your rights or obligations in employment, social security or social protection law.

For example:

- If we are representing you in a personal injury claim then we will need to establish the nature and extent of your injuries, which will involve us processing data about your health.
- If we are advising you on a matter involving your will, then we will have to record any issues relating to mental capacity, which relates to social protection law.
- If we are representing you in a dispute about the breakdown of a relationship then we may need to record details relating to your health or your sex life.

We take our obligations to keep such personal information confidential extremely seriously, and if you ever have any concerns as to the nature of the personal information you may need to share with us then please do discuss this with us.

Data sharing

We may have to share your data with third parties, including third-party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law, where it is necessary to administer our contract with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

Primarily we will share your personal information with others who are involved in fulfilling your instructions. This may mean barristers who we instruct, other experts, such as surveyors, IFAs, accountants or medical experts.

We may also need to share your personal information with any other party, or their solicitors. We will only do so with your specific consent, or where we are required to do so by law.

There may be occasions where we are under a legal obligation to share your personal information with the courts or regulatory authorities. We will usually do so only with your specific consent, or where we are required to do so by law.

Finally, we use a select group of third party service providers to enable us to provide services to you. In particular:

- Our IT services are provided by Strategic Network Consulting Limited (www.method-it.co.uk) ("SNC"). Over the past few years SNC have helped us develop an extremely secure and robust IT infrastructure, so as to protect client data. They do have access to that data for the purposes of ensuring that our systems are properly maintained and backed up.
- Risk and compliance support is provided to us by Riliance (www.riliance.co.uk).
- Our confidential waste disposal and file storage is provided by Restore Plc (www.restore.co.uk).
- If you have asked us to store your will, then that fact will be recorded with the National Will Register Ltd (www.nationalwillregister.co.uk).
- We use Mailchimp (www.mailchimp.com) to manage and administer our mailing lists, which we use to send out invitations to events, legal bulletins etc.

We may also share personal information with our quality assessors, with our regulators and with our insurers. In particular:

- We have attained the Law Society's Lexcel quality mark. Lexcel ensures that we are worthy of that mark by auditing aspects of our practice each year. As a feature of this audit they will select a handful of client files and review those so as to assess the standard of our client service. Clients who do not wish to have their files audited can inform us accordingly, in which case their files will not be disclosed.
- We are audited each year by our accountants, for the purposes of ensuring that we are complying with the Solicitors Accounts Rules. This involves our accountants having access to both files and financial ledgers for the purposes of being able to certify our compliance.
- We are regulated by the Solicitors Regulation Authority, who may require access to our premises and records for the purposes of ensuring compliance with our professional obligations.

- If a complaint is made against us then the Legal Ombudsman may become involved, in which case we will be required to share the relevant client file with them for the purposes of their determination of the complaint.
- Our insurers may require access to our files, so as to assist us with claims or to assess premiums and terms for insurance renewals.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Transferring information outside the EU

In rare cases, we may wish to transfer personal data across international borders because we use, or may use, external service providers in other jurisdictions and personal data therefore needs to be transferred for the performance of the services. We can only transfer this data in certain circumstances.

Currently we only transfer data to Mailchimp, who are based in the USA. To ensure that your personal information does receive an adequate level of protection there are in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection. In the case of Mailchimp, this is a combination of EU approved contractual terms, binding corporate rules that have been approved by data protection authorities based in the EU, and by Mailchimp being signatories to the EU-US Privacy Shield.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Once this no longer applies we will securely destroy your personal information in accordance with our data retention policy. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party please contact us at compliance@prettys.co.uk.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please email us at compliance@prettys.co.uk. Once we have

received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Compliance contact

We have appointed a data privacy head to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the data privacy head at compliance@prettys.co.uk. 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.

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