

Kash Tutter & Co

SOLICITORS

Privacy Policy

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. 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.

More sensitive information may include Personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs, trade union membership, Genetic and biometric data (where used for ID purposes) and even data concerning health, sex life or sexual orientation.

It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

When we use your personal data we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union, including in the United Kingdom and we are responsible as 'controller' of that personal data for the purposes of the GDPR. Our use of your personal data is subject to your instructions, the GDPR, other relevant UK and EU legislation and our professional duty of confidentiality.

Personal information we may collect

We may collect in the course of advising and/or acting for you the following:-

1. Your name, address and telephone number
2. Information to enable us to check and verify your identity, your date of birth or passport/ driving licence details
3. Electronic contact details, your email address and mobile phone number
4. Information relating to the matter in which you are seeking our advice or representation
5. Your financial details so far as relevant to your instructions, e.g. the source of your funds if you are instructing on a purchase transaction

Additional personal information we may collect depending on your type of matter

1. Your National Insurance and tax details
2. Your bank and/or building society details
3. Details of your professional online presence
4. Details of your spouse/partner and dependants or other family members, (if you instruct us on a family matter or a Will)
5. Your employment status and details including salary and benefits, where disclosed in the course of your instructions
6. Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information where disclosed in the course of your instruction
7. Details of your pension arrangements, if you instruct us on a pension matter or in relation to financial arrangements where disclosed in the course of your instructions.
8. Your employment records including, where relevant, records relating to sickness and attendance where disclosed in the course of your instructions

This personal data is required to enable us to provide our services to you. If you do not provide personal data we ask for, it may delay or prevent us from providing services to you.

Sources of information

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

- You may volunteer the information about yourself
- You may provide information relating to someone else, providing if you 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
- sanctions screening providers;
- client due diligence providers;
- from publicly accessible sources, (Companies House or HM Land Registry);
- via our information technology (IT) systems,
 - case management systems;
 - reception logs;
 - Our computer networks and connections, communications systems, email and instant messaging systems; for example Skype, Zoom, Facetime and SMS

Why we need your personal data

The primary reason for asking you to provide us with your personal data, is to allow us to carry out your instructions, which will usually 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
- Processing necessary to comply with professional, legal and regulatory obligations that apply to our business, under health and safety regulation or rules issued by our professional regulator
- Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies
- Statistical analysis to help us manage our practice, in relation to our financial performance, client base, work type or other productivity analysis

Who has access to your data

We have appropriate security measures in place to prevent personal data from being accidentally lost, or used or accessed unlawfully. 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 Kash Tutter & Co Solicitors. We limit access to your personal data to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. 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, completion of Probate tax forms and personal income and capital gains tax
- Court or Tribunal
- Solicitors acting on the other side
- Asking an independent Barrister or Counsel for advice; or to represent you
- Non legal experts to obtain advice or assistance e.g. accountants
- Translation Agencies
- Satisfy online Family and Wills services
- Contracted Suppliers
- External auditors or our Regulator; e.g. Lexcel, SRA, etc. and with law enforcement agencies
- 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 any of your information is shared with the aforementioned third parties, we ensure that they comply, strictly and confidentially, with our instructions and they do not use your personal information for their own purposes unless you have explicitly consented to them doing so.

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.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

We may also need to share some personal data with other parties, such as potential buyers of some or all of our business or during a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations.

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 exceptional standards of technology and operational security in order to protect personally identifiable data from loss, misuse, alteration or destruction. Similarly, we adopt a high threshold when it comes to confidentiality obligations and both internal and external parties have agreed to protect confidentiality of all information; to ensure all personal data is handled and processed in line with our stringent confidentiality and data protection policies.

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

How long will we keep it for

Your personal information will be retained, usually in computer and 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 evidence ownership
- Personal injury matters which involve lifetime awards or PI Trusts may

When it is no longer necessary to retain your personal data, we will delete or anonymise it.

Transferring your personal data out of the EEA

To deliver services to you, it is sometimes necessary for us to share your personal data outside the European Economic Area (EEA), e.g:

- with your and our service providers located outside the EEA;
- if you are based outside the EEA;
- where there is an international dimension to the matter in which we are advising you.

These transfers are subject to special rules under European and UK data protection law.

What are your rights?

Under GDPR, you are entitled to access your personal data (otherwise known as a 'right to access'). If you wish to make a request, please do so in writing addressed to our Data Protection Officer Lynn Holmes; or contact the person dealing with your matter.

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. but it does not mean you are entitled to the documents that contain this data.

Under certain circumstances, in addition to the entitlement to 'access your data', you have the following rights:

1. The right to be informed: which is fulfilled by way of this privacy notice and our transparent explanation as to how we use your personal data

2. The right to rectification: you are entitled to have personal data rectified if it is inaccurate or incomplete

3. 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. This right only applies in the following specific circumstances:

- Where the personal data is no longer necessary in regards 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
- Where you object to the processing for direct marketing purposes

4. The right to object: you have the right to object to processing based on legitimate interests; and direct marketing. 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 this and we must stop processing in this context
- You must have 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.

5. 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 organisation's legitimate grounds override your right
- Where processing is unlawful and you request restriction
- If we no longer need the personal data but you require the data to establish, exercise or defend a legal claim

Marketing data

We may contact you for the purpose of direct marketing. 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 marketing 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
- Take part in one of the competitions or promotions we run on the website or on our social media channels
- Agree to fill in a questionnaire or survey on our website
- Ask us a question or submit any queries or concerns you have via email or on social media channels
- Post information to the our website or social media channels, for example when we offer the option for you to comment on, or join, discussions
- When you leave a review about us on Trustpilot.com or Google Reviews

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.

Kash Tutter & Co handles enquires 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 for individuals 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. Clients have the option to exclude themselves from marketing by clicking on the unsubscribe link on all of our emails, on the telephone when speaking to an advisor or contacting Kash Tutter & Co through email or on social media.

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. Clients have the option to exclude themselves from marketing by clicking on the unsubscribe link on all of our emails, on the telephone when speaking to an advisor or contacting Kash Tutter & Co through email or on social media.

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
- 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.

We may also partner with selected third-party vendors to allow tracking technologies and re-marketing services through the use of first and third party cookies to analyse and track users' use of our services, determine the popularity of certain content and better understand online activity. This enables us to provide a more relevant and personalised service to you in order to ensure you only receive information you require.

You have the right to object to this processing. Should you wish to do so please email lynn.holmes@kashtutter.co.uk

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 lynn.holmes@kashtutter.co.uk 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.

How to contact us

Please contact us by post, email or telephone if you have any questions about this privacy policy or the information we hold about you.

Complaints about the use of personal data

Our Data Protection Officer's contact details are Miss Lynn Holmes at Kash Tutter & Co 34 Stenson Road Derby DE23 1JB or lynn.holmes@kashtutter.co.uk or 01332 272727

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).

Changes to this privacy policy

We may change this privacy policy from time to time, when we do we will inform you via email and by notice on our website.