

## **PRIVACY NOTICE**

(for individual clients and prospective clients)

This notice explains how we will collect, store and process your personal information and data in accordance with data protection legislation (including the Data Protection Act 1998, as amended and, with effect from 25<sup>th</sup> May, 2018, the General Data Protection Regulation [GDPR]).

Under the data protection legislation we are the ‘data controller’ of such of your personal data as you provide to us.

We are authorised and regulated by the Solicitors Regulation Authority (SRA Number 348954) and we are registered with the Information Commissioner’s Office under registration reference Z1210962

### **YOUR INFORMATION / DATA COLLECTED, STORED AND PROCESSED**

The extent of this will depend upon what you ask us to do for you, but will or may normally include your full names, address, date of birth, contact details (telephone and mobile numbers and e-mail address(s)), banking details, photographic identification (passport / driving licence) and other identification documentation, such as a utility or council tax bill or bank statement. Additionally, we may ask for and hold your national insurance number, VAT number, unique tax reference number and the names and registration numbers of any companies that you are connected with, and details (such as listed above) with regard to your family members.

In certain circumstances, having regard to your instructions to us, we may have need to ask you for more sensitive information about you, such as, or including, details about your health or medical conditions, financial circumstances, tax and / or citizen status and other personal or domestic circumstances, which may include your sexual orientation, racial or ethnic origin, political, religious and / or philosophical beliefs / opinions, genetic and / or biometric information. We will only ask for this sensitive information if necessary to the instructions that you have given us, and if you provide such to us as asked, or voluntarily, we will collect and process that data sensitively and on the basis that we have your express consent to do so.

### **HOW YOUR PERSONAL DATA WILL BE USED**

We will use your personal data for the purpose of complying with our mandatory obligations under the law, including client verification checks as required, but also, and primarily, to enable us to provide to you the legal services that you have instructed us to undertake for you.

All personal data that you provide to us, subject to any restrictions which you ask us to accept in exercise of your rights (see below), we will collect and process upon the basis of your having provided your express consent under article 6 (1) (a) of the GDPR.

In this connection, we will, or may, use your personal data to assist us in communicating with you and advising you in relation to your requirements, in the preparation of documents relating to your instructions to us and in seeking advice from third parties to assist us / you (such as other professional advisers, which may include such as barristers, accountants, surveyors, doctors or other medical professionals, social services and the like).

We will NOT sell or share your personal data with third parties for marketing purposes at all, and will only disclose your personal data with third parties where required to enable us to carry out your instructions, to comply with the law / regulation or in emergency (see below).

We may therefore need to share some at least of your personal data (depending upon your instructions to us) with the Courts, HMRC, the Land Registry, solicitors acting for another party in relation to the matter that you have instructed us about, contracted suppliers or agents (including, where relevant, such as estate agents, lenders, mortgage brokers, financial advisers, insurers, etc.).

In accordance with our legal and regulatory obligations we may also be required to disclose some or all of your personal data with the Solicitors Regulation Authority, the Information Commissioner, the Legal and any other Ombudsman relevant to your instructions, our auditors and as the law demands we should. We may also be required, in the course of fulfilling your instructions, to disclose some at least of your personal information or data with financial institutions and / or, if relevant with your attorney(s), trustee(s), family members or connected company officers.

In emergency, where information provided to us suggests that you, or others connected to you, may be in danger or that there is a palpable risk of danger, we may provide some at least of your personal data to emergency services or like external agencies.

#### PROTECTION OF YOUR PERSONAL DATA

Regulation aside, client confidentiality has always been of the utmost concern to us. Accordingly, unless, such as described above, the situation demands, we will look to keep your personal information / data within our firm, and then only to those who need to know.

As part of that confidentiality, and as data protection legislation has spelt out, we are required to put in place reasonable measures to protect your personal data whilst we have care of it. To this end we use computer protection measures such as firewalls and virus protection software to prevent, so far as feasible, or at least minimise the risk of the 'hacking' (theft) of your (and our) data contained in our software, and we have internal processes in place to limit the opportunity for the theft or loss of computer hardware and paper records.

#### HOW LONG WE RETAIN YOUR PERSONAL DATA

We will retain your personal data for so long as is reasonable, but normally for a minimum period of six years from the conclusion of your instructions to us or otherwise for the minimum period required by law or professional regulation, but this may be for a significantly longer period in relation to probate and trust matters and where such relates to a child in accordance with good professional practice. Deeds to properties that are not registered at the Land Registry and Wills and powers of attorney which you have asked us to store for you may be kept indefinitely.

#### WHAT YOU CAN ASK US TO DO WITH YOUR PERSONAL DATA

You can ask us to update it, so, if your address or contact details change, or otherwise you feel that your data as held by us may be wrong or incomplete, please contact us accordingly.

You can ask us to provide you with a copy of the personal data that we hold for you, and this will be provided to you free of charge upon written request. Please note that this will be limited to personal data such as we have described above (names, address, contact details etc.) and will not include all files / records relating to instructions that have been received from you prior to that request.

Under the GDPR you have the rights to object to specific types of processing or to restrict processing (i.e. how or with whom we use your data) and the right to be forgotten. If you exercise any such rights then we will comply with your request as best we can, but, in doing so, this may mean that we can no longer act for you or accept any further instructions, whilst you will remain liable for such costs and expenses as have been incurred up to that point.

If your request is to place a restriction on your data, then this will mean that we will continue to store your data but we will either not be able to do anything with it or we will only be able to use it in a limited way, depending upon the nature of your request.

A right to be forgotten will ordinarily arise if your data is misused, or processed unlawfully, or there is otherwise a breach of the requirements of the GDPR.

## CHILDREN

Data relating to persons under the age of 18 will be treated in the same way as an adult's sensitive information (see above), and will be disclosed to third parties only to the extent necessary for the implementation of instructions lawfully received or otherwise to official or regulatory bodies who have the right to demand such data, or where we are required to do so to protect a child from significant harm or in connection with any criminal investigation.

## COMPLAINING ABOUT THE USE OF YOUR PERSONAL DATA

In the event of complaint, please contact Robin Atherden in the first instance. In the unlikely event that your concern remains unresolved, you should then please address such in writing to our office manager, Michele Ellis. She will acknowledge your letter, and advise as to the likely time-scale within which you may expect a substantive response.

If not then satisfied with our substantive response you may refer matters to the Information Commissioner's office at [www.ico.org.uk](http://www.ico.org.uk) or telephone 01303 1231113.

## COMMUNICATING WITH US

If you wish to contact us in relation to your personal data please write to us by mail at Hardmans & Co., 49-51, High Street, Deal CT14 6EL, by e-mail at [info@hardmansandco.co.uk](mailto:info@hardmansandco.co.uk) or by calling +44 (0) 1304 373922.