



## Privacy Notice

### What is the purpose of this document?

Attwells Solicitors LLP is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you before, during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR). It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint. Please read it carefully.

Attwells Solicitors LLP is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to anyone where we collect personal data in accordance with our business activity. This notice does not form part of any contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical. It is important that you read and retain this notice, together with any other privacy notice we may provide 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 such information and what your rights are under the data protection legislation.

### Data protection principles

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

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- 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, such as information about a person’s health or sexual orientation.

Dependent on the nature of the matter we are dealing with, we will collect, store, and use various categories of personal information about you. These categories are set out in the table in the Appendix to this notice.

### How is your personal information collected?

We collect personal information about you throughout the matter we are dealing with, either directly from you, from publicly accessible sources such as Companies House or HM Land Registry or sometimes from a third party such as an estate agent, mortgage provider, mortgage broker, work introducer, clients of the firm, your friends or family (where they are our client), client due diligence providers, credit reference agencies or other solicitors or professionals.

We may also collect information via our website - we use cookies on our website (for more information on cookies, please see our <https://www.attwells.com/cookie-policy/> cookie policy).

### **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 your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your 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.

### **Situations in which we will use your personal information**

We need all the categories of information in the table in the Appendix of this notice 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 third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are set out in the table in the Appendix to this notice along with the purpose for which we are processing or will process your personal information.

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

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

### **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 your 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 your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Marketing**

We may use your personal data to send your updates (via email, telephone or post) about legal developments that might be of interest to you and/or information about our services, including exclusive offers, promotions or new services.

We have a legitimate interest in using your personal data for promotional purposes (see the table in the Appendix to this notice). This means we do not usually need your consent to send you marketing information. However, where consent is needed, we will ask for this consent to separately and clearly.

You have the right to opt out of receiving marketing communications at any time by:

- Contact us at [joanne.debnham@attwells.com](mailto:joanne.debnham@attwells.com) ; or
- Using the 'unsubscribe' link in emails.

We may ask you to confirm or update your marketing preferences if you ask us to provide further services in the future, or if there are any changes in the law, regulation, or the structure of our business.

We will always treat your personal with the utmost respect and never sell or share it with other firms for marketing purposes.

### **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 have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations or exercise rights in connection with your contract with us.
- Where it is needed in the public interest, such as for equal opportunities monitoring.

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 interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

We believe we will only hold sensitive personal information in some employment cases we may be dealing with and with therefore only use this personal data in accordance with the needs of the matter for which you are instructing us.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your 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 can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to 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 and provided we do so in line with our data protection policy.

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 interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

We do not envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the contract and where we are legally able to do so.

### **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:

- Where we have notified you of the decision and given you 21 days to request a reconsideration.
- Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
- 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 your 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.

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

### **Data sharing**

We may have to share your data with third parties, including third-party service providers, professional advisers who we instruct on your behalf or refer you to e.g. barristers, accountants, tax advisers and other professionals, your mortgage provider, our insurers and brokers, our bank, and external auditors, e.g. in relation to Lexcel accreditation and the audit of our accounts. Some of these third parties may be based outside the EEA. For more information, including on how we safeguard your personal data when this happens, see below: **'Transferring information outside the UK'**

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

We will share your 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.

### **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (such as Land Registry, HMRC, the Probate Registry, HMCTS). The following activities are carried out by third-party service providers: IT services, property searches, identification checks.

## **How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We only allow providers to handle your personal data if we are satisfied they take appropriate measures to protect your personal data. We also impose contractual obligations on service providers relating to ensuring that they can only use your personal data to provide service to us and to you. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **When might you share my personal information with third parties?**

We may share your personal information with other third parties, for example in the context of a possible claim or complaint or potential buyers of our business or during a restructuring (here, usually, information will be anonymised but this may not always be possible. However, the recipient will be bound by confidentiality obligations.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

## **Transferring information outside the UK**

Countries outside the UK have differing data protection laws, some of which may provide lower levels of protection of privacy.

It is sometimes necessary for us to transfer your personal data to countries outside the UK. In those cases we will comply with applicable UK laws designed to ensure the privacy of your personal data.

We may transfer your personal data to our service providers located outside the UK, including but not limited to our CRM provider located in the United States of America.

Under data protection laws, we can only transfer your personal data to a country outside the UK where:

- in the case of transfers subject to UK data protection law, the UK government has decided the particular country ensures an adequate level of protection of personal data (known as an 'adequacy regulation') further to Article 45 of the UK GDPR. A list of countries the UK
- currently has adequacy regulations in relation to is available here. The list of countries that benefit from adequacy decisions will change from time to time. We will always seek to rely upon an adequacy decision, where one exists.
- in the case of transfers subject to EEA data protection laws, the European Commission has decided that the particular country ensures an adequate level of protection of personal data (known as an 'adequacy decision') further to Article 45 of the EU GDPR. A list of countries the European Commission has currently made adequacy decisions in relation to is available here. We will always seek to rely upon an adequacy decision, where one exists.
- there are appropriate safeguards in place, together with enforceable rights and effective legal remedies for you; or
- a specific exception applies under relevant data protection law.

Where we transfer your personal data outside the UK, we do so on the basis of an adequacy regulation or (where this is not available) where there is no adequacy decision, we may transfer your personal data to another country or international organisation if we are satisfied the transfer complies with data protection law, appropriate safeguards are in place, and enforceable rights and effective legal remedies are available for data subjects. The safeguards will usually include using legally approved standard data protection contract clauses. In relation to transfers to our overseas offices or other companies within our group, the safeguards may instead include legally binding rules and policies that apply to Attwells LLP, which have been approved by the UK data protection regulator.

In the absence of an adequacy decision or appropriate safeguards, we may transfer personal data to a third country or international organisation where an exception applies under data protection law, e.g.:

- you have explicitly consented to the proposed transfer after having been informed of the possible risks;
- the transfer is necessary for the performance of a contract between us or to take pre-contract measures at your request;
- the transfer is necessary for a contract in your interests, between us and another person; or

- the transfer is necessary to establish, exercise or defend legal claims We may also transfer information for the purpose of our compelling legitimate interests, so long as those interests are not overridden by your interests, rights and freedoms. Specific conditions apply to such transfers and we will provide relevant information if and when we seek to transfer your personal data on this ground.

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### **Data security**

We have put in place measures to protect the security of your information.

Third parties will only process your 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 personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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 my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Where you contact us to obtain a quotation for legal work and do not proceed with instructing us, we anticipate your data will be erased after 12 months.

Where you have undertaken a matter with us, whether or not it has successfully concluded, we anticipate we will keep your data for no more than 7 years from the date of the last activity on your last matter undertaken with us. In some circumstances however, you may have asked us to undertake a matter where we will need to keep your details for longer such as where we deal with writing a will for you, a power of attorney or dealing with trust work.

Where you have sworn a document in the presence of one of our lawyers then we anticipate that we will keep your data for no more than 7 years from the date of the swearing with us.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

### **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 is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information.

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

**Access** your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

**Correct** the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

**Erase** your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

**Object** to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. This will only usually apply where you can evidence the processing of your data is causing unwarranted and substantial damage and distress. You also have the right to object where we are processing your personal information for direct marketing purposes.

**Restrict** the processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

**Transfer** of your personal information to another party.

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 your personal information to another party, please contact [data.protection@attwells.com](mailto:data.protection@attwells.com) or the Data Manager, Attwells Solicitors, Sun Buildings, 35-37 Princes Street, Ipswich IP1 1PU in writing.

#### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your 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 the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [data.protection@attwells.com](mailto:data.protection@attwells.com) or the Data Manager, Attwells Solicitors, Sub Buildings, 35-37 Princes Street, Ipswich IP1 1PU in writing. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

#### **Data protection officer**

We have appointed a data privacy manager to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the data privacy manager. 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.

## **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.



Appendix - Table of data categories, how they are processed, the legal basis for processing, retention periods and your rights

Category of Data	How Used	Legal Basis
Personal contact details including title, name, address, telephone numbers and personal email addresses	Providing a quotation	Necessity
	Administering our contract with you	Necessity
	Internal management data analysis	Legitimate Interests
	Monitoring client care	Legitimate Interests
	Communicating with you about legal developments, our services, special events, discounts etc.	Consent*
	Holding documents at your request such as deeds, wills, LPAs etc.	Necessity
	Compliance with our legal obligations and insurance requirements and adhering to court orders and exercising/defending our legal rights	Legal Obligation
Date of Birth, Gender and Occupation	Administering our contract with you	Necessity
Marital basis and dependents	Administering our contract with you	Necessity
National Insurance Number	Administering our contract with you	Necessity
Bank Account and Payment Details	Administering our contract with you	Necessity
Salary and details on your finances	Carrying out our legal obligations	Legal Obligation
Identification documents	Carrying out our legal obligations	Legal Obligation

Employment details such as location of workplace, salary, working history, education history, employment records, performance information and disciplinary and grievance information	Administering our contract with you	Necessity
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\*Consent can be withdrawn