

# Heringtons

SOLICITORS

## PRIVACY NOTICE - BENEFICIARIES

We are acting for the Executors of an Estate or Trustees of a Trust and have obtained your name, address and any other contact details from them or the relevant testamentary documents because you are a beneficiary of the Estate. Further, we will need to obtain identity documents from you as well as details of your bank account in order to pay any legacy to you. We also hold any details set out by the deceased in the context of their Will or Estate.

Where we act as the personal representatives of the Estate we obtain and process your information lawfully to comply with the legal obligations imposed on us acting in that role. Where we are instructed by external personal representatives your information is processed lawfully relying on our legitimate interest in proper administration of the Estate in accordance with our contract to provide legal services to the personal representatives. This is also to your benefit in ensuring that any legacy to you under the Estate is properly administered and paid.

Depending on the nature of the Estate we may require further personal information from you to enable us to advise on or exercise any discretion granted under a Will or Trust, which may include details concerning your family and dependents and current financial position. We will inform you of the reason for any request for such information at the time the request is made.

In order for us to fulfil the personal representatives' legal obligations to the Estate it will be necessary to share the information we hold with them whether or not they are employed by this firm. Depending on the nature of the Estate we may also need to share your details with other parties that may include tax advisors, bankers and investment advisors. This ensures that our advice concerning the administration of the Estate is properly informed and the duties of the personal representatives are fulfilled and we rely on legitimate interest as the lawful basis of such sharing, which is also in your interests as a beneficiary of the Estate.

We may need to obtain information relating to you from other sources including an official bankruptcy search before we can arrange for payment to you of any funds due from the Estate. This enables us to ensure that funds are distributed appropriately and in accordance with the law and it is on this legal obligation that we rely in this regard.

We will only use the information we gather about you to enable us to administer the Estate or advise on the same in accordance with the legal obligations of the personal representatives.

It is important that the information we hold is up to date and accurate so please let us know on returning this notice if any of your contact details have changed. You should note that if you fail to provide information that we request then this may delay or prevent us from complying with legal obligations on behalf of the Estate or our regulators. This is likely to delay any payment out of the Estate and may mean an increase in the costs payable from the available funds.

We may need to apply through reputable agencies for online verification of your identity, address or financial information. Regulatory requirements mean that this is necessary for us to fulfil our legal obligations.

As solicitors we are professionally and legally obliged to keep your affairs confidential. However, we are required to share information in certain circumstances without reference to you in order to comply with legal obligations including in the prevention of fraud and money laundering. You should note that we will hold some of your personal details indefinitely (at our discretion). This allows us to meet our mutual legitimate interest in identifying potential conflicts of interest and minimising the risk of fraud. We will retain other information and data you have provided for as

long as necessary to protect you and us against any potential legal, regulatory or other claims that may arise after fulfilment of our contract. We will review the need to retain this information 15 years after the contract between us and the Estate has concluded and will retain it at this stage only if this is considered to be necessary due to the nature of the Estate, for example if there is an ongoing Trust.

Your information will be accessible by those of the firm's staff who require such access to carry out your instructions from time to time. In addition to our permanent staff we may from time to time have temporary workers and work-experience students who may have access to your personal data. We may also outsource various functions including IT systems, file auditing, dictation storage, typing, photocopying and telephone answering. We only allow our service providers to handle your personal data if we are satisfied that they take appropriate measures to protect it. We impose contractual obligations on them to ensure that they can only use your personal data to provide services to Heringtons for your benefit.

You have rights in respect of the personal data that we hold about you that include the right to be informed of how and why we are processing your data as set out in this Privacy Notice.. You are also entitled to access a copy of the personal data that we hold in relation to you and that if this is held electronically we will provide this in a portable form. You have the right to request that we correct any inaccurate information and we would encourage you to exercise this right immediately should you discover that information we hold is inaccurate.

You have the right to object if you feel we are using your data in a way that causes you distress and the qualified right to have personal data erased or the processing of your data restricted. This would include any restriction you wish to place on the ways that we contact you. You should note that if you provide us with an email address then we will normally communicate with you by email in the first instance and if you provide us with a mobile number then we may contact you by text message. There are security risks with email and we have measures in place to reduce these risks including methods to confirm your correct email address.

In relation to all of these rights we would ask that you raise any concerns, inaccuracies or requests for information with your lawyer as they will often be able to resolve this without delay. If you, or they, believe that they cannot assist you then they will refer you to our Data Protection Officers who will deal with your request as quickly and sensitively as possible. The contact details for the Data Protection Officers are set out below. If you are dissatisfied in relation to any data protection issue you have the right to raise a complaint with the Information Commissioners Office. You can find more information concerning your rights and how to complain at [www.ico.org.uk/for-the-public/](http://www.ico.org.uk/for-the-public/).

Our Data Protection Officers, Richard Fisher and his Deputy Rosemarie Close can be contacted on 01424 434 192 at our Hastings Office: Langham House, 5-6 Albert Road, Hastings TN34 1QT, by email [rfisher@heringtons.net](mailto:rfisher@heringtons.net) or by fax 01424 444 824

Heringtons is the business name of Heringtons LLP (No.OC374843) whose registered office is Langham House, 5-6 Albert Road, Hastings TN34 1QT

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We use the word 'partner' to refer to a member of the LLP and our use of that word does not imply any legal obligation beyond that of a member of the LLP.