

## Introduction

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

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

Clients of the firm should also refer to our general Terms and Conditions which provides further information on confidentiality, data privacy and data disclosure.

## Accountability

Data is collected, processed and stored by Davis Gregory, 25 Rodney Road, Cheltenham, GL50 1HX who is the data controller.

Davis Gregory is a limited company registered in England under number 4789550. Our VAT number is 821 2125 80. We are authorised and regulated by the Solicitors Regulatory Authority. Our Data Protection Officer is Simon Greener and can be contacted by e-mail at [sg@davisg.co.uk](mailto:sg@davisg.co.uk) or telephone 01242 235202.

## Applicability

This Data Privacy 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 Controller, 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 will 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 work 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 legal work, provide you with assistance when on our premises or help us to understand any vulnerability you may have. Such data would include:

- racial or ethnic origin;
- political opinions;
- religious beliefs or philosophical beliefs;
- trade union membership;
- physical or mental health or condition;
- sex life and sexual orientation;
- genetic data; 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 are safeguards in place to ensure that the information remains confidential and secure.

We will only use 'special category' information:

- provided we have your explicit consent to use it,
- where we believe that we need to use that data to protect your vital interests where you are not able to provide us with your explicit consent,
- where it is necessary for reasons of substantial public interest,
- where you have previously made that data public knowledge,
- if we need to use that data to establish, exercise or defence legal claims, or
- where there is some other legal basis that allows us to use that information.

### 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
  - Other professional service firms such as accountants or independent financial advisors

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 legal work (clients) or to respond to requests for information (prospective clients) such as providing a quote.

Your information may be used for:

- 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 during the matter;
- 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;
- 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; and
  - Storage and archiving of files and documents.
- 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 legal work we are likely to need to disclose some information to parties outside Davis Gregory, but these disclosures are only made when required by your work.

Examples might 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;
- Legal counsel or non-legal to obtain advice or assistance on your matter;
- The bank or building society or other lender providing your mortgage finance;
- Solicitors Accounts Rules auditors Hazlewoods 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 against us by you;
- A prospective purchaser (or their advisors) of this 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.
- Any disclosure required by law in particular in relation to the prevention of financial crime and terrorism;
- Marketing campaign and related services (only for clients who have opted to receive marketing material);
- Internet web designers Sozo Ltd;
- Estate agents, mortgage brokers and developers (conveyancing work) and accountants and other professional services firms (mainly commercial and corporate work);
- Card processing services provided by Lloyds 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 25th 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 need 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 Davis Gregory 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 General Data Protection Regulations 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. Our personnel who have access to the information have been trained to respect your confidentiality and to look after the data in our possession.

### **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 General Data Protection Regulations replace the Data Protection Act 1998 on 25th May 2018. Under both sets of regulations, you are entitled to request a copy of your personal data. If you wish to make a subject access request, please contact our Data Protection Officer. He can be contacted at [sg@davisg.co.uk](mailto:sg@davisg.co.uk) or write to Davis Gregory 25 Rodney Road, Cheltenham, GL50 1HX or contact the person dealing with your matter.

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

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

The General Data Protection Regulations provide you with rights including the right to object to specific types of processing and the rights 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 cannot object to our processing of their personal information.

If you have opted into marketing but subsequently withdraw your consent, we will act on your request immediately 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 handled. A right to be forgotten would usually apply if data is processed unlawfully or otherwise fails to satisfy the requirement of the General Data Protection Regulations.

### **Automated decision-making**

We do not use automated decision-making processes.

### **Third party links**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

You also have the right, at any time, to lodge a complaint with the Information Commissioner's Office if you believe we are not complying with the laws and regulations relating to the use/storage of the information you give us, or that we collect about you.

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