Example of a Privacy Notice

(This must be adapted for each law firm)

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# Our contact details

[XXX] is a firm of solicitors providing legal services to individual clients and business clients, including those instructing us on behalf of public, private and third sector bodies.

*[You may wish to provide a brief list the services you provide here.]*

We provide legal services in the following areas:

* Family law
* Conveyancing
* Wills, Trusts and Executries
* Criminal work
* Commercial litigation
* Commercial work
* etc

In order to do this, we collect and use personal data about our clients, potential clients and other individuals when this is necessary to provide our legal services.

In relation to the provision of legal services, much of the personal data that we process is subject to an obligation we have to our clients to maintain their confidentiality and/or legal privilege. This means that sometimes we do not require to tell other individuals that we are processing their data or provide them with a copy of it.

This obligation of confidentiality does not apply to all of the personal data that we collect and use and so this notice provides information about how we process the personal data which is not subject to an obligation of confidentiality and/or legal privilege.

We have a separate privacy notice for our staff and prospective staff.

We have appointed a data protection officer/manager[[1]](#footnote-1) who can be contacted in the following ways:

Name[[2]](#footnote-2):

Address:

Phone Number:

E-mail:

# Types of personal information we have

Because of the nature of the services we provide, the types of data we process can be quite varied, but will usually include full name, contact details and information about you as a client.

We will ask our individual clients and those representing our corporate clients for copies of information identification documentation and other information in order to comply with our obligations under anti-money laundering laws. We may also require to carry out the same identity and anti-money laundering checks on others, for example, anyone providing funds to clients in order to purchase property.

[This list will depend on the work that you do and will reflect the categories of work listed above and below.]

Depending on the nature of our relationship with you, we will process information about your:

* financial affairs;
* family, lifestyle and social circumstances;
* education and employment background;
* medical conditions;

We also operate CCTV cameras capturing images of those entering our offices for the prevention and detection of crime and for the safety and security of our staff. These images are held for 30 days[[3]](#footnote-3) and then securely destroyed.

In some circumstances, again depending on the nature of relationship with our client, we will process special categories of personal data, in which case we take particular care to process such data in accordance with the stricter legal requirements set out in Data Protection legislation, particularly in relation to security and confidentiality.

Special category data includes:

* information revealing your racial or ethnic origin;
* revealing your political opinions;
* information revealing your religious or philosophical beliefs;
* information revealing your trade union membership;
* genetic or biometric data for the purpose of uniquely identifying natural persons;
* information concerning your health; and
* information concerning your sex life or sexual orientation.

If we process information about criminal offences and convictions, the same considerations will be taken into account. Further information about how we do this is set out below.

# How we get the information and why we have it and our lawful basis for processing

We obtain personal data directly from our clients; from and about third parties involved in the provision of legal services to our clients; professional representatives; other professionals; witnesses and potential witnesses in court matters; and we will also use information that is publicly available.

In relation to our individual clients, we have a contract to provide them with legal services and process their data as it is necessary to do, to provide them with our legal services.

In relation to our business clients, our contract is not with an individual, but we have a legitimate business interest in processing personal data as necessary to provide our legal services.

We have a legal obligation to process identification documentation and other information from our individual and business clients and to carry out checks to comply with anti-money laundering legislation.

We process the data of third parties because we have a legitimate business interest to do so, and it is necessary for us to do so, in order to provide our legal services.

Where we process any special category personal data or criminal offence data, we can rely one of the legal bases set out above, and because the processing is necessary for the establishment, exercise or defence of legal claims.

Sometimes to carry out AML checks when we have not met an individual face to face, we will use facial recognition technology which involves biometric data. We will only use this when it is necessary and will ensure that it is deleted as soon as it no longer required by us. This a regulatory requirement which we consider is necessary to comply with a substantial public interest.

# What we do with the information we have including who we share it with

The data that we collect and use is to assist us in providing legal services to our clients, to comply with the legislation that regulates our profession and to keep our clients informed about our services.

In order to do this, we share this information with third parties on a regular basis. Often when we share personal data clients and other third parties will be aware of this but occasionally personal data will be shared confidentially.

For domestic conveyancing matters (delete or add to as appropriate):

* Seller/buyer’s solicitors
* Seller/buyer
* Property centre
* Surveyors
* Photographers
* Viewing assistant
* Financial adviser
* Mortgage providers
* Registers of Scotland
* Revenue Scotland

For family law matters (delete or add to as appropriate):

* Solicitor for the other party
* Advocates
* Party litigant
* Court
* Expert witnesses and advisers
* Court appointed reporters
* Scottish Legal Aid Board
* Financial advisers

For Wills and Executries matters (delete or add to as appropriate):

* Court
* DWP
* HMRC
* Privacy pension funds
* Financial institutions
* Financial advisers

Criminal law:

* Scottish Legal Aid Board
* Courts
* Advocates
* Expert witnesses

If you are a client, you will usually know when we share your data and who we share it with.

From time to time we send updates about our services and events we are hosting by email. If you do not want to receive these messages, please contact us using the [contact details](#_Our_contact_details) above. You can also click on the unsubscribe link in any emails we send.

The personal data we process will also be shared with third parties who assist us to provide our services but who do not use this data for their own purposes. There is more information on this below.

For example, for all individual clients and individuals representing related to business clients:

* we use a third party to assist us to verify our clients’ identity and to ensure that there are no money laundering concerns that we need to be aware of.
* we have a written contract with this organisation who will only do what we instruct them to do with the data provided to them; they will keep the data secure and will only gather personal data and use it on our instructions to carry out these checks.

# How we store your information

Your information is securely stored on our IT systems which are hosted on a secure cloud server [you may choose to name the provider]/our own secured server. We also use third party software to help us manage the information we use to provide our legal services.

We have contracts with these providers to ensure that the data is secure and that it will not be used by them for their own purposes.

If the data is stored outwith the EEA, we will ensure that there is adequate protection in place to ensure the same data protection standards are maintained[[4]](#footnote-4).

We have procedures to deal with any suspected data security breach and will notify you and the ICO of a suspected breach where data protection legislation requires us to do so.

We keep personal data for as long as it is necessary for our requirements, including the regulatory requirements placed upon all law firms. After this time we will delete the data securely or anonymise it.

If you wish further information about our retention policy then please contact us using the details [above](#ContactDetails).

# Your data protection rights

Under data protection law, you have rights including:

* **Right of access** - You have the right to ask us for a copy of your personal information. Unless you are a client, we will have to consider whether the personal data about you is subject to a duty of confidentiality we owe to our client or whether other exemptions may apply. You also have the right to information about how we use your data. This notice should answer most of your questions but you should contact us if you have further queries.
* **Right to rectification** - You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
* **Right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.
* **Right to restriction of processing** - You have the right to ask us to restrict the processing of your information in certain circumstances.
* **Right to object to processing** - You have the right to object to the processing of your personal data in certain circumstances. You have an absolute right to ask us to stop sending you marketing material and updates about our services.

There is no charge for exercising these rights unless the request is manifestly unfounded or excessive. If it is, we will charge a reasonable fee or refuse to deal with the request.

Once a request is made, it will be acknowledged and we may ask for confirmation of identification from the requester and seek clarification of this request.

We will do our best to respond without undue delay and within one month of receiving a request. However, if the request is complex we can extend that by another two months. If we do need more time, we will provide information as to why.

Please make any requests using the [contact details](#ContactDetails) above.

# Consequences of failing to provide data

If you are a client and you do not provide us with the information we require to provide you with legal services, or if you ask us to cease processing your data or to erase your data, then we may not be able to provide you with the all of the legal services that you have asked for.

# How to complain

If you have any concerns about the way that we collect and use your data then please contact us using the [details](#ContactDetails) above and we will do our best to address these concerns.

However, you can also complain to the ICO if you are unhappy with how we have used your data and their contact details can be found [here](http://www.ico.org.uk/concerns).

# Changes to our privacy notice

We keep our privacy notice under review and will require to make changes from time to time. We will highlight any substantial updates on our website.

This privacy notice was last updated on [insert date].

1. You will have to decide if you require to appoint a data protection officer – see Guidance from the ICO [here](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/) – some law firms are likely to need a DPO. [↑](#footnote-ref-1)
2. You have to provide contact details but there is no specific legal requirement about providing a particular form of contact i.e .an email address or mailing address will suffice. [↑](#footnote-ref-2)
3. You must only store the images for as long as you need to for the purpose i.e. not 30 days because that’s what the system does automatically, but XX days because a criminal act may not be detected for a few weeks. [↑](#footnote-ref-3)
4. In post-Brexit world this may need to be changed to the UK. In the short term, if there is a no deal, transfers to EEA countries will not require additional safeguards but transfers back to the UK will. If there is a deal then nothing will change short term. You need to identify where your data is if you are using third party servers or databases hosted on third party servers. [↑](#footnote-ref-4)