

GWYN JAMES SOLICITORS

PRIVACY NOTICE

UK Data Privacy and Data Protection Law changed significantly on 25th May 2018 with the implementation of the General Data Protection Regulation (GDPR) which is a positive step towards you having more control over how your data is used and how you are contacted by us. The changes will help to better protect your personal data and we have updated our Privacy Notice to reflect these changes.

Gwyn James Solicitors is committed to protecting the privacy and security of your personal information.

1. Information About Us

Gwyn James Legal Limited is a limited company registered in England and Wales under company number 69216 and our registered office is at 11 High Street, Coleford, Gloucestershire GL16 8HE

Our main trading address is 11 High Street, Coleford GL16 8HE with additional offices in Monmouth, Ross on Wye and Cinderford.

We are authorised and regulated by the Solicitors Regulation Authority ID 630145

VAT number: 274 6441 45

Contact details of our Data Protection Manager are given in Section 15.

2. What is the purpose of this Privacy Notice and what does it Cover?

This Privacy Notice describes how we collect and use personal information, in accordance with the GDPR. It applies to Clients, Associations, Suppliers, Third Parties and Website Users.

Gwyn James Solicitors is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you and we are required under data protection legislation to notify you of the information contained in this Privacy Notice.

This Privacy Notice does not form part of any contract to provide services. We may update this notice at any time.

It is important that you read this Privacy Notice, together with any other privacy notices we may provide you with 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 the information.

3. What is Personal Data?

Personal data is defined by the General Data Protection Regulation (EU Regulation 2016/679) (GDPR) as ‘any information relating to an identifiable person who can be directly or indirectly identified, in particular, by reference to an identifier’.

Personal data is, in simpler terms, any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers.

The personal data that we use is set out in Section 5.

3. What are your rights?

If you are an individual you have the following rights under the GDPR which we always work to uphold:

- **The right to be informed:** You have the right to be informed about our collection and use of your personal data. This Privacy Notice should provide you with sufficient information, however you can request further information or ask questions by using the contact details in Section 15
- **The right of access:** You have the right to access the personal data we hold about you. Section 14 will tell you how to do this.
- **The right to rectification:** If you think any of the personal data we hold about you is incomplete or wrong, then you have the right to ask us to correct it by using the contact details in section 15.
- **The right to erasure:** You have the right to be forgotten by asking us to delete (erase) or stop us using your data if there is no longer any need for us to keep it (e.g. under a legal obligation). Section 15 will tell you how to do this.
- **The right to restrict processing:** You have the right to restrict or prevent us from processing your personal data.
- **The right to data portability:** If you have provided personal data to us and we are using it with your consent or for the performance of a contract, and that data is processed using automated means, you can ask us for a copy of that personal data to re-use with another service or business. Subject to any lien we may enjoy for non-payment of fees, we will comply promptly (where permitted) to your request to transfer your physical paper file to another solicitor upon receipt of your signed consent. If your file is in electronic format we will take reasonable steps to export the file to a “portable format” where possible so that your new solicitor can upload it to their system. As many different IT systems are used by the legal profession we cannot guarantee that we can provide data in a compatible format.
- **The right to object:** You have the right to object to us using your personal data for a particular purpose.
- **Rights in relation to automated decision making and profiling:** We do not use automated decision-making systems. All decisions relating to you and your matter are made by a person.

We use your personal data to help us provide an excellent client service, which includes tailoring the information we share with you to help ensure that it's relevant, useful and timely.

We will respect your privacy and work hard to ensure we meet strict regulatory requirements.

We will not sell your personal data to third parties.

We will provide you with easy ways to manage and review your marketing choices if you receive direct marketing communications from us.

We are regulated by the Solicitors Regulation Authority (SRA). As you might expect, we are already subject to strict rules of confidentiality. It is therefore already part of the fabric and culture of our firm to keep your information private and secure.

We would ask you to help us keep your data secure by carefully following any guidance and instructions we give (e.g.) communicating bank account details and transferring funds to us.

We are sometimes obliged to share your Personal Data with external authorities without notifying you (e.g.) as required by the Anti-Money Laundering & Counter Terrorist Financing Act 2017. In all other cases, we will be transparent, and we will explain to you why we are requesting your data and how we are using it.

If you have any concerns about how we are using your personal data, you can complain to us using the contact information in Section 15. 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. Further details on how to raise your concerns with the ICO can be found on the ICO's website: www.ico.org.uk/concerns

4. How do we use your Personal Data?

Under GDPR we are allowed to use personal information only if we have a **proper and lawful reason** to do so. This includes sharing it with others outside the firm (e.g.) an auditor of a relevant quality standard. We must have one or more of these reasons:

- **Contract:** the processing is necessary for a contract we have with you, or because you have asked us to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests. A legitimate interest is when we have a business or commercial reason to use your information.
- **Consent:** you have given clear consent for us to process your personal data for a specific purpose. In some cases, particularly in relation to sensitive personal information, GDPR requires us to obtain your specific consent as detailed in Section 9.

Here is a list of all the ways that we may use your personal data, and which of the reasons we rely on to do so.

| Use of your Personal Data | Our reason or justification for processing | Legitimate Business Interest |
|---|---|---|
| Opening, progressing, closing, archiving and storing a matter/case file | <ul style="list-style-type: none"> • Contract • Legitimate Interest • Legal Obligation | Fulfilling your instructions (the retainer) Complying with regulations and the law |
| Direct marketing to you | <ul style="list-style-type: none"> • Legitimate Interest | Keeping our records up-to-date, working out which of our products and services may interest you and telling you about them Providing information on changes in the law and inviting you to contact us for advice |
| <ul style="list-style-type: none"> • To make and manage client payments. • To manage fees, charges and interest due to clients • To collect and recover money that is owed to us. | <ul style="list-style-type: none"> • Contract • Legitimate Interest • Legal Obligation | Keeping accounts systems up-to-date Complying with SRA Accounts Rules and other regulations Effective and efficient management of a sustainable business |
| To detect, investigate, report, and seek to prevent financial crime. <ul style="list-style-type: none"> • To manage risk for us and our customers. • To comply with laws and regulations that apply to us. • To respond to complaints and seek to resolve them. | <ul style="list-style-type: none"> • Contract • Legitimate Interest • Legal Obligation | Developing and improving how we deal with financial crime including suspected money laundering as well as complying with our legal obligations in this respect Complying with regulations that apply to us. Being efficient about how we fulfil our legal and contractual duties. |
| To run our business in an efficient and proper way. This includes managing our financial stability, business capability, planning, communications, corporate governance, and audit. | <ul style="list-style-type: none"> • Legitimate Interest • Legal Obligation | Complying with the SRA Accounts Rules and Code of Conduct and other regulations that apply to us Being effective and efficient about how we run our business To allow external consultants, advisers and auditors to inspect files |
| To exercise our rights and comply with obligations set out in agreements or contracts | <ul style="list-style-type: none"> • Legitimate Interest • Legal Obligation | Complying with contractual requirements e.g. for the provision to clients of Public Funding by Public Bodies |

Special Categories and Criminal Convictions Data

Further to our lawful bases for processing personal data we rely on additional conditions contained within the Data Protection Act 2018 for processing these types of data. These conditions are contained in Schedule 1, Part 3 of the Act. The primary condition we rely on is known as “legal claims” where:

This condition is met if the processing

- (a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
- (b) is necessary for the purpose of obtaining legal advice, or
- (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights

We would normally also rely on another condition in Schedule 1, Part 3 of the Act known as “consent” where, due to the nature of these types of data we would obtain your consent prior to processing them.

If our reason for processing data is in connection with the Schedule 1, Part 2 of the Act, condition 18, safeguarding of individuals and children at risk. This is because the processing will be necessary for the purposes of;

- (a) protecting an individual from neglect or physical, mental or emotional harm, or
- (b) protecting the physical, mental or emotional well-being of an individual,

In this condition;

- (a) in the circumstances, consent to the processing cannot be given by the data subject;
- (b) in the circumstances, we cannot reasonably be expected to obtain the consent of the data subject to the processing;
- (c) the processing must be carried out without the consent of the data subject because obtaining the consent of the data subject would prejudice the provision of the protection

Also, due to the nature of these data types, we also comply with Schedule 1, Part 4 of the Data Protection Act which requires us to have an appropriate written policy explaining our security procedures, and data retention periods and we are required to retain this policy document and produce it to the Information Commissioner on request. Our policy is set out in the firm’s Information Management & Security Policy. Our data retention periods are set out in Section 13.

5. What Personal Data do we process?

We may collect some or all of the following personal data. This may vary according to your relationship with us and the type of matter in which you have instructed us.

| Type of Personal Information | Description |
|--------------------------------|--|
| Personal | Your name, address and date of birth |
| Financial | Your Bank account details and your financial status and information about assets you own or in which you have an interest |
| Contact Information | Where you live and how to contact you, including telephone numbers and email addresses |
| Socio-Demographic | This includes details about your work or profession, nationality etc. |
| Transactional | Details about payments to and from your bank accounts |
| Contractual | Details about the products or services we provide to you |
| Behavioural | Details about how you use our services |
| Communications | What we learn about you from letters, emails, and conversations between us |
| Social Relationships | Your family, friends and other relationships |
| Open Data and Public Records | Details about you that are in public records such as the Land Registry, and information about you that is openly available on the internet |
| Documentary Data | Details about you that are stored in documents in different formats, or copies of them. This could include things like your passport, drivers licence, or birth certificate |
| Special types of data | <p>The Law and other regulations treat some types of personal information as a special category. We will only collect and use these types of data if the law allows or requires us to do so:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Religious or philosophical beliefs • Trade union membership • Genetic and bio-metric data • Health data including gender • Criminal convictions and offences |
| Consents | Any permissions, consents or preferences that you give us. This includes things like how you want us to contact you. |
| National Identifier | A number or code given to you by a government to identify who you are, such as a National Insurance Number |
| Legal Aid Application and Bill | Information required to submit an application for public funding and to claim our fees under any legal aid certificate issued to you. |

6. From what sources do we collect Data?

We collect personal data from various sources including:

| Data | Source | Purpose |
|--|--|--|
| Data you give us when you instruct us to advise you or act for you | You | To enable us to decide whether to accept your instructions and to progress your matter |
| Data you give us by letter/phone/email and other documents | You | To enable us to decide whether to accept your instructions and to progress your matter |
| Data you give us when you visit our website, via a messaging service or social media | You | To enable us to deal with your query or request and to contact you if appropriate |
| Data you give us during interviews | You | To enable us to advise and represent you and to communicate with other solicitors and third parties on your behalf |
| Data you give us in client surveys | You | To enable us to improve our services and respond to any expressions of dissatisfaction |
| Data provided to us by referrers and introducers | Referrers | To enable us to contact you and to enable us to decide whether to accept your instructions and to progress your matter |
| Fraud Prevention agencies | Agency | To enable us to comply with the law and regulations and carry out client due diligence checks |
| Estate Agents | Agents | To enable us to act on your behalf in relation to a land transaction |
| Other Solicitors | Solicitor Firms | As part of an exchange of information to enable us to progress the matter and advise you |
| Public Bodies | Public Body such as HMRC, HM Treasury, Local Authority, Land Registry, Land Charges Registry, Probate Registry, Legal Aid Agency, Police, CPS, Courts Service and other government departments | To enable us to advise you and progress your matter. To prevent fraud and money laundering |
| Your GP or other medical professional | Doctor | To obtain appropriate medical reports |
| The Legal Aid Agency | LAA | Under our contractual obligations we will receive "Shared Data" from the LAA if your matter is legally aided |

7. Who do we share your Data with?

Subject to the SRA Code of Conduct and the requirements with regard to client confidentiality, we may share your personal information with the following:

- Lawyers or other organisations on the other side of a matter or case
- Barristers or experts we instruct
- The courts and other tribunals
- Your Personal Representatives, Attorneys or Deputies
- Auditors
- Lenders and financial institutions
- Estate Agents, IFAs, Accountants and Referrers
- Organisations that we introduce you to.
- HM Revenue and Customs
- The Government, both Central and Devolved, and Local Authorities
- Fraud Prevention Agencies including the National Crime Agency
- The SRA, The Law Society and other regulators
- ID checking organisations
- Our IT consultants, case management providers and accountants

We will enter into appropriate third-party Data Protection Agreements with each of the above to ensure that your personal data is held to at least the standard that we hold and process ourselves

8. What Personal Data do we use?

We typically use the following types of personal data:

- Your Name
- Date of Birth
- Home address
- Contact details such as phone numbers and email addresses
- National Insurance number
- Bank details and account information
- Medical information (where applicable)
- Employment details
- Data that identifies you by cookies when you use our website

9. Cases where you must give us your explicit consent

GDPR in some cases requires us to obtain your specific consent to hold personal data, particularly in relation to:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
- Physical or mental health or condition
- Sexual life,
- Commission or alleged commission by you of any offence, or

- Any proceedings for any offence committed or alleged to have been committed by you, the disposal of such proceedings or the sentence of any court in such proceedings.

Where acting for you involves us processing such data we will seek your explicit consent (e.g.) when we plan to obtain your medical records or a medical report

You have the right to withdraw your consent by contacting us as stated in section 15. However, if you do so then we may not be able to progress your work or indeed continue to act for you.

10. Where do we Store or Transfer your Personal Data?

We will only store or transfer your personal data within the European Economic Area (EEA). The EEA comprises of all EU member states, together with Norway, Iceland and Liechtenstein. Your personal data will be fully protected under the GDPR or equivalent legislation.

Unless you instruct us in a matter or case that involves an international element, we do not normally send your personal data outside the EEA. If we do, then we will seek your consent to do so, explain the risks to you and talk to you about potential safeguards depending on the country involved.

11. What if you fail or refuse to provide Personal Data we have requested?

If you fail or refuse to provide information requested by law, or under the terms of a contract we have with you or you fail to provide the information in a timely manner, then it may cause delay and we may be unable to continue to act for you or complete your work. In these circumstances we may have to cancel our agreement with you, however we will notify you if this is the case at the appropriate time.

12. Marketing Information

We may from time to time send you letters, emails and texts, or telephone you, about changes in the law and suggestions about actions that you might consider taking in the light of that information. For example, reviewing your will or making a Lasting Power of Attorney, news and offers in relation to our services. We will send you this marketing information either because you have consented to receive it or because we have a "legitimate interest".

You will not be sent any unlawful marketing material or spam.

We do not use cookies on our website www.gwynjames.co.uk

We will not sell your personal data to third parties.

We will work to protect your rights and comply with our obligations under the GDPR. You have the right to object and to ask us to stop sending you marketing information by contacting us at any time. You can of course change your mind and ask us to send the information again. You can contact us by using the information provided in Section 15.

13. How long do we keep your personal information?

We will not keep your personal data for longer than is necessary having regard to the reasons for which it was originally collected, including for the purposes of complying with any legal, accounting or reporting requirements.

We may need to retain personal data for up to seven years after completing your work, and longer in certain circumstances. Details of the retention periods for different types of your personal data are set out in our Retention Policy a copy of which can be obtained from of data Protection Manager details of which are in Section 15.

The appropriate retention period will be set out in our file closing letter which will be sent to you on completion of your work.

We will keep your name and personal contact details on our database until you tell us that you would like them removed, for example, where you have changed solicitor.

14. How can you get access to your Personal Data?

If you wish to access your personal data you can make a 'Subject Access Request' asking us for details about the personal data we have about you, where it is held and a copy of it.

Your request should be made in writing and sent by post or email to our Data Protection Manager at the address detailed in section 15. To assist you in this process, a Subject Access Request Form is available for your use. You do not have to use this form; however it will simplify the process and enable us to respond to your request as quickly as possible.

We do not normally make a charge for a Subject Access Request, or to exercise any of your other rights. However, if your request is manifestly unfounded, repetitive or excessive we may charge a reasonable fee to cover our administrative expenses.

We will respond within 14 days and no later than one month of receipt of your Subject Access Request. In more complex matters, more time may be required to provide the personal data requested which may be up to a maximum of three months. We will keep you fully informed of the progress in dealing with your request.

15. How can you contact us?

We have appointed a Data Protection Manager to oversee compliance with this Privacy Notice and data management generally. If you have any questions about this notice, how we handle your personal data, exercising your rights outlined in Section 3, or data protection in general, including making a Subject Access Request, please contact our Data Protection Manager using the following details:

Data Protection Manager: Elaine Fish

Email address: elaine.fish@gwynjames.co.uk

Telephone number: 01594 833042

Postal Address: 11 High Street, Coleford GL16 8HE

If you would like this notice in another format (for example, audio, large print, braille) please contact our Data Protection Manager.

16. Data Security

We have put in place security measures to prevent your personal data from being used or accessed in an unauthorised way, altered, disclosed or accidentally lost. Further, we restrict access to your personal data to our employees, agents, contractors and third parties who have a legitimate need to know. Those having access to your personal data will only process it based on our instructions, they will be subject to a duty of confidentiality and, where necessary, will have entered into an appropriate third-party Data Protection Agreement with us.

Gwyn James Solicitors cannot guarantee the security of personal data or other information transmitted over the internet or that unauthorised persons will not gain access to it. We have put in place procedures to deal with any suspected breaches of personal data and will contact you and any appropriate regulator of the breach where there is a legal requirement, including the ICO and SRA.

Our website may include links to third-party websites and applications. Connecting to those links may allow third-parties to collect or share data about you. We do not control these third-party websites and we are not responsible for the content of their privacy statements. It is important that when you leave our website, you read the privacy notice of the websites you visit.

17. Updating this Notice

We will, from time to time, update this Privacy Notice to reflect emerging ICO and Working Party 29 guidance, requirements of the Data Protection Act 2018 and any other relevant changes in the law or regulations. We will also seek to learn from any published cases of Data Protection breaches.

Any changes to this Privacy Notice will be published on our website: www.gwynjames.co.uk or in correspondence when necessary.

Publication Date: 25.05.2018

Last Updated: 31.07.2018