

## Data Privacy Notice

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## Introduction

This Data Privacy Notice (**Notice**) explains how **Grindeys llp** (referred to as “**we**” or “**us**” in this Notice) protect and process personal data on behalf of clients and others using our services and websites.

Please read this Notice carefully to understand why data is collected and what we do with the data once it is in our possession.

This Notice should be read alongside our other policies which make reference to data protection, namely the:

- Website Terms & Conditions of Use; and
- Cookies Policy;

Our clients should also refer to our general Terms and Conditions which provide further information on confidentiality, data privacy and data disclosure.

The website covered by this Notice is [www.grindeys.co.uk](http://www.grindeys.co.uk). This Notice does not apply to any websites that may have a link to ours.

## Accountability

Data is collected, processed and stored by us. We are the “**data controller**”, for the purpose of the General Data Protection Regulation (**GDPR**) or any other relevant Data Protection law.

We are a limited liability partnership registered in England under number OC312191. If you wish to view our Data Protection Act registration the Information Commissioner’s Office reference is Z5307657. Our VAT number is 991 2756 85. We are authorised and regulated by the Solicitors Regulatory Authority.

Our Data Protection Lead is based at our Glebe Court office and can be contacted by e-mail at [dataprotection@grindeys.com](mailto:dataprotection@grindeys.com) or by telephone on 01782 840509.

## Applicability

This Notice is intended for clients and prospective clients only. Applicants for employment and employees have their own Data Privacy Notice.

## Children

Our website and services are not aimed specifically at children because in legal work children are generally represented by their parents or guardians. If you are a child and need further advice or explanation about how we would use your data, please contact our Data Protection Lead, who may be able to assist.

## Personal information

The exact information we will request from you will depend on what you have asked us to do or what we are contracted to do for you.

We always keep requests for information to the minimum level required to carry out your work.

Typically, we will need your full name, address, date of birth, e-mail and contact telephone numbers. We may also request copies of passports, driving licences, utility bills and similar to assist in confirming your identity.

If a transaction is involved, we will need details to support the funding of the transaction and how the funds came to be accumulated, in order to comply with our obligations under Anti-Money Laundering Regulations.

Whilst we appreciate that such requests can be intrusive, we are prevented by law from proceeding with your instructions until these checks have been completed.

As part of our anti-money laundering procedures we will carry out on-line searches to assist us in verifying your identity and any related parties to the matter or transaction. We may use companies within the EEA or globally to assist with these obligations, but we will ensure that these parties keep personal information safe whilst in their possession.

### **Categories of personal data held**

Occasionally, we may need to ask you about medical or other sensitive personal information, sometimes referred to as '**special categories**' of data. Such a request will require your explicit consent and would only be made if this information is required to carry out your instructions, provide you with assistance when on our premises or help us to understand any vulnerability you may have.

Such special categories would include:

- racial or ethnic origin;
- political opinion;
- religious or philosophical beliefs;
- trade union membership;
- physical or mental health or condition;
- sex life and sexual orientation;
- any kind of data relating to your genetic makeup; or
- biometric data used to uniquely identify an individual.

In certain cases we may need to share this information with third parties, such as medical professionals if you have had an accident and we are making a claim on your behalf. This is only done when there is a legitimate interest in doing so.

### **Sources of information**

We may obtain information about you from a number of sources:

- You may volunteer the information. This could be done verbally, in writing (for example, by letter, e-mail or fax) or input through our website. You must have the authority to disclose personal data if it relates to someone else and all data disclosed should be complete, accurate and up to date.
- Information may be passed to us by third parties in order that we can carry out our legal work on your behalf. Typically, these organisations may be:
  - Banks or building societies
  - Panel providers who allocate legal work to law firms
  - Organisations that have referred work to us
  - Other professional service firms such as accountants or independent financial advisors
- On our website, non-identifiable information on you may be collected – please refer to our Cookies Policy.

Because of the nature of our work, your personal information is never obtained from publically accessible sources.

### **Use of your personal data**

The primary reason for asking you to provide personal data is to allow us to carry out your instructions (clients) or to respond to requests for information (prospective clients) such as providing a quote.

Your information may be used in a number of ways including (but not limited to):

- Verifying your identity and establishing the funding of any transaction you have asked us to carry out on your behalf. This may involve us asking about how you came to accumulate the funds that are being used in your transaction. In a limited number of cases, where funding is being provided by family member or third party, we may need to ask you to obtain information from them and personal information provided to us will also be subject to the terms of this Data Privacy Notice;
- The detection of fraud;
- Communicating with you whilst we carry out your instructions;
- Providing you with advice, to carry out litigation on your behalf or on behalf of any organisation you represent, prepare documents or to complete transactions on yours or your organisation's behalf;

- Keeping financial records of your transactions and the transactions we make on your behalf. We do not store payment card information;
- Seeking advice from third parties in connection with your matter;
- Assisting you with the funding of your matter if it involves Legal Aid or 'no win no fee';
- Responding to any complaint or allegation of negligence against us;
- Providing updates and ID information to third parties connected to your transaction when this is in your interests and there is no disadvantage to you by so doing;
- Internal management and planning, which includes:
  - Resource management;
  - Planning of tasks or meetings;
  - Keeping records of sources of work and new enquiries;
  - Debt collection;
  - Storage and archiving of files and documents; and
- Providing you with information about further legal work or services that could benefit you, whilst we are carrying out your work.

### **Disclosure of data**

During the course of carrying out your instructions we are likely to need to disclose some information to parties outside of us; these disclosures are only made when necessary to carry out your instructions.

Examples include:

- HM Land Registry to register a property;
- HM Revenue and Customs for your Stamp Duty Land Tax liability;
- A court or tribunal;
- The solicitors acting on the other side of your matter;
- Our IT system is in the cloud and uses Microsoft's Azure system. Our IT management is provided by Quiss Technology plc. Our e-mail system is hosted by Mimecast. All data held by these providers remains in the UK;
- Legal counsel or non-legal experts (including MedCo Registration Solutions in relation to medical experts) to obtain advice or assistance on your matter;
- The bank or building society or other lender providing your mortgage finance;
- The insurance company funding a 'no win no fee' matter for you;
- Consultants providing us with independent quality checks of your files. Currently we use Legal Eye Ltd to carry out file reviews, Alcumus ISOQAR Ltd for ISO 9001 accreditation audits and Think Marble Ltd for Cyber Essentials Plus and ISO 27001;

- Our Solicitors Accounts Rules auditors Dean Statham LLP, as part of their regulatory checking on behalf of the Solicitors Regulation Authority. Our regulators, the Solicitors Regulation Authority may also request direct access to our client's records;
- Solicitors and insurers representing our interests in the event of a claim made against us by you;
- A prospective purchaser (or their advisors) of our business under a binding non-disclosure agreement;
- The providers of identity verification and assurance tools in order to confirm that we can take you on as a client. Our current providers are Lexis Nexis Tracesmart and Accuity;
- Any disclosure required by law in particular in relation to the prevention of financial crime and terrorism;
- Marketing campaigns and related services such as on-line surveys (Law League);
- Internet web designers Exesios Ltd and internet service hosts, Hosting Systems Ltd;
- Estate agents, mortgage brokers and developers (conveyancing work) and accountants and other professional services firms (mainly commercial and corporate work);
- We are on a number of panels to carry out legal work, mainly in relation to conveyancing. They include Legal Marketing Services, E-con, Broker Services, Enact and Moore Solicitors. They will refer work to us and we will update them with progress, if required; and
- Card processing services provided by Barclays Merchant Services.

There are some uses of personal data that require your specific consent. If these apply to you, we will contact you directly to explain what they are and to ask for your consent, which you are free to withdraw at any time.

### **How long we keep your information for**

Information may be held digitally (on site or in the cloud) or in manual files. We only retain the information for as long as is necessary:

- to carry out your work;
- as is required to be kept by law;
- until the period that you could make a claim against us has elapsed, which is usually seven years after the matter concluded or, if we acted for a child under 18, when they reach their 25<sup>th</sup> birthday;
- if we have acted in a matter in which you had suffered mental impairment or a provisional award has been made, then the file can be kept for up to 100 years from your data of birth;
- for the duration of a trust, plus six years;
- wills and related documents can be kept for 84 years from the date the will was signed;
- probate matters where there is a surviving spouse or civil partner are retained until after the survivor has died in order to deal with the transferable Inheritance Tax allowance;

- deeds related to unregistered property are kept indefinitely as they evidence ownership; and
- comply with your instructions to either retain or to extend the retention period in relation to your documents.

Information obtained from prospective clients is kept for up to six months for the purpose of providing quotations and any subsequent follow up.

### **Sharing of data**

We do not share personal information with third parties unless we are required to do so. The reasons for disclosure and the parties to whom disclosure takes place are described above. Client and prospective client data is processed and stored on computers.

We never sell your personal information to third parties.

Information obtained from our website is transferred to Grindeys who will provide quotes and carry out work, if instructed.

Our staff are vetted and trained. Access to data is controlled and monitored internally and staff are also bound by confidentiality agreements.

### **Data transferred outside the EEA**

Where possible your personal information will be processed within the EEA. However, we use third parties to provide services to us and some of these have told us that they may send personal data outside the EEA. To the extent that we are able, we will prevent this occurring, but this may not always be possible.

We will ensure that if your data is transferred to a country or territory outside the UK or EEA that has not received a binding adequacy decision by the European Commission or a competent national data protection authority, then such transfer will be subject to appropriate safeguards that provide an adequate level of protection in accordance with the EU GDPR or any subsequent UK enactment.

### **Data protection and security**

We have technological and operational security policies and procedures in place to protect your data from loss, misuse, alteration or unintentional destruction. Any of our personnel who have access to your personal data have been trained to respect your confidentiality and to look after the data in our possession.

### **Close circuit television**

For security and the detection of crime, we use CCTV on our sites, including car parks. When images are recorded, they are stored for a maximum of seven days. Copies of images may be provided to law enforcement and/or viewed by our staff.

## **Visitors to our websites**

When someone visits our websites we use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We do this to find out things like the number of people who visit parts of the site. This information is processed in a way that doesn't identify anyone. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our websites. If we do want to collect personally identifiable information through our website, we will be transparent about it. We will make it clear when we collect personal information and will explain what we intend to do with it.

## **Inaccurate information**

If you think any information we hold about you is incorrect or incomplete or has been changed since you first told us, please let us know as soon as possible so that we can update our records.

## **Access to your personal information**

The GDPR replaced the Data Protection Act 1998 on 25<sup>th</sup> May 2018. Under both pieces of legislation, you are entitled to request a copy of your personal data. If you wish to make a Subject Access Request (**SAR**), please contact:

- a) our Data Protection Lead at [dataprotection@grindeys.com](mailto:dataprotection@grindeys.com); or
- b) us in writing at Glebe Court, Stoke-on-Trent, ST4 1ET; or
- c) the person dealing with your instructions.

A SAR only entitles you to a copy of the personal data we hold on you, such as your name, address, contact details, date of birth etc. This means that a SAR will not normally result in you receiving a copy of a file because the focus of the documents it contains are likely to relate to the transaction or legal matter you have asked us to conduct, rather than your personal data.

## **What happens if I don't want you to use my personal data**

The GDPR provides you with a number of rights which include:

- the right to be informed;
- the right to rectification;
- the right to access; and
- the right to be forgotten.

We have a contractual relationship with our clients that includes a right for us to process their personal information. This means that clients may not be able to object to our processing of their personal information.

If we have sent you marketing information, but you do not wish to receive it, you can withdraw your consent and we will act on your request as soon as it is received.

In certain situations, you may be able to ask for restrictions to be placed on the processing of your data or to exercise your right to be forgotten.

A restriction has the effect of freezing data so we would continue to store your personal information but could not do anything with it. This might be relevant to you if you had any query or concern over the way your data was being handled. The right to be forgotten would usually be available, for example, where data is processed unlawfully or otherwise fails to satisfy the requirement of the GDPR.

### **Complaints about the use of your personal data**

Please contact our Data Protection Lead if you have any complaint or concern over how your data has been or will be used. He will acknowledge your complaint and reply to your concerns within the required time frames. If you are not satisfied with the response, the UK regulator on data protection issues is the Information Commissioner's Office. Their telephone number is 0303 123 1113 and their website is [www.ico.org.uk](http://www.ico.org.uk).

### **Automated decision making**

We do not use your information for automated decision making.

### **Changes to this Data Privacy Notice**

The current data privacy notice will always be available on our website and you will be advised of any material changes which affect you.

### **Jurisdiction and applicable law**

The courts of England and Wales will have exclusive jurisdiction over any claim arising from or related to a visit to our Website or data breach.