



## **Our Privacy Policy for Our Clients- Full Version for Client area of Website November 2019.**

### **Our Privacy Policy for Our Clients- Full Version for Client area of Website Our Policy and its Purpose.**

Martin Tolhurst LLP is firmly committed to the need to safeguard the privacy of our clients and to maintaining compliance with privacy legislation. All information about our clients is processed in accordance with the General Data Protection Regulations (GDPR) and the UK Data Protection Act 2018. Data Protection is not treated by us in isolation – we are mindful we must observe client confidentiality, and legislation such as the Anti-Money Laundering Regulations 2017 and Proceeds of Crime Act 2002. We also have some data and information protected by the unique concept of legal privilege.

The purpose of this policy is to ensure that clients are aware of the data we hold, what we do with it and what client rights exist on their data. We have set out this policy to ensure our Privacy Policy is concise, transparent, intelligible and easily accessible. We have tried to ensure that this policy is written in clear and plain language. If you require a printed paper copy of this policy sent to you by post, or in larger print please contact the Data Protection officers of the Firm set out in the schedule.

### **Registration with the ICO and dealing with us on Data Protection Issues**

We are registered with the Information Commissioners Officer (ICO) who supervises data protection within the UK. Our registration number is Z5424235. For more information on Data Protection generally, including GDPR and your rights, please look at the ICO website which is available at [www.ico.org.uk](http://www.ico.org.uk)

If you believe we have infringed your privacy in any way please contact us urgently with details- our Data Protection Officers details are set out in schedule A of this document.

If you wish to exercise any of the Rights enabled under GDPR and set out below please contact us – our Data Protection Officers details are set out in schedule A of this document. If you are unable to resolve the matter with us please raise the issue with the ICO on 0303 123 1113

### **The Data we collect, process and retain.**

We will receive, process and store data, including your personal data, to enable us to progress the legal services that you are instructing us upon. This data may have been provided directly by you or by another party on your matter. We will do so on the legal basis of legitimate interest and contractual obligation as well as in accordance with any written specific consent you provide us with. Often we need to collect, share or retain data as part of our statutory, regulatory or contractual obligations.

The information we will collect generally from you may be used to:-

- Identify you when you contact us.

- Contact you in any way (including letter, email, telephone, visit, text or multimedia messages). If you communicate with us by email, we will keep your email, together with your email address and our reply, for our business records.
- Help identify services, which may be of interest to you.
- Contact you about the improved running of our services
- we provided or provide in the future; and
- Help to detect and prevent fraud or loss.
- Enable us to progress your case or transaction upon which you have instructed if you are a client
- Enable us to respond to you, assist or guide you if you are a client or a third party.

We will usually not collect sensitive information about you, such as your political beliefs, union membership, biometric data, or ethnic background. In most of our work (such as residential conveyancing, commercial conveyancing, or trusts) we will also not need to collect, or ask for, any data on matters such as health, sexual orientation, criminal convictions, or religious beliefs.

However in matters such as matrimonial cases, employment, wills and probate matter or childcare cases we may occasionally need to ask for such sensitive data to enable us to effectively represent you and offer advice. Examples may include:

On matters where clients make **wills** your religious beliefs may be important for burial or funeral arrangements, as could your current health status. These details may be recorded on our hard copy file and IT network.

On matters where clients are involved in **matrimonial** arguments and court cases, health information, sexual orientation and criminal convictions may be important. These details may be recorded on our hard copy file and IT network.

On matters where clients are involved in **childcare** arguments and court cases, health information, sexual orientation and criminal convictions may be important. These details may be recorded on our hard copy file and IT network.

On matters where clients are involved in **employment law** arguments and tribunal cases, health information, ethnicity, union membership, sexual orientation, and criminal convictions may be important. These details may be recorded on our hard copy file and IT network.

### Retention of Data

We will retain the hard copy of your file for a period of 7 years from the date of completion of the legal work on your file and an electronic file for 12 years from the date of completion of the legal work on your file. Hard copy files are retained in secure off-site premises. Electronic Files are retained on secure, UK based servers protected by firewalls and anti-virus software.

### Processing of Data.

We will, during the period that work is required on your file, and until all legal work is completed, process information and data, including your personal data on your matter. This enables to act effectively for you. We will process your data on the legal basis set out in our Terms of Business namely legitimate interests or contractual obligations. Alternatively we will process your data in accordance with your specific consent.

Work will be carried out on your file by the partners, fee earners and employed staff of Martin Tolhurst, as well as some carefully selected and audited external providers of transcription and processing services, including some who may be based outside the EU.

## Quality Assurance and Audit

Martin Tolhurst Solicitors has quality assurance accreditations such as Lexcel, the Law Society Management standard, and CQS, the Conveyancing Quality Standard run by the Law Society and the Law Net Quality mark. In addition as we are regulated by the Solicitors Regulation Authority.

As part of these quality assurance schemes and regulation we are required to allow a sample of files to be checked and therefore your file could during the period that work is carried out on your file or for the period it is retained by us, be subject to inspection and quality assurance checks by external auditors, quality assurance reviewers, our accountants or our regulators

## Sharing Data with Others

We will not sell, rent, trade or otherwise supply to third parties any personal information obtained from clients. We will not provide your information to any marketing companies. We will not release information about you to any other person or organisation without a legal basis for doing so or your consent. However to deal with your matter effectively we will need to share data with some third parties. We will only do so when:

- There is a legal basis to do so (such as legitimate interest, or contractual obligations) or you have given us specific consent to do so
- There is an emergency;
- We genuinely believe that we must do so by law; or
- We need to protect your legal rights.

Where we do need to share data with others to progress your matter we will do when we believe that it is in your interests to do and you would be likely to agree to do so. We will not share data that we believe is strictly confidential and you would not wish us to do so unless we are legally obliged to do so.

In residential and commercial conveyancing to progress your transaction effectively we will share your data, including personal data with HMRC for paying any Stamp Duty Land Tax, the Land Registry for registering you as the owner of a property, Mortgage Lenders or Banks (where you apply for and obtain a mortgage to purchase or to redeem a mortgage), Estate Agents you are selling or buying through, Financial Advisors you are using to assist you, or Solicitors representing the person you are selling/leasing to or the person you are buying/leasing from.

In litigation matters such as matrimonial, employment, contractual matters, inheritance disputes or general civil litigation we will need to progress your case effectively by sharing data, including personal data and information with third parties such as the applicable Court, Barristers whom we use on your behalf, and experts we use on your behalf. We will also need to share data, including personal data and information, with opposing solicitors who we need to present information to in accordance with court directions, requirements or timetables.

In wills, power of attorney, trusts or probate matters we may need in order to progress your matter effectively to share your data, including personal data with HMRC for paying any Inheritance Tax, the Court of Protection, the Probate Court to obtain a grant or advice on a grant application, the Land Registry for registering you or others as the owner of a property, Mortgage Lenders or Banks (loans or savings are held), Estate Agents that properties in the estate are being sold through, Financial Advisors that have assisted you, or Solicitors representing third parties or beneficiaries.

Inevitably these lists are not exhaustive and we may therefore need to share data with others not mentioned but only for the purpose of progressing your case or transaction effectively and purposefully.

## Call Recording

We routinely record calls for training and monitoring purposes. We record calls to ensure that we provide clear guidance and advice and can continually improve our client service. The call recordings are stored on separate, secure servers and retained by us for a 6 month period. Where a call is recorded it will be stored as a voice file. If that voice file is copied to the electronic case file we hold then it will be retained on that file for a period of 12 years. Where payments are made to us by card payment over the telephone through World Pay the Card information will be suppressed and will not form part of the call recording.

## Cyber Crime and Protection your Data.

Cyber crime (including hacking, theft, and viruses) are a significant threat to all UK Businesses. Law Firms and their clients have been targeted by cyber criminal extensively. Please read our fraud warnings before sending us any funds. Do not send funds based on any email requests to do so. This Firm has security measures designed to protect against the loss, misuse and/or alteration of the information under its control. These include:

- Secure computer storage facilities.
- Firewalls. These are designed to prevent others from accessing confidential data or accessing our networks that store client data.
- Anti-virus software. These seek to prevent malicious, fraudulent or bogus emails or links being accepted onto our network.
- Extensive staff training and testing to ensure all staff are aware of the risks posed by cyber crime and current methodologies.

## Reports and Profiling

This Firm may produce internal reports, which incorporate some of the data provided by you. The reports are for business research and marketing purposes only. We do not profile any clients on sensitive data such as religion, political beliefs, health, ethnicity or sexual orientation.

## Inaccurate Data.

If you believe that any data we hold on you may be inaccurate then please contact us immediately. We have a legal duty to ensure we only retain accurate data and we would seek to rectify any errors on data we hold immediately we are notified it is incorrect. Please either contact the fee earner you are dealing with or one of Data Protection personnel listed in Schedule 1.

## Anti-Money Laundering Regulations 2017.

Martin Tolhurst Solicitors is within the regulated sector for the purposes of the Anti-Money Laundering Regulations 2017. We must ensure compliance at all times with these Regulations. We require every client (save and except on occasions for fixed fee or simple will clients) to produce 2 forms of personal data identification document in accordance with our separate AML Policy and Procedure.. We then carry out on every client, using the identification data provided by the client, an electronic verification of the clients identification. This search is carried out for us by Smart Search, a major UK provider of credit and verification data. We will also ask you for financial documents, such as bank statements, to support source of funds. Copies of the identification documents, AML search verification and source of funds paperwork are retained on hard copy file and electronic files for their duration. These processes enable us to comply with our obligations under the Anti-Money Laundering Regulations 2017.

### Subject Access Requests

You have the right to see a copy of the personal data we hold about you. If you wish to access such data please contact the Data Protection Officer or Deputies as set out in Schedule A of this Policy. We have 30 days from the date of the request being received to comply with your request. We may ask you for further information before doing so. We may refuse your request but if so we will give reasons.

### Right to Erase Data

In accordance with GDPR and the Data Protection Act 2018 you can request that we erase data on you. If you wish to make such a request please do so in writing, with the grounds for your request, to the Data Protection Officer or Deputies as set out in Schedule A of this Policy. We have 30 days from the date of the request being received to comply with your request. We may ask you for further information before doing so. We may refuse your request but if so we will give reasons. These reasons may include the need to keep data in accordance with legal obligations (such as HMRC or Mortgage Lender requirements) or our wish to retain data for legal defence purposes. The grounds for your request, to the Data Protection Officer or Deputies as set out in Schedule A of this Policy. We have 30 days from the date of the request being received to comply with your request. We may ask you for further information before doing so. We may refuse your request but if so we will give reasons. These reasons may include the need to keep data in accordance with legal obligations (such as HMRC or Mortgage Lender requirements) or our wish to retain data for legal defence purposes.

### Rights to Restrict Processing, Limit Data or Withdraw Consent

In accordance with GDPR you may ask us to limit or restrict the data we hold on your matter or you can withdraw your consent to us processing your data at any time. You should do so by requesting this, preferably in writing to the Firm's Data Protection Officers set out in Schedule A below with reasons. If we cannot agree to your request (for example due to legal obligations to others) we will advise you with reasons within 30 days.

### Raising an Issue, Complaint or Exercising a Right under Data Protection.

If you wish to raise any issue with us about your data, complain about our use of your data or exercise a right under GDPR please contact any of the Data Protection Officers set out in Schedule A below.

#### Schedule A

In accordance with Article 39 of the GDPR the Firm confirms it has from May 2018 appointed the following persons responsible for implementation of our Data Protection Strategy

**Data Protection Officer** Richard Carter  
and Data Controller Exchange House, Monument Way, Ashford Kent TN24 0HB  
Tel: 01233 505558  
e-mail: rcarter@martintolhurst.co.uk

**Deputy Data Protection Officer** John McIntyre  
and Deputy Data Controller 7 Wrotham Road, Gravesend, Kent. DA11 0PD  
Controllers Tel: 01474 546015  
e-mail: jmcintyre@martintolhurst.co.uk  
Kevin Denny  
Ashford House, Beaufort Court, Sir Thomas Longley Road  
Tel: 01634 729641  
Email: kdenny@martintolhurst.co.uk