

Data Protection and Security Policy

GARNERS LAW takes the protection of your personal information very seriously and we have controls in place to ensure that the information you entrust to us will be held securely and processed in accordance with the General Data Protection Regulation (GDPR).

GARNERS LAW (“we” “our” or “us”) processes personal data of a number of different categories of individuals where we are the Data Controller. This information is provided to individuals whose data we process (“you” or “your”) to comply with our obligations under Articles 13 and 14 of the GDPR.

This policy sets out the information you need to know to understand how we will process and protect your information.

Below we shall refer to the ‘Data Subject’, this is the individual whose personal information we hold; they could be our employees, clients, beneficiaries, attorneys, suppliers or other identifiable individual.

Who are we?

The Data Controllers are **GARNERS LAW**. Our full contact details can be found at the end of this policy.

Why do we need your information?

We need your personal information to allow us to offer our services to you and to comply with our legal and fiduciary duties. Personal information may be collected and processed for the following purposes:

- providing legal services
- providing services to beneficiaries and attorneys
- related purposes such as updating and enhancing client records
- analysis and reporting to help us manage our business
- statutory and regulatory returns and compliance
- managing security and risks in our business
- professional indemnity insurance
- marketing
- administration
- training

We may disclose the above information to our service providers, agents or other trusted third parties for these purposes.

What Information do we capture?

GARNERS LAW collects information through face to face meetings, completing fact-finds and other relevant forms and documentation relating to the service we are providing. We also capture information through our website www.garnerslaw.co.uk. We will only collect relevant information necessary to allow us to provide our service to you, or discharge our legal responsibilities. The information we collect will include:-

- Personal information including name and contact details, such as address, email and telephone number
- Information about your particular circumstances and the matter you have asked us to deal with
- With your explicit permission certain pieces of sensitive “special category” information

- We may ask about medical conditions in order that we can tailor services to your needs, and in the event of an emergency may pass this to the emergency services
- Financial information such as bank details and wealth management information as well as bank statements for anti-money laundering and regulatory requirements.

This list is not exhaustive and other relevant information may be captured as part of our relationship.

Legal Bases for processing your data

Under GDPR we are required to clearly document our legal bases for processing your data. These bases are contained in Article 6 of the GDPR. The key ones that apply are:

- Article 6(a) the individual has given clear consent to process their personal data for a specific purpose. We obtain consent for marketing purposes or where we need to store special category data
- Article 6(b) the processing is necessary for a contract. We need to process your data in order to deliver our service/“contract” to you
- Article 6(c) Legal obligation: the processing is necessary to comply with the law (not including contractual obligations)
- Article 6(d) the Vital Interest basis may apply in a “life or death” situation
- Article 6(f) Legitimate Interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual’s personal data which overrides those legitimate interests. We would consider that we have a legitimate interest in processing your data to provide our services detailed in the contract between us.

Children

We do not actively market to children, and we never knowingly ask a child to reveal personal information. Personal information on minors is sometimes required to allow us to offer specific services relevant to the matter for which we are providing advice. However, information will always be obtained from, and permission requested from a parent or guardian or other appropriate adult.

Employees & Job Applicants

We will collect all personal information required to comply with employment legislation and if relevant, to make reasonable adjustments at the recruitment stage. This information may include where necessary sensitive “special category” data. This may include medical information and where appropriate we will perform a criminal record search. To prevent discrimination, and ensure diversity we will request information from the Data Subject on religion, sexuality and ethnicity in order to comply with our regulatory requirements.

How we process your information

We will only use your personal information for the purpose for which it was given, we will not keep it for longer than is necessary and will destroy the information securely according to our formal data protection policy.

In order to process your personal data obtained on the website and financial transactions we use trusted and authorised secure third party websites. Personal or sensitive information is not held or shared by third parties including any outside of the UK.

How long we store your information for

We have a retention policy which details how long we keep records. In line with data protection requirements we will only keep your personal data for as long as necessary in accordance with business and regulatory needs. For further information please contact your advisor

Where we store your information

Your personal information will be hosted securely within the UK. If we transfer your information to a data processor, for example, an email broadcast company to assist us in keeping you up-to-date with announcements, news and information, and they are located outside of the EEA, we shall take all reasonable steps to ensure that your information is protected as if we hosted it ourselves. No information is transferred or backed up outside of the UK.

Who we share your information with

We may need to share your information with trusted third parties such as experts, barristers or other legal counsel. This will only be done to fulfil the contract for which we are providing services to you.

We will never share or sell your personal information to any other third party. We will only share your personal information with another third party where we are required to do so by court order or law. We may also need to share your information with our bank or our regulators to comply with anti-money laundering and regulatory obligations.

If we are the subject of a merger or takeover then your personal information will be passed to the new entity, but it will only be used for the same or similar purpose you gave it for. Similarly if the name of our legal entity changes you will be informed of the change and given the opportunity to withdraw consent.

Marketing consents and permissions

We may wish to keep you informed of our activities, events and relevant sector updates, but will only do so with your express permission. When you engage with **GARNERS LAW**, you will be invited to opt-in to receiving information by your preferred marketing channel, this includes email, Post, text message (SMS) and telephone.

Your information will be used in accordance with UK and EU Data Protections law and we have robust systems and controls in place to keep your information safe.

Google Analytics

We use Google Analytics to analyse the use of our websites; Google Analytics generates statistical and other information about website use by means of cookies, which are stored on users' devices. The information generated relating to our website is used to create reports about the use of our website. Details captured during your visit will include, but not limited to, traffic data, location data, weblogs and other communication data and the resources you access, however, all data collected is anonymous and will not identify you as an individual.

Google stores this activity information and you can view Google's privacy policy at <http://www.google.com/privacypolicy.html>. To opt out of being tracked by Google Analytics across all websites visit <https://tools.google.com/dlpage/gaoptout>

Your rights as the data subject

You have certain rights under existing data protection laws and these are listed below for your convenience:-

- You have the right to have a copy of the information which we hold on you. Unless there is a legitimate reason why you cannot make the application in writing, your request should be addressed in writing by letter or email, to the Data Protection Officer shown below
- You have a right to object to processing that is likely to cause, or is causing you damage or distress
- You have a right to prevent processing for direct marketing; simply email or call us as described above and we will stop sending marketing materials to you
- You have a right to object to decisions being taken by automated means; although I can confirm we make no decisions on you using an automated process

- You have the right to rectification: the right to have your personal information rectified if it is inaccurate or incomplete
- You have the right to erasure/”right to be forgotten”: where the processing of your information is based on your consent, the right to withdraw that consent and the right to request that we delete or erase your personal information from our systems (however, this will not apply if we do not rely on your consent to carry out the processing or if we are required to hold on to the information for compliance with any legal obligation or if we require the information to establish or defend any legal claim)
- You have the right to restriction of use of your information: the right to stop us from using your personal information or limit the way in which we can use it;
- You have the right to data portability: the right to request that we return any information you have provided in a structured, commonly used and machine-readable format, or that we send it directly to another company, where technically feasible
- You have a right to claim compensation for damages caused by a breach of the Data Protection Act.

Exemptions

As **GARNERS LAW** is a specialist legal practice, we are not required to give you information in certain circumstances where personal data we process is collected and processed by us in the context of our work advising and representing our client Article 14 of the GDPR states that it is not necessary to supply information about the data we process where that information has not been received from the individual concerned and “where the personal data concerned must remain confidential subject to an obligation of professional secrecy regulated by [English] law”.

In addition, we are exempt from providing information about disclosures of personal data to us or by us where the disclosure is:

- a) required by an enactment, a rule of law, or an order of a court
- b) necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings)
- c) necessary for the purpose of obtaining legal advice or otherwise establishing, exercising or defending legal rights
- d) processing of personal data that consists of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Other exemptions will relate to the matters on which we are asked to advise our clients.

Training

- We will provide training to all individuals about their data protection responsibilities as part of the induction process and at regular intervals thereafter.
- Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy will receive additional training to help them understand their duties and how to comply with them.

Annual internal Audit

We will undertake an annual internal audit of all data that we hold and how it is being used and a record will be kept having checked our data bases and that the necessary consent and our legal obligations remain in place for the holding of such data and the purposes that the data is being retained

Data Protection Officer Contact details

Data Protection Officer
Address: 1 Oxford Road Stamford PE9 1BT
Tel: (01780) 751196
Email: garners_law@btinternet.com

ICO registration details:

GARNERS LAW ICO Registration Number Z9605127

Concerns

If you are unhappy with how we have processed your personal information please firstly contact the Data Protection Officer listed above, if you are still unhappy you may contact the following:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF
Helpline: 0303 123 1113 (local rate) or +44 1625 545 745

GARNERS LAW Information

GARNERS LAW

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