

Colin Brown & Kidson

PRIVACY NOTICE

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This notice is intended to explain how we use your information and what your rights are in relation to how we use your information.	

WHO WE ARE

Colin Brown & Kidson (hereafter 'the Firm') is constituted as a Partnership. The office address is Wellington House, 5 Wellington Road, Whitby, North Yorkshire, YO21 1BH.

The Firm is the 'Controller' for data protection purposes. This means that the Firm collects and holds your information and decides what it will be used for. The Firm is subject to the requirements of data protection legislation applicable to the UK and must use your personal data in accordance with the law. The Firm is registered with the Information Commissioner's Office (ICO), with registration number Z7600046.

HOW YOU CAN CONTACT US

We have appointed Michael Crossling as our Data Protection Officer and you can contact him to discuss this privacy notice any data protection related issues or queries.

Telephone: 01947 603391
Email: mac@cbk.uk.com
Post: Wellington House, 5 Wellington Road, Whitby, North Yorkshire, YO21 1BH

IF YOU ARE A VISITOR TO OUR WEBSITE

Cookies

Cookies are small text files that are placed on your computer by websites that you visit. They are widely used in order to make websites work, or work more efficiently, as well as to provide information to the owners of the site.

Cookies may be either "persistent" cookies or "session" cookies. A persistent cookie consists of a text file sent by us to your computer and will be stored on your computer until its set expiry date (unless deleted by the user before the expiry date). A session cookie, on the other hand, will expire at the end of the user session, when you leave our site.

We DO NOT use cookies to track your behaviour on our website.

Using our contact form

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If you submit your personal details to us by completing and submitting our contact form, we will use your information to:

- Contact you to respond to your request for contact;
- Send information to you about the firm and its services, where you have given us express authority to do so.

We will add your contact details to our electronic client database and keep them for as long as you provide your consent for us to use your contact details in this way.

Our lawful basis for using your information in this way will be two-fold:

- 1) For our legitimate interests in marketing our services; and
- 2) Upon your express consent (where required by law).

Will not share information received through our contact form with any third party unless you expressly authorise us to do so or we are required by law.

TELEPHONING OUR OFFICES

We record all incoming and outgoing telephone calls for the following reasons:

- **Quality monitoring:** to help us to monitor our service levels;
- **Training:** to help us to identify training needs and to provide training material from different scenarios we encounter when making or receiving telephone calls;
- **Complaints and disputes:** to provide us with additional information to help us with investigations for complaints or disputes;
- **Staff protection:** to provide us with evidence in the event of abusive behaviour towards our staff.

Our legal basis for recording calls is to protect our legitimate interests in ensuring that we have the information available for the reasons stated above.

Call recordings may be disclosed to third parties if required to settle a dispute or report any abusive behaviour. Call recordings will also be disclosed to third parties if required by law.

Call recordings are stored on our own server which is located on site at our office.

All call recordings are kept for up to 12 months after which time they are permanently destroyed.

IF YOU ARE A CLIENT

We keep your information confidential and will not disclose it to third parties unless disclosure is:

- (a) Authorised by you;
- (b) Necessary as part of the legal services we are providing to you (to perform our contract with you);
- (c) Required by law or our professional rules;
- (d) Necessary for the purposes of our legitimate interests or those of a third party (in other words, we have a compelling justification for the disclosure); or
- (e) Necessary to protect your vital interests or those of another person i.e. to protect a life.

We use your information primarily to provide legal services to you. We also use your information for: accounting and billing purposes; to comply with our legal and regulatory obligations, and to manage our business effectively. With your authority, we may also send you information about our services or events that we think may be of interest to you. We will seek your written consent to do this.

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We may, on your authority, work with other professionals to progress your matter, and may need to disclose relevant information about you to them. Examples include: barristers/ counsel, experts, costs specialists, other lawyers etc. We will seek your written consent to do this.

Where there is another party(ies) to your matter (i.e. opponent in litigation, buyer/seller to a property transaction etc.), we will liaise with their legal representative (or the third party directly if they are not represented) in order to progress your matter. This may involve us disclosing relevant information about you, to this party(ies) in order for us to provide our legal services to you (to perform our contract with you). Please contact us if you have any queries about this.

Sometimes we outsource part of our work to other people or companies to improve efficiency and your client experience. We will always carry out due diligence and obtain confidentiality agreements from such outsourced providers. If you would like more information about our outsourcing arrangements, please contact us.

The Firm may become subject to periodic checks by Law Society approved Consultants and/or Assessors and compliance specialists that we engage the support of. This could mean that your file is selected for checking, in which case we would need your consent for the checking to occur. All such checks are conducted by individuals who have provided the Firm with a Confidentiality Agreement. We will seek written consent as to whether you are happy for your file to be selected for file auditing and vetting. If you refuse to give us consent to checks, your refusal will not affect the way your case is handled in any way.

We may correspond with you by email if you provide us with an email address, unless you advise us in writing that you do not wish us to do so. You acknowledge that email may not be secure. Email will be treated as written correspondence and we are entitled to assume that the purported sender of an email is the actual sender and that any express or implied approval or authority referred to in an email has been validly given. Please be aware that the Firm may monitor and read any email correspondence travelling between you and any mail recipient at the Firm as part of its monitoring activities to ensure compliance with its Information Management & Security Policy.

We will aim to communicate with you by such method as you request. More often than not this will be in writing but may be by telephone if it is appropriate.

Where you provide us with fax or email addresses for sending material to, you are responsible for ensuring that your arrangements are sufficiently secure and confidential to protect your interests. You must tell us if this method of communication is not secure so that can use an alternative method.

The Internet is not secure and there are risks if you send sensitive information in this manner or you ask us to do so. Please be aware that the data we send by email is not routinely encrypted.

We will take reasonable steps to protect the integrity of our computer systems by screening for viruses on email sent or received. We expect you to do the same for your computer systems.

It is very unlikely that we will change our bank account details during the course of your matter. In any event, we will never contact you by email to tell you that our details have changed. If you receive any communications purporting to be from this firm, that you deem suspicious or have any concerns about (however slight), please contact our office by telephone straightaway.

During the progress of your matter, we may hold your information both electronically and in paper format. We will use all reasonable measures to ensure that your information remains confidential and will advise you immediately if we believe that any of your information has been released. We have procedures in place with our staff members to ensure that your information is only seen by members of staff who have a legitimate reason for accessing your file, such as fee earners and support staff working on your file and senior members of the firm for the purposes of supervision, checking your file for quality purposes or to deal with any complaints.

Once your matter has concluded, we will hold your files in our archive storage or with our contracted third-party storage provider (paper files) or on our file management systems (electronic files) for at least 6 years from the

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date that the matter is closed in line with our retention periods. After that period has elapsed, we will destroy your file securely and/or delete it from our electronic records. Once that has happened, your file will no longer be available.

We may transfer your personal data outside of the UK where our backup systems are hosted outside of the UK. However, we ensure that appropriate safeguards are in place obliging our system and storage providers to process your personal data to the standards expected in the UK. Our providers are bound by the same data protection laws as us, meaning that they have the same obligations to keep your data safe.

IF YOU ARE A THIRD PARTY OR THE OTHER SIDE TO OUR CLIENTS' MATTERS

We will receive information (including personal data) about third parties that are involved with our clients' matters. For example, opponents to our clients in litigations matters, the buyer/seller in our clients' property matters, executors and beneficiaries to a Will etc. We will primarily receive information about you from your legal representative, unless you are unrepresented and provide this to us directly.

We receive this information so that we can provide legal services to our client and therefore our legal basis for processing your information is to perform the contract that we have with our client for legal services. Your legal representative (if you have one) should have informed you of their purposes for processing personal data and explained that they would need to share your information with us to progress your matter.

We keep your information confidential and will not disclose it to third parties unless disclosure is:

- (a) Authorised by you;
- (b) Necessary for the performance of a contract;
- (c) Required by law or our professional rules;
- (d) Necessary for the purposes of our legitimate interests or those of a third party (in other words, we have a compelling justification for the disclosure); or
- (e) Necessary to protect your vital interests or those of another person i.e. to protect a life.

During the progress of our clients' matters, we may hold your information both electronically and in paper format. We will use all reasonable measures to ensure that your information remains confidential and will advise you immediately if we believe that any of your information has been released. We have procedures in place with our staff members to ensure that your information is only seen by members of staff who have a legitimate reason for accessing your file, such as fee earners and support staff working on your file and senior members of the firm for the purposes of supervision, checking your file for quality purposes or to deal with any complaints.

Once our clients' matters have concluded, we will hold your information on our clients' files in our archive storage or with our contracted third-party storage provider (paper files) or on our file management systems (electronic files) for at least 6 years from the date that the matter is closed in line with our retention periods. After that period has elapsed, we will destroy our clients' files securely and/or delete it from our electronic records. Once that has happened, your information will no longer be available.

We may transfer your personal data outside of the UK where our backup systems are hosted outside of the UK. However, we ensure that appropriate safeguards are in place obliging our system and storage providers to process your personal data to the standards expected in the UK. Our providers are bound by the same data protection laws as us, meaning that they have the same obligations to keep your data safe.

IF YOU HAVE APPLIED TO WORK FOR US

All of the information you provide when you apply to work for us, will only be used for the purpose of progressing your application, or to fulfil legal or regulatory requirements if necessary.

We will not share any of the information you provide during the recruitment process with any third parties unless authorised by you or required by law. We will not store any of your information outside of the European Economic Area.

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We will use the contact details you provide to us to contact you to progress your application. We will use the other information you provide to assess your suitability for the role you have applied for. You don't have to provide what we ask for, but it might affect your application if you don't.

Our legal basis for processing your personal data is two-fold:

- 1) For our legitimate interests in ensuring that we have adequate recruitment procedures and undertake the right checks to ensure that we recruit the right candidate; and
- 2) To meet our legal obligations, particularly those relating to equality and diversity.

If you are successful, the information you provide during the application process will be retained by us as part of your employee file for the duration of your employment plus 6 years following the end of your employment.

If you are unsuccessful at any stage of the process, the information you have provided until that point will be retained for 6 months from the closure of the vacancy.

Information generated throughout the assessment process, for example interview notes, is retained by us for 6 months following the closure of the campaign.

Equal opportunities information is retained for 6 months following the closure of the campaign whether you are successful or not.

We may transfer your personal data outside of the UK where our backup systems are hosted outside of the UK. However, we ensure that appropriate safeguards are in place obliging our system and storage providers to process your personal data to the standards expected in the UK. Our providers are bound by the same data protection laws as us, meaning that they have the same obligations to keep your data safe.

IF YOU ARE CURRENT EMPLOYEE OR FORMER EMPLOYEE

We obtain your personal information for the following purposes:

- Contact details;
- Bank details;
- Pension details;
- Tax details;
- Pay details;
- Annual leave details;
- Sick leave details;
- Performance details;
- Qualifications;
- Employment history;
- Ethnicity details;
- Disability details;
- Training records;

We keep your information confidential and will not disclose it to third parties unless disclosure is:

- (a) Authorised by you;
- (b) Necessary for the performance of a contract;
- (c) Required by law or our professional rules;
- (d) Necessary for the purposes of our legitimate interests or those of a third party (in other words, we have a compelling justification for the disclosure); or
- (e) Necessary to protect your vital interests or those of another person i.e. to protect a life.

Our legal basis for processing your personal data is two-fold:

- 1) For our legitimate interests in ensuring that we have adequate personnel records; and
- 2) To meet our legal obligations as employers.

We will share your information with the following third parties:

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- HMRC;
- The firm's pension provider;
- The firm's payroll provider;
- The firm's IT support provider;
- Solicitors Regulation Authority / The Law Society (as applicable)

Your employee file for the duration of your employment plus 6 years following the end of your employment.

We may transfer your personal data outside of the UK where our backup systems are hosted outside of the UK. However, we ensure that appropriate safeguards are in place obliging our system and storage providers to process your personal data to the standards expected in the UK. Our providers are bound by the same data protection laws as us, meaning that they have the same obligations to keep your data safe.

YOUR RIGHTS

If you are an individual, you have the following rights under the UK General Data Protection Regulation (UKGDPR):

- (a) Right to access personal data – you can request details from us of the personal data that we hold about you;
- (b) Right to object to processing – you can tell us that you want us to stop processing your personal data;
- (c) Right to object to automated individual decision making including profiling – you can object to us making decisions about you solely by using a computer system without any human consideration – we do not currently automate decision making;
- (d) Right to rectification – you can ask us to correct personal data that we hold because you believe it is inaccurate;
- (e) Right to erasure – you can ask us to delete the personal data that we hold about you;
- (f) Right to restrict processing – you can tell us that you only want us to use the personal data for a specific reason.

Please note that these rights are not absolute rights (they are not rights that will be automatically granted), as we have to consider whether there are any reasons why we cannot meet your request. For example, we will not be able to delete data that we are legally obliged to keep. We will let you know if we not able to meet your request and the reason why (where it is appropriate to disclose this information to you).

You also have the right to complain to the Information Commissioner's Office (ICO) if you are not happy with the way that we handle your personal data. You can contact the ICO at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by calling the ICO's helpline on 0303 123 1113.

Please note that where you provide consent to us using your personal data, you are entitled to withdraw that consent at any time. You can do this by informing your file handler or contacting our designated Data Protection Officer.

LINKS TO OTHER WEBSITES

This Privacy Notice does not cover any links to other websites that have been included on our website. Please read the Privacy Notices on the other websites that you visit.

CHANGES TO OUR PRIVACY POLICY

This privacy notice will be reviewed regularly and was last updated on 16th February 2021.