

HARDING EVANS LLP

Client, Prospective Client and Third Party Privacy Policy

1. Introduction

We are committed to protecting and respecting your privacy.

Everyone has rights with regard to the way in which their personal information is handled. During the course of our activities we will collect, store and process personal information about our customers, suppliers and other third parties, and we recognise that the correct and lawful treatment of this data will maintain confidence in the organisation and will provide for successful business operations.

This Policy is intended for clients, prospective clients, suppliers and users of our website. We have a separate privacy notice for Employees and Prospective Employees.

This policy sets out the basis on which any personal information we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal information and how we will treat it.

For the purpose of UK data protection laws, the data controller is Harding Evans LLP of Queens Chambers, 2 North Street, Newport, NP20 1TE.

2. Data protection principles

For personal data to be processed lawfully, there must be a legal basis. Anyone processing personal data must comply with the seven enforceable principles of good practice. These provide that personal data must be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation')

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')

(d) accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation')

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

(g) accountable and responsible for what we do with personal data and how we comply with the other principles ('accountability')

3. Information you give to us

We may collect, use, store and transfer different kinds of personal information about you, including:

- Identity Data, such as your name, marital status, title, date of birth, gender, job title and your employer;
- Contact Data, such as your home and work addresses, personal and work email addresses and personal and work telephone numbers;
- Document Data, such as copies of your passport, driving licence, utility bills, etc.;
- Medical Data, including your physical and mental medical history, records and details of any medical conditions;
- Matter Data which means data relating to the work that you have asked us to undertake on your behalf.
- Third Party Data, namely Identity Data, Contact Data, Document Data and Medical Data relating to your family members, business colleagues and other contacts;
- Financial Data, such as bank account, salary and payment card details;
- Transaction Data, including details about payments to and from you, and the details of services you purchase from us;
- Technical Data, including IP addresses, your log-in data, browser type and version, time-zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website;
- Profile Data, such as your username, password, purchases or orders made by you, your interests, preferences, feedback and survey responses;
- Usage Data, including information about how you use our website, products and services; and
- Marketing Data, such as your preferences in receiving marketing from us and our third parties, and your communication preferences.

4. 'Special category' data

- Information relating to your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, criminal convictions, sex life or sexual orientation, or certain types of genetic or biometric data is known as 'special category' data.
- During the course of providing you with legal services, we may collect 'special category' data about you, particularly if we prepare your will, advise you in relation to divorce and children proceedings, advise and represent you in an employment or discrimination claim on your behalf, bring or defend a personal injury or medical negligence claim on your behalf, buy or sell a company with large number of employees, or bring certain types of court claims on your behalf.

5. Children

Our website and services are not aimed specifically at children because in legal work children are generally represented by their parents or guardians. If you are a child and need further advice or explanation about how we would or do use your data, please contact Daniel Wilde, Data Protection Compliance Partner, who may be able to assist.

6. How we collect your personal information

We may obtain personal information by directly interacting with you, such as:

- meeting with you in our offices, at events or elsewhere;
- receiving your instructions to provide legal services, and in the performance of those legal services;
- receiving information about you from other parties involved in legal proceedings or transactions with you;
- logging onto the Wi-Fi network in our offices;
- filling in forms on our website;
- participating in discussion boards or other social media functions on our website;
- giving us your business card;
- entering a competition, promotion or survey organised by us, or otherwise providing us with feedback;
- subscribing to our services or publications, or otherwise requesting marketing material to be sent to you; or
- correspondence with us by phone, email, letters or otherwise by yourself and other third parties.

We may obtain personal information via automated technology when you interact with our website by using cookies, server logs and other similar technologies.

We may also collect personal information about you from third parties or publicly-available sources, such as:

- your family members, your business colleagues and other contacts;
- the 'other side' in any dispute or negotiation for which we're acting on your behalf;
- professional advisers;
- medical advisers;
- experts instructed in relation to your case or transaction;
- business networks with which both you and we are connected;
- analytics providers (such as Google and Full Story);
- advertising networks;
- providers of technical, payment and delivery services; and
- by conducting searches of publicly-available databases or social media sites, such as Companies House, DueDil, Facebook, Twitter, LinkedIn and the electoral register.

7. When can we use your personal information?

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:

- you have given us consent;
- we need to perform a contract we have either entered into with you or are discussing entering into with you;
- where it is necessary for our or a third party's legitimate interests, and your interests and rights do not override those interests; or
- where we need to comply with a legal or regulatory obligation.

8. We will only use 'special category' information:

- provided we have your explicit consent to use it, for example, to provide advice to you on your case where we need to use your medical records;
- where we believe that we need to use that data to protect your vital interests where you are not able to provide us with your explicit consent;

- where it is necessary for reasons of substantial public interest;
- where you have previously made that data public knowledge;
- if we need to use that data to establish, exercise or defend legal claims; or
- where there is some other legal basis that allows us to use that information.

9. Purposes for which we will use your personal information

The primary reason for asking you to provide personal data is to allow us to carry out your requests, for example, to provide a quote or to carry out your legal work. Your information may be used for:

- Verifying your identity and to establish the funding of any transaction you have asked us to carry out on your behalf. In a limited number of cases, where funding is being provided by family member or third party, we may need to ask you to obtain information from them and personal information provided to us will also be subject to the terms of this Data Privacy Notice;
- The detection of fraud;
- Communicating with you during the matter;
- Providing you with advice, to carry out litigation on your behalf or on behalf of any organisation you represent, prepare documents or to complete transactions on yours or your organisation's behalf;
- Keeping financial records of your transactions and the transactions we make on your behalf. We do keep bank account details;
- Seeking advice from third parties in connection with your matter;
- Assisting you with the funding of your matter if it involves Legal Aid or 'no win no fee';
- Responding to any complaint or allegation of negligence against us;
- Internal management and planning, which includes:-
 - Resource management;
 - Planning of tasks or meetings;
 - Keeping records of sources of work and new enquiries; and
 - Storage and archiving of files and documents.
- Providing you with information about further legal work or services that could benefit you, whilst we are carrying out your work.

We will only use your personal information for the purpose(s) 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, or where this is required or permitted by law.

10. What if you cannot or will not provide us with your personal information

It is a statutory requirement for you to provide us with certain information, namely sufficient information to verify your identity. If you do not provide us with that information, we will be unable to accept your instructions and provide you with legal services.

It is also a contractual requirement for you to provide us with certain information. If you do not provide us with that information, we may be unable to accept your instructions and/or provide you with the full range of our legal services and advice.

11. Cookie policy

Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our website. A cookie

is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you agree. Cookies contain information that is transferred to your computer's hard drive.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of our website. They include, for example, cookies that enable you to log into secure areas of our website, use a shopping cart or make use of e-billing services.
- **Analytical/performance cookies.** They allow us to recognise and count the number of visitors and to see how visitors move around our website when they are using it. This helps us to improve the way our website works, for example, by ensuring that users are finding what they are looking for easily.
- **Functionality cookies.** These are used to recognise you when you return to our website. This enables us to personalise our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Targeting cookies.** These cookies record your visit to our website, the pages you have visited and the links you have followed. We will use this information to make our website and the advertising displayed on it more relevant to your interests. We may also share this information with third parties for this purpose.

Please note that third parties (including, for example, advertising networks and providers of external services like web traffic analysis services) may also use cookies, over which we have no control. These cookies are likely to be analytical/performance cookies or targeting cookies.

You block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our website.

Except for essential cookies, all cookies will expire after a maximum of two years.

12. Disclosure of your information

We may share your personal information with the parties set out below:

- any other parties in relation to your legal matter to the extent we reasonably consider that it is appropriate, where there is a legal requirement or it is in your best interests for us to do so (including courts and tribunals, mediation services including ACAS, your professional advisers, the 'other side' and their professional advisers, witnesses, professional experts and foreign attorneys who assist us with providing specialist non-UK legal advice);
- professional advisers and business networks with which we are connected;
- our outsourced IT services provider together with providers of Wi-Fi, IT and system administration services to our business, including Thomson Reuters, Mimecast, Microsoft SharePoint and other online cloud and data-room providers;
- our professional advisers (including solicitors, bankers, auditors and insurers and insurance brokers);
- our quality assurance assessors;
- credit-reference and fraud prevention agencies;
- HM Revenue & Customs, the Information Commissioner's Office, the Solicitors Regulatory Authority, the Law Society, the Legal Ombudsman, the Legal Services Board, the National Crime

Agency, the Serious Fraud Office and any other regulators and other authorities who require reporting of processing activities in certain circumstances;

- business partners, suppliers and sub-contractors to the extent we consider it reasonably necessary for us to perform legal services;
- analytics and search engine providers that assist us in the improvement and optimisation of our website; and
- third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal information in the same way as set out in this policy.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information for specified purposes and in accordance with our instructions.

13. Where we store your personal information

Most matters with which we deal will have an electronic file and a paper file.

All information you provide to us is stored either in paper files stored in fee earners' secured offices or on our secure servers based in our offices or in data centres on servers in the UK for disaster recovery purposes. Some data for conveyancing matters is stored on Microsoft SharePoint in Microsoft UK based data centres. If you are signed up to the Harding Evans' client portal, your name, email and mobile phone number are processed by Microsoft for authentication purposes and is stored in UK data centres.

In addition, personal data may be saved on password protected laptops with the data only accessible via VPN access, in encrypted emails on personal devices.

We will take all steps reasonably necessary to ensure that your data is treated securely, including taking the following safeguards:

- Entry controls. The main building reception is staffed at all times, and our office reception is staffed during normal working hours.
- Methods of disposal. Paper documents are disposed of by shredding in a manner that ensures confidentiality.
- Archived files. These are stored off site at a secure storage facility whose security has been verified by us.
- Equipment. Our internal policies require that users lock or log-off from their computer when it is unattended.
- Firewalls and encryption. We apply industry-standard firewall protection and encryption technology.
- Training. We ensure our employees are trained in the importance of data security.
- Electronic access. All data stored electronically is password-protected. Where we have provided an authorised user with a password, that user is responsible for keeping this password confidential and is not permitted to share the password with anyone.
- Payment details. Where appropriate, we will send payment and banking details by secure messaging system to reduce the risk of those emails being unlawfully intercepted.
- Overseas transfers. We will only transfer data overseas, outside of the EEA, where lawful to do so and where possible after discussion with you.

Some of the data that we collect from you may be transferred to third parties (for example, advisers that we use to provide advice on non-UK legal matters) who will store the data at a destination outside the United Kingdom. We will let you know when we engage any foreign lawyers or associates or if we become aware that your data may need to be processed outside of the EEA. If you are concerned about the levels of data security in those 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. How long we will store your personal information

Information may be held in computers or manual files. We only retain the information for as long as is necessary to:

- carry out your work;
- as is required to be kept by law;
- until the period that you could make a claim against us has elapsed, which is usually seven years after the matter concluded or, if we acted for a child under 18, when they reach their 25th birthday;
- if we have acted in a matter in which you had suffered mental impairment or a provisional award has been made, then the file can be kept for up to 100 years from the date of birth;
- for the duration of a trust, plus six years;
- wills and related documents can be kept for 75 years from date the will was signed;
- probate matters where there is a surviving spouse or civil partner are retained until the survivor has died in order to deal with the transferable Inheritance Tax allowance;
- deeds related to unregistered property are kept indefinitely as they evidence ownership; and
- comply with any client instructions to extend the retention period in relation to their documents. Information obtained from prospective clients is kept for up to six months for the purpose of providing quotations and any subsequent follow up.

To determine the appropriate retention period for personal information, we consider the amount, nature and sensitive of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

In relation to documents provided to us to enable us to comply with our duties under the Money Laundering Regulations, these will be kept in line with our destruction policy. That will vary depending on the type of matter on which you have instructed us. In relation to a conveyancing matter we would retain the information for approximately 7 years.

Further details relating to periods of retention, methods of destruction and receiving a copy of your file from us prior to destruction are set out in our standard terms of business.

15. Your rights

You have various legal rights in relation to the information you give us, or which we collect about you, as follows:

- You have a right to access the information we hold about you free-of-charge, together with various information about why and how we are using your information, to whom we may have disclosed that information, from where we originally obtained the information and for how long we will use your information.

- You have the right to ask us to rectify any information we hold about you that is inaccurate or incomplete.
- You have the right to ask us to erase the information we hold about you (the 'right to be forgotten'). Please note that this right can only be exercised in certain circumstances and, if you ask us to erase your information and we are unable to do so, we will explain why not.
- You have the right to ask us to stop using your information where:
 - the information we hold about you is inaccurate;
 - we are unlawfully using your information;
 - we no longer need to use the information; or
 - we do not have a legitimate reason to use the information.

Please note that we may continue to store your information, or use your information for the purpose of legal proceedings or for protecting the rights of any other person.

- You have the right to ask us to transmit the information we hold about you to another person or company in a structured, commonly-used and machine-readable format. Please note that this right can only be exercised in certain circumstances and, if you ask us to transmit your information and we are unable to do so, we will explain why not.
- Where we use/store your information because it is necessary for our legitimate business interests, you have the right to object to us using/storing your information. We will stop using/storing your information unless we can demonstrate why we believe we have a legitimate business interest which is more important than your interests, rights and freedoms.
- Where we use/store your data because you have given us your specific, informed and unambiguous consent, you have the right to withdraw your consent at any time.
- You have the right to object to us using/storing your information for direct marketing purposes.

If you wish to exercise any of your legal rights, please contact our Data Protection Compliance Partner Dan Wilde, by writing to the address at the top of this policy, or by emailing us at privacy@hevans.com.

We will respond to your request within **30 days** of the date of receipt of your request.

In most cases we will not charge a fee to comply with a Subject Access Request. However, we may charge a 'reasonable fee' for the administrative costs of complying with a request if it is manifestly unfounded or excessive, or if you request further copies of your data.

You also have the right, at any time, to lodge a complaint with the Information Commissioner's Office if you believe we are not complying with the laws and regulations relating to the use/storage of the information you give us, or that we collect about you.

16. Opting out of receiving marketing communications

You can ask us to stop sending you marketing communications at any time by contacting our Marketing Manager, by writing to the address at the top of this policy, or by emailing us at marketing@hevans.com.

17. Recording of Telephone Calls

We may monitor and record telephone calls with you in case we need to check we have carried out your instruction correctly, to resolve queries or issues, for regulatory purpose, to help improve our quality of service, and to help detect or prevent fraud or other crimes. Conversations may also be monitored for staff training purposes.

18. Automated decision-making

We do not use automated decision-making processes.

19. Third party links

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

20. Identifying you as a client of the firm

If you are a business client, we may identify you as a client of the firm in our marketing material or in legal directories, although we will never publicly disclose any confidential information about your legal matters without having obtained your prior consent. If you do not agree to us identifying you as a customer of the firm, please notify our Marketing Manager, by writing to the address at the top of this policy, or by emailing us at marketing@hevans.com.

If you are an individual client, we will also ask for your consent before identifying you as a client of the firm.

21. Changes to our policy

Any changes we make to our policy in the future will be posted on our website and, where appropriate, notified to you by email or via social media.

22. Contact

Questions, comments and requests regarding this policy are welcomed and should be addressed to our Data Protection Compliance Partner, by writing to the address at the top of this policy, or by emailing us at privacy@hevans.com.