

PRIVACY POLICY

Overview

The Company takes the security and privacy of data seriously and is committed to complying with its legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. Our use of your personal data is subject to your instructions, the GDPR, other relevant UK and EU legislation, our professional duty of confidentiality and Solicitor's Code of Conduct.

Please read this privacy policy carefully as it contains important information on who we are and how and why we collect, store, use and share information about you. It also explains your rights in relation to your information and how to contact us or supervisory authorities in the event you have a complaint.

It is important that you read this privacy notice together with any other privacy notices we may provide on specific occasions. This privacy notice supplements the other notices and is not intended to override them. For more information please read the **Terms of Use**, **Cookie Policy** and our **Equality & Diversity Policy**.

We are required to notify you of this information under data protection legislation.

We are committed to complying with our data protection obligations, and to being concise, clear and transparent about how we obtain and use personal information or sensitive personal information and how (and when) we delete that information once it is no longer required.

We will review and update this notice regularly in accordance with our data protection obligations. We will circulate any new or modified policies or notices in relation to your data when it is adopted on our website. It is important that you read and understand this notice before you send us any data.

Controller

Gibson Young Solicitors LLP (the Company) obtains, keeps and uses information about you for a number of specific lawful purposes. The Company is a "**data controller**". This means that we are responsible for deciding how we hold and use personal information about you.

Your queries and complaints

We have appointed a data protection manager who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact our data protection manager using the details set out below.

N: Lucie Young

E: lcy@gibsonyoungsolicitors.com

T: 0207 924 2919

A: 1 & 2 Crescent Stables, 139 Upper Richmond Road, London, SW15 2TN

We hope that **our data protection manager** can resolve any query or concern you raise about our use of your information. However, if you feel that we have failed to address your concerns appropriately, you can contact the Information Commissioner at ico.org.uk/concerns/ or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint

Scope

This privacy notice comes into effect on the 25th May 2018.

This privacy notice aims to give you information on how the Company collects and processes your personal data when you apply for work with us (whether as an employee, worker, contractor, volunteer or intern). It makes you aware of how and why your personal data will be collected and used (namely for the purposes of the recruitment exercise) and how long it will usually be retained for. We are required to notify you of this information under data protection legislation.

This policy applies to all data, whether it is stored electronically, on paper or on other materials.

Data protection principles

When processing your data, the Company will comply with the following data protection principles when processing information we will:

- process personal information lawfully, fairly and in a transparent manner;
- collect personal information for specified, explicit and legitimate purposes only, and will not process it in a way that is incompatible with those legitimate purposes;
- only process the personal information that is adequate, relevant and necessary for the relevant purposes;
- keep accurate and up to date personal information, and take reasonable steps to ensure that inaccurate personal information is deleted or corrected without delay
- keep personal information in a form which permits identification of data subjects (you) for no longer than is necessary for the purposes for which the information is processed; and
- take appropriate technical and organisational measures to ensure that personal information is kept secure and protected against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

How we define processing

The Company will process your personal data (including special categories of personal data and your criminal offence data) in accordance with our obligations under the 2018 Act

‘Processing’ means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.
- this includes processing personal data which forms part of a filing system and any automated processing.

What data (information) we collect

The Company processes information about you '**data subjects**' for a number specific lawful purposes and we seek to ensure that our data collection and processing is always proportionate. Given the nature of our business we may collect personal data, sensitive personal data and criminal offence data as defined below:

Categories of Data

Personal data

Is information which relates to a living person who can be identified from that data (data subject) on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

Sensitive personal data

Is sometimes referred to as 'special categories of personal data' or 'sensitive personal information' and it includes information about your: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation.

Groups of Data

We have further grouped the above data together as follows:

Identity Data

includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.

Contact Data

Includes addresses, email addresses and telephone numbers.

Background Data

Includes details of your background information that you provide to us when enquiring about our services. This could be the nature of your dispute, the parties involved, what you wish to achieve and what type of our assistance you need. It may include sensitive data and criminal offence data.

Technical Data

Includes internet protocol (IP) address, 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 this website.

Usage Data

Includes information about how you use our website i.e. how long you stay on each page and how long you generally visit our website for.

Marketing Data

Includes your marketing and communication preferences.

Aggregated Data

Such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

Basis for processing data

We have set out below a description of what data we collect, where and how we obtain the data from, the purpose of collecting it, how we will use it and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate, what happens if you do not provide the information and who we may share it with and why.

We have to have a valid lawful basis in order to process your personal data. We will generally process your personal data in the following circumstances:

- We need this information in order to take steps at your request prior to entering into a contract with you or for the performance of a contract to which you are a party.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). Where we process your information under this lawful basis, we will specify legitimate interests accordingly.
- Where we need to comply with a legal or regulatory obligation that we are subject to.
- Where you have provided us consent. Generally, we do not rely on consent as a legal basis for processing your personal data but may in certain circumstances request your explicit consent to process your data. If we do so, we will advise you on the purpose of that data collection, how we will process it and will request your explicit and clear consent for us to process that data for that purpose. Where we rely on your consent to process your data, you will be able to withdraw your consent at any time.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out below.

The Company may from time to time need to process sensitive personal information. We will only process sensitive personal information if we have a lawful basis for doing so as set out above and one of the special conditions for processing sensitive personal information applies, eg:

- you have given us explicit consent;
- the processing is necessary for the purposes of exercising the employment law rights or obligations of the Company or you;
- processing relates to personal data which are manifestly made public by you;
- the processing is necessary for the establishment, exercise or defence of legal claims; or
- the processing is necessary for reasons of substantial public interest.

How we process your data

Website Use:

When you use our website we may automatically collect Technical Data, User Data and Aggregate data about your equipment, browsing actions and patterns. We collect this data by using cookies, and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. We will

- obtain this information from you or third parties such as analytics providers (eg google), which is based outside the EU;
- collect this information for the purpose to administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data;
- collect this data as it is necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise);
- will share the information we receive with relevant personnel within company, i.e. those responsible for the IT aspect of the business and third-party service providers responsible for our website maintenance;
- collect this information automatically when you use our website. If you do not wish for this information to be collected, please do not use our website.

Potential Clients:

You may give us your Identity, Contact and Background data (which may include sensitive data) by filling in forms on our website, by corresponding with us by post, phone or email and in face to face meetings. This includes personal data you provide when you enquire about our legal services. We will:

- obtain this information from you;
- collect this information for the purpose of determining if we are able to provide you with legal services and allocate your query to the appropriate personnel;
- collect this data as it is necessary in order for us to enter into a contract with you and for our legitimate interests (to grow our business, maintain appropriate records, provide you with services);
- share the information we receive with relevant personnel within company, i.e. to pass messages or information so that that personnel may respond to your enquiry, make appointments etc.
- not be able to contact you or take necessary steps to enter into a contract with you, if you fail to provide necessary information.
- as part of your Background Data, collect your sensitive information. The legal condition for processing such data is establishment, exercise or defence of legal claims. (i.e. so that we can show that we have treated you fairly and in accordance to our legal obligations under Equality Act 2010).

- you may also wish to provide us with sensitive data in relation to your health (i.e. disability) by requesting us to make reasonable adjustments on how we communicate with you or if we need to make special adjustments so that we can provide you with our services. The legal condition for processing such data is establishment, exercise or defence of legal claims (i.e. so that we can show that we have treated you fairly and in accordance to our legal obligations under Equality Act 2010).

Promotional Communications

When you subscribe to our service or publications (i.e. by signing up to receive our newsletter on our website); request marketing to be sent to you; enter a competition, promotion or survey; or give us some feedback we will collect your Identity Data, Contact data and Marketing Data. We will:

- obtain this information from you if you are a consumer or obtain this information from your or publicly available sources (i.e. LinkedIn, Companies House) if you act on behalf of a business or organisation;
- collect this information so that we can send you our newsletters, to deliver relevant website content and advertisements to you, notify you of legal updates, send you information on our seminars or invite you to networking or other events, or to introduce our new services and measure or understand the effectiveness of the advertising we serve to you;
- collect this data as it is necessary for our legitimate interests (to keep in touch with our clients, to study how customers use our services, to develop them and promote them, to grow our business and to improve our marketing strategy).
- share the information we receive with relevant personnel within company, i.e. those responsible for the IT or marketing aspects of the business and third- party service providers responsible for our website maintenance and marketing or software providers, i.e. mailchimp. You will be able to opt out of receiving any further promotional material from us.

Data Retention

We will not retain your data for longer than necessary for the purposes set out in this policy. Different retention periods apply for different types of data. More information can be found in our Data Retention & Destruction Policy which can be requested from data protection manager. We generally keep your personal data so that we can

- respond to any questions, complaints or claims made by you or on your behalf;
- show that we treated you fairly;
- keep records required by law;
- prevent fraud;
- comply with our regulatory requirements.

When it is no longer necessary to retain your personal data, we will delete securely in accordance to our Data Retention & Destruction Policy.

Data Security

Information may be held at our offices and third-party agencies, service providers, representatives and agents. We have security measures in place to ensure that there is appropriate security for information we hold including those measures detailed in our Data Security Policy. You can request a copy of this policy by contacting our data protection manager.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our data protection manager.

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

Data Sharing

We routinely share personal data with:

- relevant personnel within our Company;
- our regulators (i.e. Lexcel, Legal Ombudsman, SRA);
- professional advisers who you may wish us to obtain a quote from or instruct on your behalf or refer to you (e.g. medical professionals, experts, tax advisors, barristers, conveyancers etc)
- our insurers;
- external service suppliers, representatives and agents that we use to make our business more efficient (i.e. dictating services, website developers, document storage service, confidential data disposal service, our technology, system and software providers);

We only allow our service providers to handle your personal data if we are satisfied they take appropriate measures to protect your personal data.

They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions. We also impose contractual obligations on service providers relating to ensure they can only use your personal data to provide services to us and to you.

We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections, which are in place to protect the security of your data, will be explained.

We may disclose and exchange information with law enforcement agencies and regulatory bodies to comply with our legal and regulatory obligations.

We may disclose your data in order to enforce our contractual rights against you or to defend legal claims. We may also disclose your data to protect our rights, property and safety, or the rights, property and safety of others or to prevent fraud.

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.

We will not share your personal data with any other third party unless you instruct us to.

The above data will be shared subject to our duty of confidentiality as well as Solicitors Code of Conduct.

Promotional communications

We may use your personal data to send you updates (by email, telephone or post) about legal developments that might be of interest to you and/or information about our services, including exclusive offers, promotions, invitations to seminars or information on our new services.

We have a legitimate interest in processing your personal data for promotional purposes. This means we do not usually need your consent to send you promotional communications if you are our former or current client (consumer) or if you are a business or organisation. However, where consent is needed, we will ask for this consent separately and clearly.

We will always treat your personal data with the utmost respect and never sell or share it with other organisations for marketing purposes.

You have the right to opt out of receiving promotional communications at any time by:

- contacting our data protection manager;
- using the 'unsubscribe' link or 'opt out' link in any promotional emails;
- updating your marketing preferences by contacting our data protection manager.
- We may ask you to confirm or update your marketing preferences if you instruct us to provide further services in the future, or if there are changes in the law, regulation, or the structure of our business.

Your rights

Under the legislation you may be entitled to the listed rights in certain circumstances as listed below.

The right to be informed about the collection and use of your personal data.

The right to access (Subject Access Request) to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it. If you wish to exercise this right:

- you will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.
- we may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- we try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected. In certain circumstances we may refuse a request for correction.

Request erasure of your personal information. In certain circumstances you have the right to have ask for some but not all of the information we hold and process to be erased (the right to be forgotten). This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation, which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

Request restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

Request the transfer of your personal information to another party.

Rights in relation to automated decision making and profiling: You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

If you want to exercise any of the above-mentioned rights please contact Data Protection Manager by telephone or in writing. We will respond to your request within one calendar month.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our [Cookie Policy](#).

Revised July 2019