

## **DEAN CONVEYANCING**

### **PRIVACY NOTICE**

This notice explains when and why we collect personal information about you; how we use it, the conditions under which we may disclose it to others and how we keep it secure.

#### **1. Information about us**

Dean Conveyancing is authorised and regulated by The Council for Licenced Conveyancers under licence 11171. VAT number: 793 6406 96

Our trading address is 31 Market Place Coleford Gloucestershire GL16 8AA and we operate as a sole trader.

#### **2. What is the purpose of this Privacy Notice and what does it cover?**

This Privacy Notice describes how we collect and use personal information, in accordance with the GDPR. It applies to Clients, Associations, Suppliers, Third Parties and Website Users.

Dean Conveyancing is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you and we are required under data protection legislation to notify you of the information contained in this Privacy Notice.

This Privacy Notice does not form part of any contract to provide services.

Please make sure you read this Privacy Notice, together with any other privacy notices we may provide you with 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 the information.

#### **3. What is Personal Data?**

Personal data is defined by the General Data Protection Regulation (EU Regulation 2016/679) (GDPR) as ‘any information relating to an identifiable person who can be directly or indirectly identified, in particular by reference to an identifier’.

Personal data is in simpler terms any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data and other online identifiers.

The personal data that we use is as set out below.

- ❖ Opening, progressing, closing, archiving and storing a matter/case file
- ❖ Direct marketing to you
- ❖ To make and manage client payments

- ❖ To manage fees charges and interest due to clients
- ❖ To collect and recover money that is owed to us
- ❖ To detect, investigate, report and seek to prevent financial crime
- ❖ To manage risk for us and our customers
- ❖ To comply with laws and regulations that apply to us
- ❖ To respond to complaints and seek to resolve them
- ❖ To run our business in an efficient and proper way. This includes managing our financial stability, business capability, planning, communications, corporate governance and audit.

#### 4. What are your rights?

Under GDPR you are entitled to access your personal data (otherwise known as a “Right to access”). If you wish to make a request, please do so in writing addressed to our Data Protection officer Rosalind Yemm or contact the person dealing with your matter.

A request for access to your personal data means you are entitled to a copy of the data we hold on you- such as your name, address, contact details, date of birth, information regarding your health etc – but it does not mean you are entitled to the documents that contain this data.

Under certain circumstances in addition to the entitlement to ‘access your data’ you have the following rights:

1. **The right to be informed:** which is fulfilled by way of this privacy notice and our transparent explanation as to how we use your personal data.
2. **The right to rectification:** you are entitled to have personal data rectified if it is inaccurate or incomplete.
3. **The right to erasure/’right to be forgotten’:** you have the right to request deletion or removal of your personal data where there is no compelling reason for its continued processing. This right only applies in the following circumstances:
  - Where the personal data is no longer necessary in regards to the purpose for which it was originally collected.
  - Where consent is relied upon as the lawful basis for holding your data and you withdraw your consent.
  - Where you object to the processing and there is no overriding legitimate interest for continuing the processing.
  - The personal data was unlawfully processed
  - Where you object to the processing for direct marketing purposes.

4. **The right to object:** you have the right to object to processing based on legitimate interests and direct marketing. This right only applies in the following circumstances:
  - An objection to stop processing personal data for direct marketing purposes is absolute- there are no exemptions or grounds to refuse- we must stop processing in this context
  - You must have an objection on grounds relating to your particular situation
  - We must stop processing your personal data unless;
    - ❖ We can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or
    - ❖ The processing is for the establishment, exercise or defence of legal claims
5. **The right to restrict processing:** you have the right to request the restriction or suppression of your data. When processing is restricted, we can store the data but not use it. This right only applies in the following circumstances:
  - ❖ Where you contest the accuracy of the personal data- we should restrict the processing until we have verified the accuracy of that data.
  - ❖ Where you object to the processing (where it was necessary for the performance of a public interest or purpose of legitimate interests) and we are considering whether our organisation's legitimate grounds override your right
  - ❖ Where processing is unlawful and you request restriction
  - ❖ If we no longer need the personal data but you require the data to establish, exercise or defend a legal claim.

## 5. Complaints about the use of personal data

If you wish to raise a complaint on how we handled your personal data you can contact our Data Protection officer who will investigate further. Our Data Protection officer is Rosalind Yemm and you can contact her at [ros.yemm@deanconvey.co.uk](mailto:ros.yemm@deanconvey.co.uk).

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO), the UK's supervisory authority for data protection issues. Further details as to how to raise your concerns can be found on the ICO's website [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns).

## 6. How do we use your personal data?

Under GDPR we are allowed to use personal information only if we have a **proper and lawful reason** to do so. This includes sharing it with others outside the firm

(e.g.) an auditor of a relevant quality standard. We must have one or more of these reasons:

- **Contract:** the processing is necessary for a contract we have with you, or because you have asked us to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests. A legitimate interest is when we have a business or commercial reason to use your information.
- **Consent:** you have given clear consent for us to process your personal data for a specific purpose. In some cases, particularly in relation to sensitive personal information, GDPR requires us to obtain your specific consent.

## 7. Marketing Data

We may contact you for the purpose of direct marketing. This means that we may use your personal data that we have 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 nor do we pass on or sell your details to a third party.

## 8. What Personal Data do we process?

We may collect some or all of the following personal data. This may vary according to your relationship with us and the type of matter in which you have instructed us.

- ❖ Personal – Your name, address and date of birth
- ❖ Financial- Your bank account details and your financial status and information about your assets you own or in which you have in interest.
- ❖ Contact information- Where you live and how to contact you including telephone numbers and email addresses
- ❖ Socio-Demographic- This includes details about your work or profession, nationality etc.
- ❖ Transactional- Details about payments to and from your bank accounts.
- ❖ Contractual- Details about the products or services we provide to you.

- ❖ Behavioural- Details about how you use our services
- ❖ Communications- What we learn about you from letters, emails and conversations between us
- ❖ Social relationships- Your family, friends and other relationships
- ❖ Open data and public records- Details about you that are in public records such as the Land Registry and information about you that is openly available on the internet.
- ❖ Documentary Data- Details about you that are stored in documents in different formats or copies of them. This could include things like your passport, drivers licence or birth certificate.
- ❖ Special types of data- The Law and other regulations treat some types of personal information as a special category. We will only collect and use these types of data if the law allows or requires us to do so:
  - Racial or ethnic origin
  - Religious or philosophical beliefs
  - Trade union membership
  - Genetic and bio-metric data
  - Health data including gender
  - Criminal convictions and offences.
- ❖ Consents- Any permissions, consents or preferences that you give us. This includes things like how you want us to contact you.
- ❖ National identifier- A number or code given to you by a government to identify who you are such as a National Insurance number.

## 9. From what sources do we collect data?

Data	Source	Purpose
Data you give us when you instruct us to advise you or act for you	You	To enable us to decide whether to accept your instructions and to progress your matter
Data you give us by letter/ phone/email and other documents	You	To enable us to decide whether to accept your instructions and to progress your matter
Data you give us when you visit our website via a messaging service or social media	You	To enable us to deal with your query or request and to contact you if appropriate

Data you give us during interviews	You	To enable us to advise and represent you and to communicate with other solicitors and third parties on your behalf
Data you give us in client surveys	You	To enable us to improve our services and respond to any expressions of dissatisfaction
Data provided to us by referrers and introducers	Referrers	To enable us to contact you and to enable us to decide whether to accept your instructions and to progress your matter
Fraud prevention agencies	Agency	To enable us to comply with the law and regulations and carry out client due diligence checks
Estate agents	Agents	To enable us to act on your behalf in relation to a land transaction
Other solicitors and conveyancers	Solicitor and conveyancing firms	As part of an exchange of information to enable us to progress the matter and advise you
Public bodies	Public body such as HMRC, HM Treasury, Local Authority, Land Registry, Land Charges Registry, Probate Registry, Police, CPS and other government departments	To enable us to advise you and progress your matter.  To prevent fraud and money laundering.

## 10. Who do we share your Data with?

Subject to the CLC code of conduct and the requirements with regard to client confidentiality we may share your personal information with the following:

- Lawyers or other organisations on the other side of a matter or case
- Your personal Representatives, Attorneys or Deputies
- Auditors
- Lenders and financial institutions

- Estate agents, IFAs, Accountants and Referrers
- Organisations that we introduce you to
- HM Revenue and Customs
- The Government, both Central and Devolved and Local Authorities
- Fraud Prevention Agencies including the National Crime Agency
- The CLC and other regulators
- ID checking organisations
- Our IT consultants, case management providers and accountants
- Barristers or experts we instruct
- The courts and other tribunals

## **11. What personal Data do we use?**

We typically use the following types of personal data:

- Your name
- Date of birth
- Home address
- Contact details such as phone numbers and email addresses
- National insurance number
- Bank details and account information
- Medical information (where applicable)
- Employment details
- Data that identifies you by cookies when you use our website

## **12. Cases where you must give us your explicit consent**

GDPR in some cases requires us to obtain your specific consent to hold personal data, particularly in relation to:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
- Physical or mental health or condition
- Sexual life

- Commission or alleged commission by you of any offence, or any proceedings for any offence committed or alleged to have been committed by you, the disposal of such proceedings or the sentence of any court in such proceedings.

Where acting for you involves us processing such data we will seek your explicit consent (e.g.) when we plan to obtain your medical records or a medical report.

You have the right to withdraw your consent. However, if you do so then we may not be able to progress your work or indeed continue to act for you.

### **13. Where do we store or transfer your personal data?**

All information you provide to us is stored on a secure server in the United Kingdom, or a secure cloud based service in a country within the European Economic Area.

Some of the data that we collect from you may be transferred to third parties (for example other cloud providers) who will store the data at a destination outside the United Kingdom. If you are concerned about the levels of data security in other countries, please let us know and we will endeavour to advise what steps will be taken to protect your data when stored overseas.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal information, we cannot guarantee the security of your data transmitted to our website; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

### **14. What if you fail or refuse to provide personal data we have requested?**

If you fail or refuse to provide information requested by law or under the terms of a contract we have with you or you fail to provide the information in a timely manner then it may cause delay and we may be unable to continue to act for you or complete your work. In these circumstances we may have to cancel our agreement with you however we will notify you if this is the case at the appropriate time.

### **15. How long do we keep your personal data?**

Your personal information will be retained usually in computer or manual files only for as long as necessary to fulfil the purposes for which the information was collected; or as required by law; or as long as is set out in any relevant contract you may hold with us. We may need to retain personal data for up to seven years after completing your work and longer in certain circumstances. Details of retention periods for different aspects of your personal data can be requested by contacting us at [coleford@deanconvey.co.uk](mailto:coleford@deanconvey.co.uk).

Some examples:

- As long as necessary to carry out your legal work
- For a minimum of seven years from the conclusion or closure of your legal work in case you or we need to re-open your case
- Some information or matters may be kept for fifteen years- such as commercial transactions
- Deeds related to unregistered property may be kept indefinitely as they evidence ownership

## **16. How can you get access to your personal data?**

If you wish to access your personal data you can make a request asking us for details about the personal data we have about you, where it is held and a copy of it.

Your request should be made in writing and sent by post or email to our Data Protection Manager Rosalind Yemm.

We do not normally make a charge for a request or to exercise any of your other rights. However if your request is manifestly unfounded, repetitive or excessive we may charge a reasonable fee to cover our administrative expenses.

We will respond within 14 days and no later than one month of receipt of your request. In more complex matters more time may be required to provide the personal data requested which may be up to a maximum of three months. We will keep you fully informed of the progress in dealing with your request.

## **17. How can you contact us?**

We have appointed a Data Protection Manager to oversee compliance with this privacy notice and data management generally. If you have any questions about this notice, how we handle your personal data, exercising your rights or data protection in general please contact our Data Protection Manager using the following details:

Data Protection Manager: Rosalind Yemm

Email address: [ros.yemm@deanconvey.co.uk](mailto:ros.yemm@deanconvey.co.uk)

Telephone number: 01594 810382

Postal address: 31 Market Place Coleford Gloucestershire GL16 8AA

## **18. Data security**

We have put in place security measures to prevent your personal data from being used or accessed in an unauthorised way, altered, disclosed or accidentally lost. Further, we restrict access to your personal data to our employees, agents, contractors and third parties who have a legitimate need to know. Those having

access to your personal data will only process it based on our instructions they will be subject to a duty of confidentiality and where necessary will have entered into an appropriate third-party Data Protection Agreement with us.

Dean Conveyancing cannot guarantee the security of personal data or other information transmitted over the internet or that unauthorised persons will not gain access to it. We have put in place procedures to deal with any suspected breaches of personal data and will contact you and any appropriate regulator of the breach where there is a legal requirement including ICO and CLC.

Our website may include links to third-party websites and applications. Connecting to those links may allow third-parties to collect or share data about you. We do not control these third-party websites and we are not responsible for the content of their privacy statements. It is important that when you leave our website you read the privacy notice of the websites you visit.

### **19. Review of the privacy policy**

We may update this Privacy Notice from time to time as necessary. If you have any questions about this Privacy Policy please contact us.

Any changes to this Privacy Notice will be published on our website or in correspondence when necessary.

Last Updated: 11/03/2019