

## **Privacy and Transparency Policy**



### **Introduction**

Welcome to Routh Clarke Solicitors' privacy and transparency policy updated on 25<sup>th</sup> May 2018.

Routh Clarke Solicitors respects your privacy and is committed to protecting your personal data. This privacy policy explains when and why we collect personal information about you; how we use it, the conditions under which we may disclose it to others, how we keep it secure and we tell you about your privacy rights and how the law protects you.

For clients of this firm, you should read this policy alongside our general terms and conditions which provide further information on confidentiality, data privacy etc.

This notice only applies to Routh Clarke Solicitors and does not apply to any other companies or websites that may have a link to our website [www.rcsolicitors.co.uk](http://www.rcsolicitors.co.uk).

### **Data Controller**

Data is collected, processed and stored by Routh Clarke Solicitors (collectively referred to as "Routh Clarke Solicitors", "we", "us", or "our" in this privacy notice) and we are what is known as the 'data controller' of the personal information you provide to us.

Routh Clarke Solicitors is a trading name of Nicholas Routh of The Brambles, 11 Head Street, Tintinhull, Somerset, BA22 8QH, authorised and regulated by the Solicitors Regulation Authority under number 598037

Our Data Protection Officer (DPO) is Nicholas Routh who can be contacted by email - [admin@rcsolicitors.co.uk](mailto:admin@rcsolicitors.co.uk) or by telephone - 01935 823883

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out above.

### **Personal Data Held**

As a minimum, we are required to positively identify our clients. This also includes positively identifying a director in the case of a corporate client. The information we will request from you will depend on what you have asked us to do or what we are contracted to do for you.

There are two types of personal data you may provide us with.

- Firstly, personal data which is the general information you supply about yourself – such as your name, address, gender, date of birth, contact details, financial information etc.
- Secondly, we may sometimes require sensitive personal data which may include your racial or ethnic origin, religion, sexual orientation, political opinions, health data, etc.

In the majority of cases personal data will be restricted to basic information and information needed to complete ID checks. However, some of the work we do for you, may require us to ask for more sensitive information, but this type of information will be rarely required.

## **Sources Of Personal Data**

We obtain most personal data from our clients and those who have indicated they have an interest in our services. We also obtain some personal data from others, such as witnesses etc. Information may also be passed to us by third parties so we can undertake legal work on your behalf, such as medical and financial institutions. We also collect some data from publicly available sources (e.g. Companies House, the Land Registry).

## **Why We Need Your Personal Data**

The main reason for requiring your personal data, is to allow us to carry out your instructions – which will ordinarily be to represent you and carry out your legal work.

Here are a few examples of what we may use your information for:

- Verifying your identity
- Communicating with you about your case
- To establish funding of your matter or transaction and verifying sources of funds
- Processing your legal transaction including:
  - Providing you with advice; carrying out litigation on your behalf; attending hearings on your behalf; preparing documents or to complete transactions
- Keeping financial records of your transactions and the transactions we make on your behalf
- Seeking advice from third parties such as legal and non-legal experts
- Marketing about the services we offer (only if you have “opted-in”)
- Responding to any complaint or allegation of negligence against us

## **Failure To Provide And Changes To Personal Data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have, or are trying to enter into with you. In this case, we may have to cancel a service you have with us, but we will notify you, if this is the case at the time.

It is important the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## **How We Use Your Personal Data**

At Routh Clarke Solicitors, we are committed to protecting your privacy. We will only use your personal data when the law allows us to. Most commonly, we will use your data 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. Also where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email or post. You have the right to withdraw consent to marketing at any time by contacting us. We will not sell or rent your information to third parties. We will not share your information with third parties for marketing purposes.

The types of legal basis we will rely on to process your personal data are set out below:

- Provide services under contract to you
- Provide services to others (in so far as this does not breach client confidentiality)
- Market our services
- Improve our services
- Comply with regulatory and other legal obligations
- Protect us against potential claims

## **Legal Basis**

Your data will be processed on the basis we have a legitimate interest in being able to achieve the aims of processing, set out above. Where special category data is provided, the provider of the data warrants they consent to us processing that data, or that they have obtained written consent from the data subject.

## **Disclosures Of Your Personal Data**

Any data provided by a client is treated as confidential to that client and will only be shared with others, in so far as this is necessary in order to provide the services contracted for by the client, to comply with regulatory and other legal obligations and to protect us against a potential claim.

Generally, your information will only be used within Routh Clarke Solicitors. However, there may be instances, whilst carrying out your legal work, where we may need to disclose some information to third parties. These may be:

- Solicitors acting for the other side
- Barristers/Counsels who may be asked to represent you
- A Court or Tribunal
- External auditors or Regulators such as SRA, ICO etc.
- HM Land Registry
- Non-legal experts who provide advice or assistance
- Contracted Suppliers
- Financial institutions
- Insurance Companies
- Providers of identity verification
- Any disclosure required by law or regulation, such as the prevention of financial crime and terrorism
- Third Parties to whom we may choose to sell, transfer, or merge parts of our business or our assets.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your

personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions

In order to provide our services, we rely on the services of certain data processors. These include secure cloud storage for files and emails. In each case, we ensure data is processed in compliance with this policy.

## Keeping Your Personal Data Secure

We understand your information is valuable and we have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

If we suspect there has been a security breach we will notify you and any applicable regulator where we are legally required to do so.

## International Transfers

Other than where required, in order to provide services as required in individual client matters, data is rarely sent to other countries. Where it is, the relevant files or devices are password protected. Devices are personally accompanied.

## Data Retention

Personal data relating to a legal matter is generally held for six years from the end of your matter, but can be longer if suggested by the Law Society or a regulatory authority. Personal data relating to marketing is kept until no longer deemed of use to the business or it is requested to be removed by you, Some information will be kept for much longer when required, such as information connected with Deeds, Wills, Trusts, Probate etc. Some of this information may need to be kept indefinitely, for legal reasons.

## What Are Your Rights?

Where relevant, you have the following rights (subject to client confidentiality):

- **Right to access** - right to obtain a copy of the data held on you. If you wish to make a request, please do so in writing either to [admin@rcsolicitors.co.uk](mailto:admin@rcsolicitors.co.uk) or to DPO, Routh Clarke Solicitors, 11 Head Street, Tintinhull, Somerset BA22 8QH
- **Right to be informed** - fulfilled by way of this privacy notice and our explanation of how we use your personal data
- **Right to rectification** - you have the right to correct any errors or omissions in the data we hold
- **Right to object to processing** - you may object if you believe there is something about your particular situation which impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling

legitimate grounds to process your information which override your rights and freedoms.

- **Right to request restriction of processing** - you may ask us to suspend the processing of your personal data in the following situations:
  - If you want us to establish the data's accuracy
  - Where our use of the data is unlawful, but you do not want us to erase it
  - Where you need us to hold the data even if we no longer require it, as you need to establish, exercise or defend legal claims
  - You have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
- **Right to request the transfer** - we will provide to you, or a third party you have chosen, your personal data in a structured, commonly used format. Note that this right only applies to automated information which you initially provided consent for us to use, or where we used information to perform a contract with you.
- **Right to be forgotten** - you are entitled to withdraw consent to the processing of your data where there is no legal reason for its continued use or where you object to it being used for the purposes of marketing.
- **Right to complain** - 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 ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so please contact us in the first instance at [admin@rcsolicitors.co.uk](mailto:admin@rcsolicitors.co.uk) or to DPO, Routh Clarke Solicitors, 11 Head Street, Tintinhull, Somerset BA22 8QH.

## Automated Decision Making

Routh Clarke do not presently use any automated means of generating personal data.

## Marketing Data

We may contact you for the purpose of direct marketing. This means we may use your personal data collected in accordance with this privacy policy to contact you about our products or services, events etc., which we feel may interest you. The direct marketing communications may be provided to you by social media channels, email or post. We will never send marketing communications via SMS or call you without your specific consent, unless it is about your case; nor do we ever pass on or sell your details to a third party.

### 1. How we collect your personal data for purposes of Marketing

Here are a few examples, of how we may collect personal information:

- Signing-up to receive marketing information from us such as newsletters or legal update documents
- Submitting an online enquiry to us
- Following/liking/subscribing to our social media channels
- Taking part in a promotion running on our website or social media channels
- Agreeing to fill in an online questionnaire or survey
- Asking us a question or submitting any queries or concerns you have via email, our website or social media channels
- Posting a review or information about us or to us

Whenever we collect your personal data, you will be given the opportunity to 'opt in' to receiving marketing communications from us. If you choose not to do this, it will have no effect on accessing our legal services.

## **2. How we may use your details**

We will only ever use non-sensitive personal information to target individuals with marketing materials. The following are some examples of how we may use your personal information for our legitimate business interests:

- Direct marketing communications
- Using technical data to administer and protect our website
- Identifying usage and technical data to improve our marketing and services
- Establishing the effectiveness of our marketing.
- Preventing fraud

We will always endeavour to only provide you with information you would expect to receive or that could potentially benefit and enhance our relationship. If you no longer wish to receive marketing communications, you can request to be removed by emailing us at [admin@rcsolicitors.co.uk](mailto:admin@rcsolicitors.co.uk) with your name and email address. Your details will be removed from our marketing communications list immediately, although you will continue to receive communications about your case, if it is still ongoing.

## **3. Website Third-Party Links**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## **4. Cookies**

Like many websites, our website uses cookies – small text files, typically of letters and numbers – to capture limited information about the site's users. The information is transferred by the website to the cookie file of the browser on the hard drive of the user's computer. This site uses Google Analytics cookies. These allow us to measure the number of visitors, to see how visitors navigate the site and to see which resources they access. This helps us to develop new content and to improve the way the website works. These cookies do not enable us to identify individual users. Google provides [further information about Analytics](#). To prevent Google Analytics cookies being set, you may install the [Google Analytics Opt-Out Browser Add-On](#). For general information about cookies please visit [www.allaboutcookies.org](http://www.allaboutcookies.org). To see more information on Routh Clarke's Cookie Policy see our website <http://www.rcsolicitors.co.uk/cookie-policy>

## **Privacy and Transparency Policy Queries**

Any questions regarding this policy and our privacy practices should be sent by email to [admin@rcsolicitors.co.uk](mailto:admin@rcsolicitors.co.uk)