

PRIVACY NOTICE

During the course of your instructions Heringtons (“we”) will request information and personal data from you and will store this in hard copy and electronic form. This information is collected to enable us to carry out your instructions and is therefore processed legally to allow us to fulfil our contractual obligations to you. We may also access publically available information held by organisations such as the Land Registry or Companies House. If it is necessary to request information from third parties we will contact you to obtain your instructions at the time that this need becomes apparent. We may receive personal data about you which we have not requested and in that event we will inform you.

At this early stage you will probably already have provided your name and contact details but as your matter progresses we also need identity documents and financial information from you so that we can meet regulatory requirements to properly identify our clients and the source of their funds. 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.

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.

In order for us to fulfil our contract with you it will be necessary to share information with others. In conveyancing transactions this will include the conveyancers and estate agents of all the parties in the chain of transactions and also your mortgage company. We may also need to communicate your information to official bodies such as the Land Registry where there is a legal obligation to do so on the purchase of a property.

In other areas of law the parties with whom information may be shared include expert witnesses and other professional advisors as well as other parties to any dispute and their representatives. Such people may also share personal information with us about you and we will retain and process this information in order to fulfil our contract with you and provide well informed legal advice. If court proceedings are issued (including applications for probate or letters of administration) then your details will necessarily become public unless your particular situation merits the court agreeing to restrictions on such matters. If we are assisting you with your general affairs then there may be organisations such as financial institutions or care homes that will require us to communicate some of the data we hold concerning you in order for us to identify ourselves and give instructions in your interests.

Some of the information your instructions require us to share may be particularly sensitive and personal e.g. your medical records. Save in exceptional circumstances we will inform you when information is going to be shared and confirm why this is legal and necessary in order for us to fulfil our contract with you. If you object to such sharing this may jeopardise the prompt and successful fulfillment of your instructions and in some circumstances we may be unable to act further for you. The processing of your information in these circumstances is carried out legally in order to allow us to fulfil our contract with you.

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.

We will use information held concerning you to carry out analysis to help manage our practice. This may include auditing and quality checks by external bodies including regulators and insurers. This processing is lawful as it meets our legitimate interest of providing an excellent and cost efficient service as well as complying with regulatory 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 has concluded and will retain it at this stage only if this is considered to be necessary due to the nature of your instructions. If you instruct us in relation to a Will then your file will not be subject to this 15 year review as your instructions will be retained for a period of 100 years to ensure that we can assist in any claim that may arise.

Your rights in respect of the personal data that we hold about you are set out in our Terms of Business. However, we would like to reiterate that you are able to access a copy of the personal data that we hold and that if this is held electronically we will provide this in a portable form. You also 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. If you provide us with an email address then we will normally communicate with you by email in the first instance. 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 Team who will deal with your request as quickly and sensitively as possible. The contact details for our Data Protection Team 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/.

Our Data Protection Team, Richard Fisher and Rosemarie Close can be contacted on 01424 434 192 at our Hastings Office: Langham House, 5-6 Albert Road, Hastings TN34 1QT, by email richard.fisher@heringtons.com or rosemarie.close@heringtons.com by fax 01424 444 824

Heringtons is the business name of Heringtons LLP (No.OC374843) whose registered office is
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any legal obligation beyond that of a member of the LLP.