

What is the purpose of this document?

Warners Solicitors are committed to protecting the privacy and security of personal information.

This privacy notice describes how we collect and use personal information of our clients, in accordance with the General Data Protection Regulation (GDPR).

It applies to all of our clients, whether personal or business.

Warners Law LLP (our corporate name, Warners Solicitors is our trading name) is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you, or your representatives (such as your directors, officers and employees) if you are a business client.

This notice applies to all of our current and former clients. This notice is not contractual in nature. We may update this notice at any time and make a copy of the update available to you. The most current version is always available to view on our website, www.warners-solicitors.co.uk.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you (or your representatives if you are a business client), so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you or your representatives must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We may collect, store, and use the following categories of personal information about you and possibly some of these categories of personal information about your representatives if you are a business client:

- Personal contact details such as name, title, addresses, telephone numbers, and personal and/or work email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Copy of passport, including your passport number.
- Copy of driving licence, including your licence number.
- National Insurance number.
- VAT number (to the extent that you are a sole trader or in a small partnership).
- Unique Taxpayers Reference Number (UTR) used by HM Revenue & Customs.
- Bank account details.
- Payroll records.
- Tax status information.

- Employment records (including salary, annual leave, pension and benefits information, job titles, work history, working hours, training records and professional memberships).
- Car registration.
- Photographs.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Information about criminal convictions and offences.

How is client personal information collected?

We typically collect personal information about individuals when taking instructions or dealing with their legal matter for them, either directly from the individual themselves or sometimes from our own background checks. We may sometimes collect additional information from third parties including referrers, solicitors on the other side of the matter or transaction, trustees, attorneys, other representatives of a business client and background check agencies.

We will collect additional personal information throughout the period of us acting for you in the course of the matter or transaction.

How we will use information about you or your representatives

We will only use the personal information of you or your representatives when the law allows us to. Most commonly, we will use personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you, i.e. when providing our legal services to you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and the individual's interests and fundamental rights do not override those interests.

We may also use personal information in the following situations, which are likely to be rare:

1. Where we need to protect your or your representatives' interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

Situations in which we will use your personal information

We need all the categories of information in the list above (see **THE KIND OF INFORMATION WE HOLD ABOUT YOU**) primarily to allow us to provide legal services for you and to enable us to comply with legal obligations.

In some cases we may use personal information to pursue legitimate interests of our own or those of third parties, provided your or your representatives' interests and fundamental rights do not override those interests. The situations in which we will process personal information this way are listed below.

- Using contact details for marketing our legal services and our newsletter (provided the individual has an opportunity to object and to unsubscribe).
- To keep our records updated and to study how we provide our services and grow our business.

- To establish, exercise or defend a legal claim (against us or you).
- Complying with health and safety obligations.
- To prevent fraud or other criminal offences.
- To recover debts and involve debt collection agencies.
- To ensure network and information security, including preventing unauthorised access to our computer systems and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand client retention and attrition rates.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your or your representatives' personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to provide legal services to you, or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your or your representatives' personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal information for an unrelated purpose we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process personal information without your or your representatives' knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations.
3. Where it is needed in the public interest, such as for equal opportunities monitoring.
4. Where it is needed to assess your capacity on health grounds, for example in private client services (e.g. wills or powers of attorney), subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your or your representatives' interests (or someone else's interests) and you are not capable of giving or procuring consent, or where you or your representatives have already made the information public. We may also process such information in the course of legitimate business activities with the appropriate safeguards.

Our obligations

We will use your or your representatives' particularly sensitive personal information in the following ways:

- We will use information to comply with applicable laws.
- We will use information about your physical or mental health, or disability status, to ensure we give the correct legal advice (for example in private client services when documents are being executed or in matrimonial or family services when advising

or representing you at court in divorce or children matters).

- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to provide correct legal advice.

Do we need your consent?

We do not need your consent if we use special categories of your or your representatives' personal information for the establishment, exercise or defence of legal claims or to exercise specific rights pursuant to applicable law. In limited circumstances, we may approach you for written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you or your applicable representatives can carefully consider whether you or they wish to consent. You should be aware that it is not a condition of your legal retainer with us that you agree to or procure any request for consent from us.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your or your representatives' interests (or someone else's interests) and you or your representatives are not capable of giving consent, or where you or your representatives have already made the information public.

We may also process such information in the course of legitimate business activities with the appropriate safeguards.

We do not envisage that we will hold much information about criminal convictions. However, we will collect information about criminal convictions if it is appropriate given the nature of the legal services required and where we are legally able to do so. Where appropriate, we may be notified of such information directly by you in the course of taking your instructions.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to provide legal services to you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your or your representatives' explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must either have explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You and your representatives will not be subject to decisions that will have a significant impact on you or them based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you or your representatives using automated means, however we will notify you in writing if this position changes.

Data sharing

We may have to share your or your representatives' data with third parties, including third-party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We do not transfer personal information outside the EU unless a derogation under the GDPR applies or we obtain your explicit consent.

If we do, you can expect a similar degree of protection in respect of that personal information.

Why might you share personal information with third parties?

We may share personal information with third parties where required by law, where it is necessary to provide our legal services to you or administer the working relationship with you, or where we have another legitimate interest in doing so. We will often have to share personal information to third parties on the other side of the legal matter or transaction.

Which third-party service providers process personal information?

"Third parties" includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers:

- Administration.
- IT services.
- Identity Checks.

How secure is the personal information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect personal information in line with our policies. We do not allow our third-party service providers to use your or your representatives' personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may share your or your representatives' personal information with other third parties, for example in the context of the possible merger or restructuring of our business. We may also need to share your personal information with the Solicitors Regulation Authority, another regulator or to otherwise comply with the law.

Transferring information outside the EU

We do not transfer the personal information we collect about you or your representatives outside of the European Economic Community (EEA) unless a derogation under the GDPR applies or we obtain your explicit consent. A common applicable derogation applicable for us will be when the transfer is necessary for the provision of our legal services for you or when the transfer is necessary for the establishment, exercise or defence of legal claims.

Data security

We have put in place measures to protect the security of personal information. Details of these measures are available upon request.

Third-party service providers of ours will only process your or your representatives' personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your and your representatives' personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to personal information to those employees, our partners, agents, contractors and other third parties who have a business need to know. They will only process personal information on

our instructions and they are subject to a duty of confidentiality. This does not apply to personal information shared with third parties on the other side of the legal matter or transaction, or to third parties where we have a legal obligation to do so (e.g. HM Revenue & Customs), who will themselves become a data controller under the GDPR and comply with the data protection principles.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use the information for?

We retain your and your representatives' personal information for as long as is necessary.

The GDPR requires data controllers to retain personal information only for as long as necessary to fulfil the purposes it was collected but this includes for the purposes of satisfying any legal, accounting, or reporting requirements.

As solicitors, we are subject to a number of legal requirements, for example:

- Basic client details must be available many years into the future for conflict checks in accordance with our regulatory obligations (we must adhere to the Solicitors Regulation Authority's (SRA) Code of Conduct, the SRA being the relevant regulatory body under the Legal Services Act 2007).
- Our own regulatory solicitors' accounts rules oblige us to retain certain client account information for at least six years from the date of the last accounting entry.
- The Money Laundering Regulations 2007 require that we retain evidence of identity for at least five years after the business relationship ends and that we retain details of a transaction for a five year period from the date on which all activities taking place in the course of the transaction were completed.
- HM Revenue & Customs can investigate for up to 12 years after any assessment of trust accounts and we, whether advising clients on trusts or when acting as or for a trustee, should retain all tax papers for the period of 12 years after the end of the applicable trust period (which could last a very long time).
- In respect of conveyancing, the UK Finance Mortgage Lenders' Handbook for Conveyancers in England and Wales, which we must adhere to when an applicable lender is involved, obliges us to keep client files for at least six years from the date of the mortgage for evidential purposes.

In addition to obvious legal requirements, we must retain personal data for our own and our clients' legitimate interests:

- Section 14B of the Limitation Act 1980 provides that a negligence claim will be time-barred after 15 years from the date on which the act or omission constituting negligence occurred, even where the cause of action has not yet accrued. Therefore, the very latest point that an action in negligence is likely to be taken is at the end of that 15 year period and we may need applicable evidence from our files during that time in respect of that negligence, to establish, exercise or defend a legal claim, whether for our clients or ourselves.
- We often need to keep paper files for more than 15 years for private client matters where an estate will be administered many years in the future following the death of the client or in respect of trusts which may need to be administered for up to 125 years.

Accordingly, we will need to retain client files, which will contain personal data, for potentially long periods of time before destruction although, in the vast majority of situations, we will not be using the personal data on them until the specific need arises.

Our general policy on file retention is to destroy our physical paper files after 15 years (given the risk of negligence outlined above) unless we need to keep it longer to satisfy any other requirements and, as stated above, in respect of wills and trusts, this could be

indefinitely during your lifetime given the rule on perpetuities relevant to the trust period (which is 125 years). Electronic client files (which mirror substantially the corresponding physical paper file except perhaps for some additional paper documents) are currently stored indefinitely but matter documents are restricted, accessible only with a password or electronic key under the control of designated staff, and where appropriate encrypted, anonymised or pseudonymised, on closure of the matter (as stated above, basic client details must be available after closure for conflict checks in accordance with our regulatory obligations and to allow us to retrieve strongroom documents relevant to the matter (see below)).

Emails that may contain your personal information are also stored indefinitely but after 12 months they are only accessible through Mimecast, a secure cloud-based archiving solution, which requires the mailbox user's identification and password. As emails are relevant to client files, the same retention reasons specified above apply.

We never destroy original documents (e.g. wills, executed contractual documentation and title documents) that are kept in our strongroom. These will be kept indefinitely with client consent until the client requests them or it is safe to destroy them.

As indicated above, in some circumstances we may anonymise personal information so that it can no longer be associated with you or your representatives, in which case we may use such information without further notice to you, and we may also pseudonymise or encrypt personal information so that it can no longer be associated with you without implementing technical measures as is permitted under the GDPR.

Rights of access, correction, erasure and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you or your representatives is accurate and current. Please keep us informed if any personal information changes during your retainer with us.

Your rights in connection with personal information

Under certain circumstances, by law you and your representatives have the right to:

- **Request access** to personal information (commonly known as a "data subject access request"). This enables an individual to receive a copy of the personal information we hold about him or her and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about an individual. This enables any incomplete or inaccurate information we hold about an individual to be corrected.
- **Request erasure** of personal information. This enables an individual to ask us to delete or remove personal information where there is no good reason for us continuing to process it. Also, an individual has the right to ask us to delete or remove personal information where he or she has exercised the right to object to processing (see below).

PLEASE NOTE THOUGH THAT ALTHOUGH AN INDIVIDUAL IS ENTITLED TO REQUEST ERASURE, BECAUSE WE ARE SOLICITORS WE CAN ALWAYS REFUSE TO COMPLY WITH A REQUEST WHERE WE NEED TO PROCESS INFORMATION FOR THE ESTABLISHMENT, EXERCISE OR DEFENCE OF LEGAL CLAIMS OR TO COMPLY WITH A LEGAL OBLIGATION.

- **Object to processing** of personal information where we are relying on a legitimate interest (or those of a third party) and there is something about an individual's particular situation which makes him or her want to object to processing on this ground. For example, an individual always has the right to object where we are processing his or her personal information for direct marketing purposes.

AGAIN, PLEASE NOTE THAT, AS WITH THE RIGHT OF ERASURE, WE MAY WELL NEED TO

CONTINUE TO PROCESS THE DATA UNDER APPLICABLE EXEMPTIONS WHICH INCLUDE COMPELLING LEGITIMATE GROUNDS OR FOR THE ESTABLISHMENT, EXERCISE OR DEFENCE OF LEGAL CLAIMS.

- **Request the restriction of processing** of personal information. This enables an individual to ask us to suspend the processing of personal information about him or her, for example to establish its accuracy or the reason for processing it.

PLEASE NOTE THAT, SIMILAR TO THE RIGHT OF ERASURE AND OBJECTION, EVEN IF PROCESSING IS RESTRICTED WE MAY WELL NEED TO CONTINUE TO PROCESS THE DATA UNDER APPLICABLE EXEMPTIONS WHICH INCLUDE THE ESTABLISHMENT, EXERCISE OR DEFENCE OF LEGAL CLAIMS.

- **Request the transfer** of personal information to another party.

If you or your representatives want to review, verify, correct or request erasure of your or their personal information, object to the processing of your personal data, or request that we transfer a copy of the personal information to another party, please contact dataprotection@warners.law or send a letter addressed "Data Protection" to our Tonbridge office on Bank Street.

No fee usually required

No individual will have to pay a fee to access his or her personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if a request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Please note that the personal information of representatives of business clients must be requested by the individual concerned (e.g. the board of directors cannot request the personal data of one of its employees, the employee should request this directly).

What we may need

We may need to request specific information to help us confirm an individual's identity and ensure his or her right to access the information (or to exercise any other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In circumstances where you or your representatives may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, that individual has the right to withdraw such consent at any time. To withdraw consent, the individual should contact dataprotection@warners.law or send a letter addressed "Data Protection" to our Tonbridge office on Bank Street. Once we have received notification that consent has been withdrawn, we will no longer process the information for the purpose or purposes originally consented to, unless we have another legitimate basis for doing so in law.

No data protection officer

We have not appointed a data protection officer (DPO) but our Management Board, with assistance from our Risk & Compliance Committee, oversees compliance with this privacy notice. If you or your representatives have any questions about this privacy notice or how we handle personal information, please contact dataprotection@warners.law or send a letter addressed "Data Protection" to our Tonbridge office on Bank Street in the first instance. Every individual has the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, which will be posted on our website. Please check back frequently to see any updates or changes to this privacy notice. We may also notify you in other ways from time to time about our processing of personal information.