

THIRD PARTY PRIVACY NOTICE

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 may collect and use your personal information in accordance with the General Data Protection Regulation (GDPR).

This privacy notice does not apply to our clients or our staff. We have separate privacy notices if you are a client or a member of staff (our client privacy notice is also available on our website).

We, Warners Law LLP (our corporate name, Warners Solicitors is our trading name), can be a "data controller" if we are responsible for deciding how we hold and use personal information about you.

Most of the personal information we collect and use is client data. A separate privacy notice details how we collect and use the data of our clients. We also collect and use personal information about our current and former staff and candidates and there are also separate privacy notices for them.

In addition, we collect and use personal information of the following individuals ("you" for the purposes of this notice):

- Individuals connected with a matter or transaction we are advising a client on or have advised a client on, such as (but without limitation):
 - an individual our client has a legal dispute with;
 - a witness or an expert involved in such a dispute;
 - an individual our client is going into business with (e.g. a partner, director or shareholder);
 - an individual that is buying an asset from, or is selling an asset to, our client;
 - another advisor or an expert to either (i) our client or (ii) the individual connected with a matter or transaction we are advising a client on or have advised a client on;
 - a beneficiary under a will or a trust;
 - a trustee or personal representative administering an estate or a trust; and
 - representatives of a corporate entity connected with a matter or transaction we are advising a client on or have advised a client on,

who we will refer to collectively as a **transactional/matter data subjects**.

- Possibly suppliers, or representatives of corporate suppliers, of goods or services to us or our clients (including potential suppliers that have asked us to do something before entering into a supply contract).

Sometimes, if you are a transactional/matter data subject, we may only process your personal information on behalf of our clients. However, and quite often (given the advice we are providing our clients), we are responsible for deciding how we hold and use personal information about you when we act in the best interest of our clients.

We may update this notice at any time. The most current version is always available to view on our website, <https://www.warners-solicitors.co.uk/>.

This notice makes you fully aware of how and why we are using your information.

DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you 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:

- 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 YOUR PERSONAL INFORMATION COLLECTED?

In respect of transactional/matter data subjects:

- We typically collect your personal information when taking instructions from our client or dealing with their legal matter for them, either directly from our client or sometimes from our own background checks. We may also collect your personal information from you directly or from third parties including your solicitors or other advisors, trustees, attorneys and background check agencies (including private investigators).
- We may collect additional personal information about you throughout the period of us acting for our client.

In respect of our suppliers (or representatives of suppliers), we may collect your personal information when negotiating the supply of goods or services from you (or the person you represent).

HOW WE WILL USE INFORMATION ABOUT YOU

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

1. In respect of transactional/matter data subjects (i) where it is necessary for our clients' legitimate interests and your interests and fundamental rights do not override those interests; and (ii) where we need to comply with a legal obligation.
2. In respect of our suppliers (or representatives of suppliers) (i) where we need to perform the contract we have entered into with you; (ii) where it is necessary for our or our client's legitimate interests and your interests and fundamental rights do not override those interests; and (iii) where we need to comply with a legal obligation.

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

1. Where we need to protect your 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

In respect of transactional/matter data subjects, we need to use your personal information to comply with legal obligations and to pursue legitimate interests of our clients, provided your interests and fundamental rights do not override those interests. The situations in which we will process personal information this way are listed below.

- To progress a matter or transaction for a client.
- To administer the estate of a deceased client or a trust where it is necessary to process your personal information (e.g. you may be beneficiary).
- To establish, exercise or defend a legal claim (including gathering evidence).
- To store original documents of our clients.
- Complying with health and safety obligations.
- To prevent fraud or other criminal offences.
- To ensure network and information security, including preventing unauthorised access to our computer systems and electronic communications systems and preventing malicious software distribution.

If you are a transactional/matter data subject and are in business, we may also use your contact details to pursue our legitimate interests for marketing our legal services (provided you have an opportunity to object and to unsubscribe).

In respect of our suppliers (or representatives of suppliers), we need to use your personal information primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of our clients, provided your interests and

fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Making a decision about your product, service or your general engagement.
- Determining the terms on which you will supply your goods or services to us or our clients.
- Paying you.
- Administering the contract we have entered into with you.
- Making decisions about your continued engagement.
- Making arrangements for the termination of your contract.
- To progress a matter or transaction for a client.
- To establish, exercise or defend a legal claim.
- Using contact details for marketing our legal services (provided you have an opportunity to object and to unsubscribe).
- Complying with health and safety obligations.
- To prevent fraud or other criminal offences.
- To ensure network and information security, including preventing unauthorised access to our computer systems and electronic communications systems and preventing malicious software distribution.

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

Change of purpose

We will only use your 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 knowledge or consent 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.
4. Where it is needed to assess your capacity on health grounds, subject to appropriate confidentiality safeguards.
5. Where it is needed in relation to legal claims or where it is needed to protect our clients' interests (or your interests) and you are not capable of giving or procuring consent, or where you 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 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.
- 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 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 or your advisors for written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you or your advisor with full details of the information that we would like and the reason we need it, so that you or your advisors can carefully consider whether you wish to consent.

INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. In the context of transactional/matter data subjects, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect our clients' interests (or your interests) and you are not capable of giving consent, or where you have already made the information public.

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

We will collect information about criminal convictions if it is appropriate and where we are legally able to do so. Where appropriate, we may be notified of such information directly by you or your advisors in the course of our client's matter or transaction.

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 authorised by law.
3. In limited circumstances, with your 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 have either 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 will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you (or your advisors).

DATA SHARING

We may have to share your 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 administer the working relationship with you, or where we have another legitimate interest in doing so. In respect of transactional/matter data subjects particularly, we may have to share your personal information with our client (relevant to the matter or transaction).

Which third-party service providers process personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and our client (relevant to the matter or transaction). The following activities are carried out by third-party service providers:

- Administration.
- IT services.

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 and we do not allow our third-party service providers to use your personal data for their own purposes unless permitted by law. We only permit third-party service providers to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

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 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 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 personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

In respect of our own security obligations under the GDPR, we have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Other than the disclosure of your personal information to our clients in respect of the legal matter or transaction, we limit access to personal information to those employees, our partners, agents, contractors and other third parties who have a business need to know and they will only process personal information on our instructions and they are subject to a duty of confidentiality.

Please note that this does not apply to personal information shared with our client in respect of the applicable matter or transaction connected to you, 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 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.

In respect of transactional/matter data subjects, we must retain personal data for 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.
- We often need to keep paper files for more than 15 years for our clients' private client matters where an estate will to 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 may contain personal data of transactional/matter data subjects, 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 client file retention is to destroy the physical paper files after 15 years (given the possibility 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 (basic details of our clients must be available after closure 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 – and to allow us to retrieve strongroom documents relevant to the matter (see below)).

Emails that may contain personal information of transactional/matter data subjects 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 on behalf of our clients. These will be kept

indefinitely with client consent or in their legitimate interests until the client requests them or it is safe to destroy them.

As indicated above, in some circumstances we may anonymise personal information on client files so that it can no longer be associated with you, 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.

In respect of our suppliers (or representatives of our suppliers), supplier contracts are periodically reviewed and our policy is to keep them for at least seven years after termination which corresponds with the limitation period for contract claims under the Limitation Act 1980 plus one year (for appeals and possible technicalities). Emails that may contain your personal information are stored securely in Mimecast as previously stated in respect of transactional/matter data subjects.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your rights in connection with personal information

Under certain circumstances, by law you 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 or our clients are relying on a legitimate interest 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.

PLEASE NOTE THAT THIS WILL NOT APPLY TO THE VAST MAJORITY OF TRANSACTIONAL/MATTER DATA SUBJECTS BECAUSE THE RIGHT TO A TRANSFER (“DATA PORTABILITY” AS IT IS DEFINED UNDER THE GDPR) ONLY APPLIES TO PERSONAL INFORMATION AN INDIVIDUAL HAS PROVIDED TO A CONTROLLER, WHERE THE PROCESSING IS BASED ON THE INDIVIDUAL’S CONSENT OR THE PERFORMANCE OF A CONTRACT AND WHEN PROCESSING IS CARRIED OUT BY AUTOMATED MEANS.

If you want to review, verify, correct or request erasure of your 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 businesses 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 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 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.