

## **Privacy Notice**

In accordance with the General Data Protection Regulation (GDPR), this Privacy Notice explains, in detail, the types of personal data we may collect about you when you interact with us. It also explains how we'll store and handle that data and keep it safe.

We know that there's a lot of information here, but we want you to be fully informed about your rights, and how our firm uses your data. We hope the following sections will answer any questions you have but if not, please do get in touch with us.

### **Conditions for Processing Data**

We are only entitled to hold and process your data where the law allows us to. The current law on data protection sets out a number of different reasons for which a law firm may collect and process your personal data.

These include:

#### ***Contractual obligations***

The main purpose for our holding your data is to provide our free check service and liaise with lenders on your behalf to establish a potential claim and to provide you with legal services – both pursuant to a written agreement we have with you. This agreement is a contract between us and the law allows us to process your data for the purposes of performing a contract (or for the steps necessary to enter in to a contract).

#### ***Legitimate Interests***

In specific situations, we require your data to pursue our legitimate interests in a way which might reasonably be expected as part of running our business and which does not materially impact your rights, freedom or interests. This may include to satisfy our external quality auditors or our Regulators.

#### ***Legal compliance***

If the law requires us to, we may need to collect and process your data. For example, we can pass on details of people involved in fraud or other criminal activity.

#### ***Consent***

In some situations, we can collect and process your data with your consent. When collecting your personal data, we'll always make clear to you which data is necessary in connection with a particular service.

### **When do we collect your data?**

We normally collect your data when you provide it to us or when it is provided to us by others (your lenders for example) during your case or as a result of an enquiry. You may give us your data by email; through our online web forms; over the telephone; face to face; or by post.

### **What sort of data do we collect?**

We collect your name, date of birth and address details together with details of your accounts with lenders. We may gather details of your age; ethnicity; gender etc.

We also collect and hold information about your legal claim(s).

### **How do we use your data?**

We only use your data for the purposes of providing you with advice, assistance and, where appropriate, legal representation and for reasons directly associated with those services.

We will not use your data to notify you of our other services. We could only do that where we have your express consent to do so.

### **How do we protect your data?**

We take protecting your data very seriously. The data you give us may be subject to Legal Professional Privilege and is often extremely sensitive and confidential.

With this in mind we will treat your data with the utmost care and take all appropriate steps to protect it. We have clear data protection and information security policies and procedures in place (along with Regulatory and other legal obligations to keep your data safe) and these are regularly assessed as part of our compliance processes.

We protect our IT system from Cyber Attack. Access to your personal data is password-protected, and sensitive data is secured by encryption.

We regularly monitor our system for possible vulnerabilities and attacks, and we carry out penetration testing to identify ways to further strengthen security.

### **How long will we keep your data?**

We only keep your data for as long as is necessary for the purpose(s) for which it was provided. Normally this is for six years after your case or matter ends (data obtained for free-check or other enquiries where we do not take on your case are kept for only 18 months).

This is because we are required to keep client files for that period by our Insurer and by the Solicitors Regulation Authority. This also protects you should you be unhappy with our services and want to complain or even sue us after your case ends.

For some cases we may decide that it is proper and appropriate to keep data for longer than six years, but we will notify you if we believe that your case falls into this category.

### **Who do we share your personal data with?**

We sometimes share your personal data with trusted third parties. We only do this where it is necessary for providing you legal services or for the effective operation of our legal practice.

For example, we may share your data with experts; translators; mail processing and document scanning; database cleaning; secure file storage and destruction companies; and auditors.

We apply a strict policy to those recipients or data processors to keep your data safe and protect your privacy:

- we provide only the information they need to perform their specific services
- they may only use your data for the exact purposes we specify in our contract with them
- we work closely with them to ensure that your privacy is respected and protected at all time.
- if we stop using their services, any of your data held by them will either be deleted or rendered anonymous.

### **Where is your data processed?**

Your data is stored within the Economic European Area (EEA) and cannot be stored or downloaded on any device or server outside of that area. The EEA includes all EU Member countries as well as Iceland, Liechtenstein and Norway.

In relation to the provision of our free-check service, we outsource some essential functions of that service such as database cleaning to partners who have staff members based in offices outside of the EEA (specifically, to staff based in India). This has the result that people working for us outside the EEA may view and process data through our EEA based servers. This may technically be considered a transfer of personal data about you outside the EEA. The data cannot be stored or downloaded to any servers outside the EEA and we take extra steps to ensure comprehensive due diligence through the use of regular audits, both onsite and remote, of the data processing activities of this entity. Due to the enhanced security measures we have in place to retain control of that data, we do not believe that this will affect your right to exercise your rights to access, correct and secure the deletion of the data under the GDPR.

### **What are your rights?**

You have rights under the GDPR and these include the right to be informed what information we hold about you. In particular, you have the right to request:

- access to the personal data we hold about you, free of charge in most cases
- the correction of your personal data when incorrect, out of date or incomplete
- for example, when you withdraw consent, or object and we have no legitimate overriding interest, or once the purpose for which we hold the data has come to an end
- that we stop any consent-based processing of your personal data after you withdraw that consent

You have the right to request a copy of any information about you that we hold at any time, and also to have that information corrected if it is inaccurate.

To ask for your information or to discuss any aspect of our Privacy Notice, please contact us by telephone to 08000 439243 or email us at [dylan.pritchett@i-smartbusiness.co.uk](mailto:dylan.pritchett@i-smartbusiness.co.uk)

If we choose not to action your request, we will explain to you the reasons for our refusal.

### ***Your right to withdraw consent***

Whenever you have given us your consent to use your personal data, you have the right to change your mind at any time and withdraw that consent.

### ***Where we rely on our legitimate interest***

In cases where we are processing your personal data on the basis of our legitimate interest, you can ask us to stop for reasons connected to your individual situation. We must then do so unless we believe we have a legitimate overriding reason to continue processing your personal data.

### **Cookies**

A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

By law, we may not place cookies on your computer without your consent, unless they are strictly necessary to the operation of the service that we provide on the Website.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

### **The Regulator**

If you feel that your data has not been handled correctly, or you are unhappy with our response to any requests you have made to us regarding the use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office.

You can contact them by calling [0303 123 1113](tel:03031231113) or go online to [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns)