



PRIVACY NOTICE AND GDPR BROMETS JACKSON HEATH LLP

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the General Data Protection Regulation (GDPR).

This notice applies to :

1. All Client's
2. All Third Parties and Suppliers with whom we have dealings in the ordinary course of our business including those individuals with whom we send marketing information regarding

Any reference to 'we', 'us', 'our', 'the company' shall mean Bromets Jackson Heath LLP.

Any reference to 'you' or 'Data Subject' shall mean any individual receiving this notice for whom we hold personal data.

This Privacy Statement does not include information relating to the retention of data on limited companies as such data is not incorporated within the provisions of GDPR.

This Privacy Notice also applies to our website, www.bjhsolicitors.co.uk.

The Privacy Notice will also apply to any other website, mobile app or other online service created or hosted by us from time to time on which this privacy policy appears.

In many circumstances we hold your data as a "Data Controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. In some circumstances we may acquire or handle your data as a 'Data Processor' which means we have been asked to handle your data by a third party other than yourself and do not directly store your data.

We may update this notice at any time.

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 laws including GDPR. This says that the personal information we 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 clients

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

Depending on the nature of your instruction we will collect, store, and use various data about you which may include some or all of the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth
- Gender
- Marital status and dependants
- National Insurance number
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Copy of identification documents such as passports and driving licences.
- Information concerning your employment or business including information relating to salary, job title, working hours and training records.
- Information regarding any properties you own;
- Information regarding your financial position including information regarding savings, debts, finance and mortgages;
- Such other information as reasonable required and associated with your instructions.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

Why we hold information on clients

It is necessary for us to retain data on clients in order for us to fulfil our contractual obligations and we must hold data for our legitimate business needs.

We will only retain data which we reasonably require and for a period which is reasonably necessary.

We will not disclose your data to the third parties unless you have consented for us to do so or we are otherwise required to do either contractually or under another law or enactment.

In some circumstances we may be required by law or a regulatory body, such as the Solicitors Regulation Authority, to hold certain information.

How is client personal information collected?

Ordinarily we collect personal information about Clients from Clients. We may sometimes collect additional information from third parties including credit reference agencies or other background check agencies, the Land Registry and Experian

We will collect additional personal information in the course of our contract with you.

How we will use information about clients

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:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. 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.

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

1. Where we need to protect your interests (or someone else's interests)
2. Where it is needed in the public interest [or for official purposes]

Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. 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.

In addition, we may exchange your personal information with third parties where:

- a. You have consented to us sharing your personal information in this way;
- b. We are under a legal, regulatory or professional obligation to do so (for example, in order to comply with anti-money laundering requirements) or in order to enforce or apply our terms of business or to protect the rights and interests, property, or safety of our firm, our clients or others;
- c. All, or substantially all our assets, or the assets of an associated firm, are merged with or acquired by a third party, or we expand or re-organise our business, in which case your personal information may form part of the transferred or merged assets or we may need to transfer your information to new entities or third parties through which our business will be carried out;
- d. It is relevant in the circumstances to disclose the information to our clients, your employer or place of business, your professional advisers and parties with whom we have co-promotional arrangements (such as jointly sponsored events);
- e. We provide anonymous statistical information about users of our websites and related usage information to reputable third parties, including analytics and search engine providers; or
- f. We use a third-party service provider to provide services that involve data processing, for example archival, auditing, reference checking, professional advisory (including legal, accounting, compliance, financial and business consulting), mailing house, delivery, technology, website, research, banking, payment, client contact, data processing, insurance, forensic, litigation support, marketing and security services.

Some of the third parties with whom we share personal information may be located outside of the United Kingdom and / or the European Economic Area. While such third parties will often be subject to privacy and confidentiality obligations, you accept that such obligations may differ from and be less stringent than the requirements of the UK's privacy laws. In those cases, we are not responsible for imposing the laws of the UK and you may not be able to seek redress under the laws in that jurisdiction.

Our Case Management provider is Quill Pinpoint Ltd and in providing our Case Management System Quill Pinpoint Ltd may have limited access to your data as a consequence of the provision of services to us. We have appropriate contractual provisions in place to ensure that Quill Pinpoint do not otherwise disclose or use any such data.

We may further use your data in the following circumstances:

- Our business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements with our staff
- Dealing with legal disputes involving you
- To prevent fraud.
- To market other products or services which we offer which may be of interest to you
- To inform you about updates about the Company and advise you of any opportunities or promotions

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

In certain circumstances listed above, we hold your data in order to market other services to you. We have a legitimate business interest in retaining your data for this purpose but you may 'opt out' of receiving marketing communications from us.

We may exchange your personal information if all, or substantially all, our assets are merged or acquired by a third party, or we expand or re-organise our business, in which case your personal information may form part of the transferred or merged assets or we may need to transfer your information to new entities or third parties through which our business will be carried out.

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 or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

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
3. Where it is needed in the public interest

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. 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.

The kind of information we hold about individuals other than clients and how this data is used

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

During the course of our day to day basis we acquire information regarding individuals other than our Clients and we will retain this data where we have a legitimate business reason to do so.

Typically we acquire personal data on individuals other than our clients in the following circumstances:

1. Where we have met individuals at networking or other marketing events;
2. Where individuals have made enquiries with us regarding possible services but have not subsequently become clients of the business;
3. Where we have dealt with individuals in the capacity as suppliers of goods or services to the Company;
4. Where we have regular business-related dealings with you

In many circumstances the extent of the data we hold is limited and may be publicly available by way of other websites but usually the information we will retain is limited to:

Contact information including but not limited to email addresses, contact telephone numbers, business addresses and in some cases personal addresses.

We have a legitimate business interest in retaining this data on the basis that we must retain some personal data on third parties and suppliers in the ordinary course of business. We may also use this data to send marketing information to you in respect of promotions, events or other updates relating to us. We have a legitimate interest in retaining your data for this purpose, however you have the right to ask us to erase or rectify your data and the right to opt out of receiving marketing information.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our internal policies.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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.

We do not envisage that we will hold information about criminal convictions for the majority of our Clients. We may hold details of criminal convictions where it is relevant to the instructions from our Client, for instance if their instructions relate to criminal proceedings.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

Client data is stored within our Server, Case Management System, and Accounts System. The servers for these systems are based inside the EU. Where data is saved outside of the EU we have ensured that the data is stored in compliance with GDPR.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

“Third parties” includes third-party service providers (including contractors and designated agents) and other entities within our group.

Where we authorise them to do so, third parties may process your data on our behalf. This may include our accountants, agents and software providers. Whenever a third party processes your data, we will ensure that we have appropriate contractual provisions in place to protect your data.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

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 our Senior Partner, Richard Scott.

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.

The transmission of information via the internet is not completely secure. We cannot guarantee the security of your data transmitted online and transmission is made at your own risk. If you communicate with us by email then you assume the risks of such communications being intercepted, not received or delivered or are received by individuals other than the intended recipient.

Data Retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

In respect of Client data we will typically hold data relating to your instructions for a period of 7 years after completion of the matter. The reason for this is that the Limitation Act 1980 typically provides that legal proceedings for breach of contract or negligence can be brought up to 6 years after the events. We therefore have a legitimate business interest in retaining the data should any subsequent legal proceedings.

For certain types of Clients we will hold data for longer periods of time. If the Client was under the age of 18 at the time we were instructed, then the Client data will be held until the Client reaches the age of 21, or for a period of 7 years after the end of instruction, whichever is the sooner.

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 our Senior Partner, Richard Scott, in writing.

Please note that where you ask us to erase, correct, object to process or seek to restrict our processing of data we may refuse your request where we have a legal obligation, contractual or other legitimate business interest to refuse your request. If we refuse your request then we will notify you of this refusal and you will have the right to appeal.

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 our Senior Partner, Richard Scott. 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 officer

We have appointed Data Privacy 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 our Senior Partner, Richard Scott the data privacy manager. 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.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

0303 123 1113

www.ico.org.uk

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.

Contact and further information

If you have any questions about this privacy notice, please contact our Senior Partner, Richard Scott.

If you have any questions or wish to submit a complaint, then please submit this to:

Mr Richard Scott
Kirkgate House
Kirkgate
Tadcaster
LDS24 9AD

You have the right to make a complaint to the Information Commissioners Office or such other regulatory body or supervisory authority as may be appointed from time to time.

If you make a complaint, then we will respond to let you know how your complaint will be handled.