

## 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.

For clients of this firm, you should read this notice alongside our general terms and conditions which provide further information on confidentiality, data privacy etc.

### Who we are

We are McCormicks Solicitors, Wharfedale House, 35-37 East Parade, Harrogate, North Yorkshire, HG1 5LQ; we are the 'data controller' of the personal information you provide to us. McCormicks Solicitors is a partnership, authorised and regulated by the Solicitors Regulation Authority under number 68717.

Our Data Protection Manager is Hayley Firth who can be contacted by email – [h.firth@mccormicks-solicitors.com](mailto:h.firth@mccormicks-solicitors.com). We are registered with the Information Commissioner's Office (ICO) in the UK with number Z5888572.

### Children

Our website and services are not aimed specifically at children because in legal work children are generally represented by their parent or guardians. If you are a child and need further advice or explanation about how we would use your data, please email [h.firth@mccormicks-solicitors.com](mailto:h.firth@mccormicks-solicitors.com).

### What type of information we need

The exact information we will request from you will depend on what you have asked us to do or what we are contracted to do for you.

There are two types of personal data (personal information) under the General Data Protection Regulation (UK GDPR) that you may provide to us: -

- Personal data: is the general information that you supply about yourself – such as your name, address, gender, date of birth, contact details, financial information etc.
- Special Categories of personal data are, by their nature, more sensitive information and therefore require a higher level of protection. This information is your: -
  - racial or ethnic origin
  - religion
  - sexual orientation
  - political opinions
  - health data
  - trade union membership
  - philosophical views
  - biometric and genetic data

Personal data can include information relating to criminal convictions and offences. This

also requires a higher level of protection.

In the majority of cases personal data will be restricted to basic information and information needed to complete ID checks. However some of the work we do may require us to ask for more sensitive information.

### **Sources of information**

Information about you may be obtained from a number of sources; including: -

- You may volunteer the information about yourself.
- Someone else (family, friends etc) – if they have the authority to do so.
- Information may be passed to us by third parties in order that we can undertake your legal work on your behalf. Typically, these organisations can be: -
  - Banks or building societies.
  - Panel providers who allocate legal work to law firms.
  - Organisations that have referred work to us.
  - Medical or financial institutions – who provide your personal records/information.

### **How we use your personal data**

The primary reason for asking you to provide us with your personal data is to allow us to carry out your requests – which will ordinarily be to represent you and carry out your legal work.

The following are some examples, although not exhaustive, of what we may use your information for: -

- Verifying your identity.
- Verifying source of funds.
- Communicating with you.
- To establish funding of your matter or transaction.
- Obtaining insurance policies on your behalf.
- Processing your legal transaction including: -
  - Providing you with advice; carrying out litigation on your behalf; attending hearings on your behalf; preparing documents or to complete transactions.
  - Keeping financial records of your transactions and the transactions we make on

your behalf.

- Seeking advice from third parties, such as legal and non-legal experts.
- Responding to any complaint or allegation of negligence against us.

We will only use your personal data in a manner that is compliant with the UK GDPR, which sets out the lawful basis under which we can process your personal data. The lawful basis that are applicable to us are: -

- **Contract:** We are providing you with a contractual service, or you have asked us to do something before entering into a contract (e.g., provide a quote).
- **Legal Obligation:** We may need to process your personal data to comply with a legal obligation that we are subject to.
- **Legitimate Interest:** It must be necessary to process your personal data where it is in the legitimate interests of us or third party to do so, however such processing must not override your own fundamental rights and freedoms.
- **Vital Interests:** This is very rarely used; however, this is applicable where your personal data needs to be shared to protect someone's life.

#### **Who has access to it**

We have a data protection system in place to oversee the effective and secure processing of your personal data. We will not sell or rent your information to third parties. We will not share your information with third parties for marketing purposes.

Generally, we will only use your information within McCormicks Solicitors. However, there may be circumstances, in carrying out your legal work, where we may need to disclose some information to third parties; for example: -

- HM Land Registry to register a property.
- HM Revenue & Customs, e.g. for Stamp Duty Liability.
- A Court or Tribunal.
- Solicitors acting for the other party on your case or transaction.
- Asking an independent Barrister or Counsel for advice; or to represent you.
- Non legal experts to obtain advice or assistance.
- Translation Agencies.
- Contracted Suppliers.
- External auditors or our Regulator, e.g. Lexcel, SRA, ICO etc.

- Legal directories.
- Bank or Building Society; or other financial institutions.
- Insurance Companies.
- Providers of identity verification.
- Any disclosure required by law or regulation, such as the prevention of financial crime and terrorism.
- If there is an emergency and we think you or others are at risk.

In the event that any of your information is shared with the aforementioned third parties, they must comply, strictly and confidentially, with our instructions and they must not use your personal information for their own purposes unless you have explicitly consented to them doing so. We will only share with third parties the extent of personal data that is strictly necessary.

There may be some uses of personal data that may require your specific consent. If this is the case, we will contact you separately to ask for your consent, which you are free to withdraw at any time.

### **How do we protect your personal data**

We recognise that your information is valuable, and we take all reasonable measures to protect it whilst it is in our care.

We have excellent standards of technology and operational security in order to protect personally identifiable data from loss, misuse, alteration or destruction.

Similarly, we adopt a high standard when it comes to confidentiality obligations. Both internal and external parties have agreed to protect confidentiality of all information and to ensure that all personal data is handled and processed in line with our confidentiality and data protection policies.

We use computer safeguards such as firewalls and we enforce, where possible, physical access controls to our buildings and files to keep data safe.

### **How long we will keep it for**

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. For example: -

- As long as necessary to carry out your legal work.
- For a minimum of 7 years from the conclusion or closure of your legal work; in case you, or we, need to re-open your case for the purpose of defending complaints or

claims against us.

- For the duration of a trust.
- Some information or matters may be kept for 16 years – such as commercial transactions, sales of leasehold purchases, matrimonial matters (financial orders or maintenance agreements etc.).
- Probate matters where there is a surviving spouse or civil partner may be retained until the survivor has died in order to deal with the transferable Inheritance Tax allowance.
- Wills and related documents may be kept indefinitely.
- Deeds related to unregistered property may be kept indefinitely as they are evidence ownership.

## **What are your rights under the GDPR?**

### Right to access

Under GDPR, you are entitled to access your personal data (otherwise known as a 'right to access').

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.

If you wish to make a request, please do so in writing addressed to our Data Protection Manager; or contact the person dealing with your matter.

### The right to be informed

You are entitled to know about the data we hold on you and how we process this data. This privacy notice is designed to provide an explanation as to how we use your personal data. If you have any further questions regarding this, however, please do not hesitate to contact our Data Protection manager.

### The right to rectification

You are entitled to have personal data rectified if it is inaccurate or incomplete. Please contact our Data Protection manager if any information we hold about you is not correct.

### The right to erasure /'right to be forgotten'

You have the right to request the deletion or removal of your personal data where there is no compelling reason for its continued processing. You can do this in writing by contacting the Data Protection Manager, or you can contact us via telephone to request erasure. This right only applies in the following specific circumstances: -

- Where the personal data is no longer necessary in regard 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; and
- Where you object to the processing for direct marketing purposes.

It may be the case that we are unable to process your request for erasure. For example, if processing is required to comply with a legal obligation, or for the establishment, exercise, or defense of legal claims.

We will respond within one month of receiving your request, confirming that your personal data has been removed from our systems or if we are unable to process your request. If that is the case, we will state clearly the reasons why.

#### The right to object

You have the right to object to processing in certain circumstances. 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; or
- 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.

#### 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 legitimate grounds for the processing of your personal data override your right to restrict processing;

- Where processing is unlawful and you request restriction; or
- If we no longer need the personal data but you require the data to establish, exercise or defend a legal claim.

### **Complaints about the use of personal data**

If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Manager who will investigate further.

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) – <https://ico.org.uk/make-a-complaint/>, or their telephone number is 0303 123 1113

### **MARKETING DATA**

We may contact you for the purpose of direct marketing but only once we have sought and received your specific consent which will usually be as a client via our engagement letter or your direct contact and consent at an event. 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 ever pass on or sell your details to a third party.

### **How we collect personal data**

The following are examples, although not exhaustive, of how we collect your personal information: -

- Sign-up to receive one of our newsletters;
- Submitting an online enquiry;
- Following/liking/subscribing to our social media channels;
- Agree to fill in a questionnaire or survey;
- Ask us a question or submit any queries or concerns you have via email or on social media channels;
- Post information to our website or social media channels, for example when we offer the option for you to comment on, or join, discussions; and
- When you leave a review about us on Trustpilot.com, Google Reviews or other review website.

Whenever we collect your personal data, you will be provided the opportunity to 'opt in' to receiving marketing communications from us. We hope you will provide this

information so you find our communications useful but if you choose not to this will have no effect on accessing our legal services.

We handle enquiries at different stages, and we group those enquiries in three main ways. We will take the following steps in each instance: -

**Prospects:** Consent will need to be recorded before being added to marketing campaigns.

**Fixed fee clients:** Legitimate interest will be the legal basis. Relevant marketing communication by email will be sent during the case and once the case has been closed if you have opted in to receive marketing material. Clients can unsubscribe at any time by contacting McCormicks Data Protection Manager or the person dealing with their matter.

**Retainer clients:** Legitimate interest will be the legal basis. Relevant marketing communication by email will be sent during the case and once the case has been closed if you have opted in to receive marketing material. Clients can unsubscribe at any time by contacting McCormicks' Data Protection Manager or the person dealing with their matter.

How we may use your details

The following are examples, although not exhaustive, of how we may use your personal information for our legitimate business interests: -

- Fraud prevention.
- Direct marketing.
- Network and information systems security.
- Data/analytics/enhancing, modifying or improving our services.
- Identifying usage trends; and
- Determining the effectiveness of promotional campaigns and advertising.

We may use your personal information for legitimate interests such as direct marketing or under reasonable expectation to provide you with information you would expect to receive or that would benefit and enhance our relationship. This information will help us review and improve our products, services and offers.



## **How we protect your personal information**

We will only ever use non-sensitive personal information to target individuals with marketing materials, such as name, address, telephone, email, job description and previous buying behaviours. Sensitive information or specific details will never be used to target marketing communications. We may use personalisation to collect analytics to inform marketing and produce relevant content for the marketing strategy to enable it to enhance and personalise the “consumer experience”.

If you do not wish us to continue to contact you in this way, you can either follow the unsubscribe instructions on any of our communications to you or contact us by emailing our Data Protection Manager, Hayley Firth at [h.firth@mccormicks-solicitors.com](mailto:h.firth@mccormicks-solicitors.com) with your name and email address.

Your details will be removed immediately. Once unsubscribed, you may still receive transactional emails from us regarding your legal case.

Any questions regarding this notice and our privacy practices should be sent by email to our Data Protection Manager.

## **Changes to this privacy policy**

We keep all our policies under regular review. This privacy policy was last updated on 17 October 2023.