

BEERS LLP
PRIVACY NOTICE FOR CLIENTS

Beers LLP ("the Firm", "we" or "us"), of 29 Fore Street Kingsbridge TQ7 1AA and North Quay House, Sutton Harbour Plymouth PL4 0RA, is committed to protecting the privacy and security of your personal information.

The Firm is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. This privacy notice describes how we collect and use personal information about you during and after your time as a client of ours, in accordance with the General Data Protection Regulation (GDPR). It applies to current, prospective and former clients. It does not form part of our contract to provide you with legal services.

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, 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 may 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

In order for us to undertake legal services for you, which may include advising and acting on your behalf, and to manage our business relationship, we hold and process personal data and information about you which may include:

- personal details (e.g. name, title, addresses, telephone numbers, email addresses, date of birth, gender, marital status and national insurance number, job title);
- family details;
- lifestyle, employment and social circumstances;
- goods and services;
- financial details;
- business of the person whose personal information we are processing;
- education and employment details;
- documents verifying proof of identity.

Information that you provide to us as part of our providing legal services to you depends on the nature of your instruction (for example, preparing a will or handling an employment matter may involve collection of a substantial amount of personal information about your

family or financial situation, whereas undertaking a conveyancing matter would normally involve less disclosure of information).

Depending on the services for which we undertake for you, we may also hold and gather special categories of personal data, which may include:

- physical or mental health details (for example, medical conditions, medical records and reports, health and sickness records;
- racial or ethnic origin;
- political opinions;
- religious or other beliefs;
- sexual life;
- trade union membership;
- offences and alleged offences;
- criminal proceedings, outcomes and sentences.

These requests also help us to comply with our obligations under the Solicitors Regulation Authority ("SRA").

How is your personal information collected?

We collect personal information through the file opening procedure directly from prospective clients. We may sometimes collect additional information from third parties including credit reference agencies or other background check agencies. In particular, we collect additional information from outside agencies when carrying out our obligatory checks during the file opening and money laundering procedure. We may collect further personal data from you in the course of taking instructions and providing legal services. Where a third party is involved in the legal matter in question, data may be collected from third parties such as witnesses, the third party or their representatives. We will collect additional personal information in the course of our duties throughout the period of you instructing us to act for you.

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:

- to perform the legal services, including advising and acting on your behalf, that you have instructed us to carry out;
- to comply with a legal obligation to which we are subject or where required by law;
- to comply with the SRA's regulatory requirements;
- for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; and
- to monitor client satisfaction including processing client surveys (where you consent) to provide.

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

- where we need to protect your interests (or someone else's interests); or

- where it is needed in the public interest or for official purposes.

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 listed below:

- making a decision about whether we can act for you, after carrying out a conflict of interest check;
- determining the terms on which we work for you;
- administering services you have instructed us to provide;
- business management and planning, including accounting and auditing;
- dealing with legal disputes involving you, or other employees, workers and contractors and for the establishment of legal rights;
- to prevent fraud and money laundering; and
- (where you consent) to provide you with information about our services from time to time (marketing).

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. Please note the list of potential personal data we process and the processing purposes for which we use them is not an exhaustive list. We do not make any decisions regarding client data using automated decision making, which is when an electronic system uses personal data.

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 (such as acting on your behalf, transferring money owed to you or providing a benefit), or we may be prevented from complying with our legal obligations (such as acting in your best interests or complying with our obligations under the SRA).

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 and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy.

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.

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.

Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group, in order to provide our services to you, to comply with regulatory requirements and other legal obligations to which we are subject (statutory and contractual), for the purpose of running our IT systems and for our legitimate interests. We require third parties to respect the security of your data and to treat it in accordance with the law.

Where necessary or required, we may share information with:

- family, associates or representatives of the person whose personal data we are processing;
- ombudsmen and regulatory authorities such as the SRA;
- our insurers;
- financial organisations, mortgage providers and panels that provide us with industry accreditations;
- estates and managing agents;
- the other parties and their legal representatives in a transactional, contentious or litigious matter;
- healthcare professionals, social and welfare organisations;
- courts and tribunals;
- mediators and arbitrators;
- Counsel and their clerks; and

Our suppliers and service providers, such as:

- costs draftspersons;
- document management services;
- IT service providers;
- debt collection and tracing agencies;
- credit reference agencies***;
- process servers;
- private investigators;
- transcribers;
- translators; and

- witnesses.

***Where using a credit reference agency, the Firm may use the agency TransUnion (formerly Callcredit). Further details about TransUnion and the information it holds can be found in the TransUnion Bureau Privacy Notice, which can be found at <https://www.callcredit.co.uk/legal-information/bureau-privacy-notice>.

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. Details of these measures may be obtained from the Data Protection Manager.

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 normally retain your data for six years after we have ceased to provide the services for you, or such longer period as may be required by law, or agreed between us (in the event, for example, you wish us to hold and store your wills or Powers of Attorney).

We will normally only retain your personal information for as long as necessary to fulfil the purposes we collected it for and/or to meet our regulatory requirements, or where required by law, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the Data Protection Manager.

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.

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:

- **Request access** to 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.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

- **Request erasure** of 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of 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.
- **Request the 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 Monty Morris, the Data Protection Manager, in writing. You can do so by email at monty.morris@beersllp.com or by post at Beers LLP, 29 Fore Street, Kingsbridge TQ7 1AA.

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 the Data Protection Manager. 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 manager

The firm considers it is not required to have a Data Protection Manager. I have appointed a Data Protection 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 Monty Morris. 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.

If you have any questions about this privacy notice, please contact the Data Protection Manager, Monty Morris.