

# Data & Privacy Notice

## **Our Privacy Policy**

This Notice is primarily for the benefit of our clients or potential clients or for related third parties whose data we may process as part of the provision of legal services. We maintain and will provide separate privacy notices in relation to the collection and use of personal information about our staff and employees, including potential employees, during and after their working relationship with us.

This firm processes your data in accordance with the terms of the Data Protection Act 2018, the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 and the relevant provisions relating to the General Data Protection Regulation contained within the European Union (Withdrawal) Act 2018 (UK GDPR).

This Data & Privacy Notice explains, in detail, the types of personal data we may collect about you when you interact with us. It also explains how we will store and handle that data and keep it safe. Unless otherwise indicated, references in this Data and Privacy Notice to the GDPR refer to the UK GDPR.

We know that there's a lot of information here, but we want you to be fully informed about your rights, and how our firm uses your data. We hope the following sections will answer any questions you have but if not, please do get in touch with us.

## **Conditions for Processing Data**

We are only entitled to hold and process your data where the law allows us to. The current law on data protection (Article 6 GDPR) sets out a number of different reasons for which a law firm may collect and process your personal data. These include:

### *Contractual obligations*

The main purpose for our holding your data is to provide you with legal services under the agreement we have with you. This agreement is a contract between us and the law allows us to process your data for the purposes of performing a contract (or for the steps necessary to enter in to a contract). We may also need to process your data to meet our contractual obligations to the Legal Aid Agency where you receive legal aid to fund your case or advice.

### *Legitimate Interests*

In specific situations, we require your data to pursue our legitimate interests in a way which might reasonably be expected as part of running our business and which does not materially impact your rights, freedom or interests. This may include to satisfy our external quality auditors or our Regulators.

### *Legal compliance*

If the law requires us to, we may need to collect and process your data. For example, we can pass on details of people involved in fraud or other criminal activity.

### *Consent*

In some situations, we can collect and process your data with your consent. For example, when you tick a box to receive email newsletters. When collecting your personal data, we'll always make clear to you which data is necessary in connection with a particular service.

### **When do we collect your data?**

We normally collect your data when you provide it to us or when it is provided to us by others (your opponent's solicitors for example) during your case. You may give us your data by email; through an online web form; over the telephone; face to face; or by post.

We also collect data automatically with regard to each of your visits to our website including technical information.

### **What sort of data do we collect?**

#### **Information you provide to us**

You voluntarily give us your personal information for instance when:

- you contact us via our website
- provide a comment on our website
- write a review
- sign up to any newsletters
- interact with us on social media platforms, and/or
- use our services.

Where we request information from you we will collect the information set out in the relevant web pages, or as explained to you over the telephone or face to face.

#### *Client services*

We may collect personal data as follows:

- name and contact details (including address, email and phone numbers). This may include asking for and keeping a copy of your passport/driving licence and proof of address
- date of birth
- personal information that may be included in communications with us
- payment information and financial information that relates to a contractual relationship including bank details.

We may gather details of your age; ethnicity; gender etc. if required to do so by the Legal Aid Agency where you are in receipt of Legal Aid. Where you have Legal Aid, we may also gather financial information from you.

We also collect and hold information about your case or legal problem.

Depending on the circumstances of their legal matters, for some clients, we may have access to or process special category data including:

- personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership

- genetic data
- biometric data processed for the purpose of uniquely identifying a natural person, or
- data concerning health or a natural person's sex life or sexual orientation
- criminal convictions

In addition to contract lawful condition for processing under Article 6 of the GDPR (see above), Article 9(2)(f) of the GDPR permits us to process this data where it is necessary for, connected to and/or relates to legal claims including for the purposes of assisting with legal proceedings, obtaining legal advice and/or establishing, exercising or defending legal rights. We will only process this specific data if it is necessary to establish, exercise or defend a client's legal rights. We will ensure that the use of this data is relevant and proportionate and that we do not hold any more data than is needed. All such data is processed in line with the commitments and policies within this Privacy Notice.

### **Website or third party sources**

We collect certain related technical information including, but not limited to, traffic data, location data, logs (including, where available, the IP address and location of the device connecting to the online services and other technical information and identifiers about the device and the nature of the visit such as clickstream to, through and from our website) and other communication data, and the resources that you use.

On occasions, we acquire information from other companies, to collect information about how visitors to our website use the site. Information is also collected about how you arrived at our websites in the first place, including what links or adverts you have viewed or clicked on to reach us, or any search terms you have used. We do this to maintain and improve our website, getting a better understanding of visitor and client profiles and ultimately delivering a better experience. Information may be collected through the use of cookies or pixels.

### **CCTV**

We have installed CCTV systems in our offices and/or on the outside of the buildings and personal data in form of images or CCTV footage may be recorded.

We operate CCTV in accordance with the ICO CCTV Code of Practice and are processing CCTV data in order to pursue our legitimate interests of:

- promoting a safe working environment and monitoring health and safety at our premises
- monitoring the safety and security of our premises
- deterring and assisting in the prevention, investigation and detection of crime and/or serious breaches of policies and procedures, and
- assisting with the identification and prosecution of offenders, including use of images as evidence in criminal proceedings.

CCTV is never used for any automated decision taking.

In all locations, signs are displayed notifying individuals that CCTV is in operation. Images captured by CCTV will not be kept for longer than is necessary and ordinarily, will not be retained for more than 30 days. However, on occasions, there may be a need to keep images for longer such as where a crime is being investigated.

We will only disclose images and audio to other authorised bodies such as the police or other law enforcement agencies for the purposes set out above.

## **How do we use your data?**

### *Provision of services*

We only use your data for the purposes of providing you with legal advice, assistance and where appropriate, representation and for reasons directly associated with those services (i.e. providing information to quality auditors; the Legal Aid Agency etc.).

In particular:

- to deliver our services
- to manage our relationship and communicate with you
- to provide you with advice or guidance about our services
- to make and manage payments
- to respond to complaints and seek to resolve them
- to train our staff and measure the quality of the service we give to clients.

### *Regulatory*

We also use data to communicate with our regulators or legislators and to obey laws, regulations and codes of conduct that apply to us.

For example, we will process your data to enable us to identify and/or verify your identity and conduct fraud, credit and anti-money laundering checks in accordance with anti-money laundering and counter terrorism financing legislation and regulation.

### *Consent*

We may use your data to notify you of our other services but only where we have your consent to do so.

### *Website enhancement and business development*

We also use data to develop our business and services. In particular:

- to respond to individual experiences shared with us and for editorial content
- to enhance your online experience
- to conduct research and surveys
- to develop and manage our services including marketing of new or enhanced services
- to research your views and experiences for research and editorial purposes, including through requests for feedback on our services
- to understand your website journey, including what pages you have viewed and for how long
- to administer and keep safe and secure our website and for internal operations, including data analysis, testing, statistical purposes.

## *Cookies*

A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

By law, we may not place cookies on your computer without your consent, unless they are strictly necessary to the operation of the service that we provide on the website.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

We use Google Analytics to monitor how our website is being used so we can make improvements. Our use of Google Analytics requires us to pass to Google your IP address (but no other information) – Google uses this information to prepare site usage reports for us, but Google may also share this information with other Google services. In particular, Google may use the data collected to contextualize and personalize the ads of its own advertising network. Related information:

- [Google's privacy policy](#)
- [How Google uses this information.](#)

If you have any queries about the cookies that we use, or would like more information, please contact [zaheer.mahmood@yorkshire-legal.co.uk](mailto:zaheer.mahmood@yorkshire-legal.co.uk)

## *Artificial Intelligence*

In order to provide an optimum service to our clients, under the agreement we have with you to provide legal services, we may utilise technology which uses artificial intelligence (AI). However, we aim to take steps to ensure that we remain fully accountable and our use of AI technology is safe, secure and compliant with data protection legislation as well as the professional rules that govern our work.

In addition to adhering to the data processing principles in the UK GDPR including fairness and accuracy, we also seek to evaluate and improve the 'statistical accuracy' of data generated by any AI system. Statistical accuracy refers to the accuracy of an AI system itself. Any AI system we use needs to be sufficiently statistically accurate to ensure that any personal data generated by it is processed lawfully and fairly.

In many cases, the outputs of an AI system are not intended to be treated as factual information about an individual. Instead, they are intended to represent a statistically informed guess as to something which may be true about the individual now or in the future. To avoid such personal data being misinterpreted as factual, we seek to ensure that the records generated by an AI tool indicate:

- wherever data outputs are statistically informed guesses rather than facts
- where possible, the provenance of the data and the AI system used to generate the inference

- where the inference was based on inaccurate data, or the AI system used to generate it is statistically flawed in a way which may have affected the quality of the inference
- if the processing of the incorrect inference may have an impact on an individual. If this applies, an individual affected it would be notified and may request the inclusion of additional information in their records to counter the incorrect inference.

Wherever possible, we will ensure any factors that may result in inaccuracies in personal data are corrected and the risk of errors is minimised.

We seek to apply enhanced and comprehensive security whenever AI is implemented. Personal data will only be processed through an AI tool where we have conducted a data protection impact assessment and are assured that we can put in place practical steps to mitigate any risks and adequately maintain and protect confidentiality and privacy.

#### *WhatsApp*

Where all parties consent, we may use WhatsApp as a convenient way to communicate with clients and provide updates on their case.

While we strive to keep our communications secure and will keep WhatsApp messages confidential and only access them when necessary to provide our services, it is important to understand that WhatsApp messages, like other communications, are stored on client files for record-keeping and may potentially be used in the legal process.

Please be aware that WhatsApp operates its own [privacy policy](#), which we encourage you to read. We also encourage those who may engage with us via this platform to secure access to their devices and use up to date versions of the software for secure communication.

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

We take protecting your data very seriously. The data you give us may be subject to Legal Professional Privilege and is often extremely sensitive and confidential.

With this in mind we will treat your data with the utmost care and take all appropriate steps to protect it. We have clear data protection and information security policies and procedures in place (along with Regulatory and other legal obligations to keep your data safe) and these are regularly assessed as part of our Quality Standards and compliance processes.

We protect our IT system from Cyber Attack. Access to your personal data is password-protected, and sensitive data is secured by encryption.

We regularly monitor our system for possible vulnerabilities and attacks, and we carry out penetration testing to identify ways to further strengthen security.

#### **How long will we keep your data?**

We only keep your data for as long as is necessary for the purpose(s) for which it was provided.

We use the following retention periods and review these periodically to make sure we are only keeping personal data and other data for as long as is needed:

- information in a matter file or related to a matter or instructions to us such as information on our case management system will usually be kept for a period of six years after the case or matter ends unless it is required to be kept for longer (for instance, the information is required for another or related case or matter or where the person is currently under the age of eighteen, in which case data will need to be held for six years after they reach the age of eighteen), or we have another legal basis to process that information. This is because we are required to keep client files for that period by our Regulator and/or by the SRA. This also protects you should you be unhappy with our services and want to complain or even sue us after your case ends.
- data obtained for compliance with crime or fraud prevention has to be retained by us to meet our legal or regulatory obligations for five years from the close of the individual matter or the end of our business relationship with a relevant person, whichever is later
- enquiries where we do not take on your case are kept for only 18 months
- any complaints files for six years after the complaint is concluded (with the associated matter file(s))
- financial information and any financial transactions will be kept for a period of 7 years to comply with HMRC requirements except for cardholder data which will generally be destroyed immediately after the transaction is processed
- enquiries about job opportunities and information relevant to recruitment (where a job offer is not made) are kept for 12 months. Information about retention of personal data collected and processed for as part of the recruitment process for successful applicants will be provided as part of that process

For some data we may decide that it is proper and appropriate to keep data for longer than the above, but we will notify you if we believe that your case falls into this category or there is another reason your data has to be retained.

### **Who do we share your personal data with?**

We sometimes share your personal data with trusted third parties. We only do this where it is necessary for providing you legal services or for the effective operation of our legal practice.

For example, we may share your data with barristers; experts; translators; costs draftsmen; process servers; secure file storage and destruction companies; auditors; the company that securely hosts our off-site cloud storage servers.

We apply a strict policy to those recipients or data processors to keep your data safe and protect your privacy. In particular:

- We provide only the information they need to perform their specific services
- They may only use your data for the exact purposes we specify in our contract with them
- We work closely with them to ensure that your privacy is respected and protected at all times
- If we stop using their services, any of your data held by them will either be deleted or rendered anonymous.

### **Where is your data processed?**

Your data is stored and processed within the United Kingdom (UK). If we ever have to share your personal data with third parties and suppliers outside the UK we will seek your specific consent to do so.

## **What are your rights?**

You have the following rights under the UK GDPR:

1. the right to be informed – the provision of clear and concise information about what we do with your personal data, as outlined within this Data & Privacy Notice
2. the right of access – commonly referred to as a ‘data subject access request’, this enables you to request a copy of your personal data to understand how and why we are using your data, and to check we are doing so lawfully. If we choose not to action your request, we will explain to you the reasons for our refusal
3. the right to rectification – the ability to have inaccurate personal data rectified or, in specific circumstances dependent on the purposes for our processing of your data, the ability to have incomplete personal data completed
4. the right to erasure – also known as the right to be forgotten, this permits you to request we erase your personal data. This only applies to data we hold at the time your request is received and does not apply to any data that may be obtained in the future. Please note that this is not an absolute right and only applies in certain circumstances. We may have overriding duties to retain some data which you cannot ask to be erased immediately or at all. For instance, once you become a client of our firm or you are an interested party in a case, we will be required by our regulators and for legal purposes to retain some of your personal data and other information within casefiles for a certain period (for retention periods, please see above)
5. the right to restrict processing – the ability to request a temporary restriction on the processing of your personal data, where one of a limited number of reasons specified by the ICO applies
6. the right to data portability – the ability to receive personal data you have provided to us in a structured, commonly used and machine readable format. This also gives you the right to request that we transmit this data directly to another Data Controller
7. the right to object – the ability, in certain circumstances, to request we stop processing your personal data. This request may relate to all of your personal data we hold or only certain information, and may only apply to a particular purpose for processing
8. rights in relation to automated decision making and profiling – restrictions on the use of automated decision making and profiling where such decisions have a legal or similarly significant effect on you. It is unlikely that our firm will use automated decision making and profiling.

For further details on your rights, please visit the Information Commissioner’s Office at <https://ico.org.uk/your-data-matters/>.

### **Contact Details**

For information on how your information is used, how we maintain the security of our information, and to exercise your rights to access information we hold on you, please contact us. Similarly, if you believe that the information we hold is wrong or out of date, please let us know and we will update it. The person in this firm responsible for data protection is our Data Protection Officer, Zaheer Mahmood and enquires and requests can be sent to them by telephone 01274 223 222, by emailing [Zaheer.mahmood@yorkshire-legal.co.uk](mailto:Zaheer.mahmood@yorkshire-legal.co.uk) or in writing to Yorkshire Legal,

### **Links to other websites**

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that other website. Therefore,

we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this policy. You should exercise caution and look at the privacy statement or policy applicable to the website in question.

### **The Regulator**

If you feel that your data has not been handled correctly, or you are unhappy with our response to any requests you have made to us regarding the use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office.

You can contact them by calling [0303 123 1113](tel:03031231113).

Or go online to [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns) (opens in a new window; please note we can't be responsible for the content of external websites).

### **Changes to this Notice**

We do not intend to process a client or related third party's personal information for any reason other than stated within this privacy notice. If this changes, we will update this privacy notice on this webpage and in any documentation, we will send to you. However, internet and data privacy best practice and acceptable standards are developing. We therefore reserve the right to revise this Notice at any time. If this Notice changes in any way, we will place an updated version on this webpage. For all other clients with ongoing instructions, we will provide a copy directly. Continued instructions to us will signify that you agree to any such changes.