

PRIVACY & FAIR PROCESSING NOTICE

What is the purpose of this document?

Davis Blank Furniss LLP is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your business relationship with us, in accordance with the General Data Protection Regulation (GDPR).

Davis Blank Furniss LLP is 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.

Davis Blank Furniss LLP may also be a "data processor" in relation to personal data processed on your behalf about others. Details on how we act as such are set out in our Terms of Business.

We may update this notice from time to 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.

This notice will also bind any successor to the legal practice of Davis Blank Furniss LLP which processes your personal data in the future.

Data protection principles

We will comply with data protection law. 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 you

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.

We will collect, store, and use the following categories of personal information about you:

Category A – data reasonably required to assess/transact your matter and provide you with legal services (excluding any personal sensitive data contained in Category F below). This category includes:

- **Identity data** such as full name(s), title, gender, marital status and date of birth.

- **Personal contact data** such as address(es), landline and mobile telephone numbers, and work and/or personal email addresses.
- Where reasonably required in our specific provision of services to you:
 - information about your **business interests, intentions and relationships**
 - information about your **personal relationships, home life, marital status and dependants**
 - information about your **financial transactions, income, expenditure, assets and liabilities**
 - information about your **employment**
 - **audio and or visual information about you or of you** (including but not limited to photographs or videos of injuries for personal injury claim purposes and recordings of phone calls or meetings for the purposes of accurate notetaking and record-keeping)
- **Financial information about your dealings involving us** which may include your bank account details and any details of any transfers of funds to and from our client or office account relevant to your matter.

Category B – information we are legally required to obtain from you before we can act.

- Copies of **anti-money laundering documents** produced by you to verify your identity and address in order to meet our legal anti-money laundering obligations such as a driving licence, passport, utility bill and/or bank statement.

Information about your beneficial ownership of companies, interests in trusts or partnerships or similar where you are asking us to act for them (**beneficial ownership information**).

Category C – credit reference checks

- We may perform credit reference checks on you via credit references or similar agencies. Their results will contain personal information on you that we may use to determine whether to act for you or for an entity in which you have an interest and whether to request payments on account.

Category D – mixed extraneous information (excluding any personal sensitive data contained in Category F below):

- **Personal information** that you or others provide to us which is additional to that reasonably required to provide you with services but is **mixed with information** which is reasonably required so that it is not reasonably practical to separate or delete it.

Category E – marketing and communications data

- **Marketing and Communications data** including your preferences for receiving newsletters, and seminar invitations from us and your communication preferences (how you will be contacted).

Category F – particularly sensitive data

Depending on the type of work we are carrying out for you we may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your **race or ethnicity, religious beliefs, philosophical beliefs, sexual orientation and political opinions.**

- **Trade Union Membership.**
- Information about your **health and any medical conditions**, including copies of medical assessments or records.
- **Genetic information and biometric data.**
- Information about **criminal convictions and offences.**

How is your personal information collected?

We collect personal information about you in the course of providing our legal services to you (or to an entity you are an officer, trustee or owner of) by asking for information we may reasonably need to know to enable us to provide those legal services to the appropriate standard. We may ask for this information by requiring you to complete a checklist of questions, through a face to face meeting, over the telephone, via email or in writing. We may sometimes collect additional information from third parties including your appointed accountants, financial advisors, estate agents, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of providing the required legal services throughout the period of our relationship.

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:

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; or
4. With your express consent.

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

1. Where we need to protect someone's life.
2. Where it is needed in the public interest.

Situations in which we will use your personal information

Depending on the legal services you require, we will need certain categories of information listed above (see the paragraph above titled '**The kind of information we hold about you**') primarily to allow us to perform our contract with you to the appropriate standard 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 to enable third parties involved in your matter to do so (such as banks where you are obtaining a mortgage as part of a property purchase) provided your interests and fundamental rights do not override those interests or we may rely on your specific consent to process (for example most uses of Category D or F data above).

The situations in which we will process your personal information are listed below. We have indicated the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved and whether any third parties may receive the same.

Purpose	Data Category	Grounds for processing (additional ground(s) for processing special category data in italics)	Third party disclosure?
Provision of legal services	A, D, F F	Contractual performance Our Legitimate Interests <i>Consent</i> <i>Legal Claims</i>	To other professionals or persons involved in the matter (with your knowledge and consent).
Anti-money Laundering	A, B, F D F	Legal Obligation Our Legitimate Interests Consent <i>Consent</i>	A (identity and personal contact data) and B to ID verification agencies, and (with your consent only) to other professionals.
Credit reference checks	A, B, C, D, F D F	Our Legitimate Interests Consent <i>Consent</i>	A (identity and personal contact data) and B Category data to credit reference agencies.
Disclosure under court order or to regulatory authorities	A,B,C,D,E,F F	Legal Obligation <i>Legal Claims</i> <i>Substantial Public Interest</i>	To those persons entitled under court order, to regulators (particularly in case of a complaint), National Crime Agency etc.
Compliance/Quality Management Standards	A,B,C,D,E,F D,E,F F	Legal Obligation Our Legitimate Interests Consent <i>Consent</i>	To our auditors, insurers, legal advisors or other third parties as is reasonably required to ensure our compliance, quality standards or if there is (or there is a risk of) a potential claim against us.
Marketing and communications – newsletters, seminar invites etc.	E and identity and personal contact data from A.	Our Legitimate Interests Consent	To our online communications/ email database provider. Possibly to other professionals in the case of jointly held seminars or events.
To protect life or other vital interest	Any	Vital Interest	Possibly – as required.

Purpose	Data Category	Grounds for processing	Third party disclosure?
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Health and Safety	A, D, F F	Legal Obligation Our Legitimate Interests <i>Substantial Public Interest</i> <i>Legal Claims</i>	Possibly to HSE authorities.
Prevention of fraud or crime etc.	A,B,C,D,E, F F	Our Legitimate Interests Public Task <i>Prevention of fraud/ unlawful acts</i>	Possibly – subject to legal professional privilege and/or confidentiality obligations
Prevention of terrorist financing or money laundering	A,B,C,D,E,F F	Legal Obligation Our Legitimate Interests Public Task <i>Suspicion of terrorist financing or money laundering</i>	Yes – to appropriate agencies and entities.

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

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 your related entity) 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 have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information for the purposes set out against Category F in the table above

Consent to use of particularly sensitive personal information.

If we are relying on your consent to process such information, we will take separate consent from you to do so, 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 but failure to provide the same in certain circumstances may mean that we can no longer act for you.

We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

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.

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

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. The following activities are carried out by third-party service providers: anti-money laundering electronic checks (which may cross-check credit reference data held by others about you to confirm your identity and address), credit reference checks, legal opinions/representation at trial if necessary to utilise the opinion of an expert such as a Barrister, Accountant, Financial Advisor, medical experts, surveyors, or other relevant professionals, provision of online communications and cloud-based database solutions.

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

All our third-party service providers 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.

What about other third parties?

We may share your personal information with other third parties, for example in the context of carrying out our Anti-Money Laundering checks or on our possible merger, sale or restructuring. We may also need to share your personal information with a regulator or to otherwise comply with the law.

International Transfers of Data

We will only transfer your personal information outside the EU with your informed consent, at your specific request or where such transfer is reasonably required for our legitimate business purposes and where the transmittee either resides in a territory with an EU adequacy declaration or has contractually agreed to comply with data protection provisions affording your personal data protections equivalent to the protections given under EU law.

At present the only international transfers of your data anticipated are to Campaign Monitor PTY Limited which is a global provider of email communications solutions and cloud-based contact databases and which has entered into contractual data protection provisions with us complying with the EU standard clauses in this area.

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 Carole Burleigh.

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 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. Details of retention periods for different aspects of your personal information are available in our retention policy which is available [here](#). Where the retention time is not specified otherwise, the default period is 6 years from date of file closure in respect of a given matter. 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. Once you are no longer our client we will retain and securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

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 Carole Burleigh in writing.

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 Carole Burleigh. 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 a 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 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.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will advise you 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 Carole Burleigh either by email at carole.burleigh@dbf-law.co.uk or by any other method.