

# ANDREW CLAY LEGAL LIMITED PRIVACY POLICY

## INTRODUCTION

Welcome to Andrew Clay Legal Limited's privacy policy. This privacy policy will tell you about:-

- how we look after personal data when you deal with us or visit our website at <https://andrewclay.com> (**Our Website**).
- your privacy rights
- how the law protects you.

Andrew Clay Legal Limited respects personal privacy and is committed to protecting personal data and fully complying with its legal obligations under the GDPR and the Data Protection Act 2018.

### 1. Purpose of This Privacy Policy

This privacy policy aims to give you information about how Andrew Clay Legal Limited collects and processes personal data when you deal with us.

### 2. Who are Andrew Clay Legal

Andrew Clay Legal Limited ("**Andrew Clay Legal**") is a company, which was incorporated on 14 March 2018 in England and Wales under No. 11255677 and whose registered office is at 16 Lascelles Road, Harrogate, HG2 0LA. The business of Andrew Clay Legal is the provision of legal services, predominantly but not exclusively relating to intellectual property rights.

### 3. Contacting Andrew Clay Legal

You can contact Andrew Clay Legal in relation to any issue relating to personal data by writing to us at the above address or by emailing us at [catherine@andrewclay.com](mailto:catherine@andrewclay.com) or by calling us on 01423 502810.

### 4. Who is responsible for the management of data protection at Andrew Clay Legal?

We have appointed **Catherine Clay** as our data protection officer. Catherine is responsible for the management of data protection at Andrew Clay Legal and for dealing with any questions you may have in relation to this privacy policy. She can be contacted using the contact details given in sections 2. and 3. above.

### 5. What sort of personal data do we hold and collect?

Personal data means any information about an individual (a data subject) from which that individual can be identified. It does not include data from which the identity of an individual cannot be identified (anonymous data).

The personal data we process relates to:-

- our clients and people who work for our clients;
- people our clients have dealings with such as employees of business our clients work with or with whom they have legal disputes;
- other lawyers we deal with;

- (iv) service providers to our business including IT, accounting, insurance and regulatory professionals and couriers.

The personal data we collect is of the following types:-

- **Identity Data** including, for example, people's first name, maiden name and last name.
- **Contact Data** including, for example, people's addresses, billing addresses, delivery or email addresses and people's mobile, landline telephone numbers or contact details for social media platforms such as LinkedIn.
- **Financial Data** including, for example, details of people's bank accounts into which or from which we have received or made payments.
- **Transaction Data** including, for example, information, documentation and emails about the work we have done for our clients and their payment history.

## **6. How do we collect personal data**

We collect such personal data as a result of providing services (for example, advice and assistance in relation to legal disputes and commercial agreements) to our clients. Clients may give us their Identity, Contact and Financial Data by corresponding with us by post, phone, email or otherwise or meeting us in person. This includes personal data our clients provide when they become clients of Andrew Clay Legal or give us feedback or contact us. Transaction Data is generated during the course of our acting for our clients.

## **7. How do we use personal data?**

We will only process personal data if the law allows us to.

Most commonly, we will use personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with a client, another law firm, the courts or service providers.
- Where it is necessary for our legitimate interests (or those of a third party) and the client's interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

## **8. The legal basis on which Andrew Clay Legal processes personal data**

The law on data protection provides a number of different grounds that a company such as Andrew Clay Legal can rely on to make its processing of personal data lawful.

Andrew Clay Legal relies on the following four legal grounds to process personal data:-

*Our Clients have consented to our using their personal data*

We can collect and process personal data with the consent of our clients.

This will be the case if our clients have provided their details to us historically for the purposes of our dealing with them.

*Andrew Clay Legal's Contractual Obligations*

In certain circumstances, we can process personal data to comply with obligations binding upon us as set out in contracts we enter into with our clients and others.

### *Andrew Clay Legal's legitimate interests*

The law states that in specific situations, Andrew Clay Legal can process personal 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 the rights, freedoms or interests of our clients.

### *Legal compliance*

If complying with legal obligations upon us requires us to, we may collect and process personal data.

## **9. Marketing**

We don't share personal data with any third party for marketing purposes.

Our Clients can ask us to stop sending them marketing messages at any time by following the opt-out links on any marketing message sent to them or by contacting us at any time.

## **10. How we protect personal data**

We treat all personal data we process with the utmost care and take all appropriate steps to protect it.

We have put in place appropriate security measures to prevent any personal data we process from being accidentally lost, misused or accessed in an unauthorised way, altered or wrongfully disclosed. Working with our IT providers, our computer systems are regularly monitored for possible vulnerabilities and attacks. We use state of the art firewalls and anti-virus software, which is regularly updated. Access to our IT systems is password protected and our passwords are protected frequently changed and are selected so as to be difficult for automated systems to hack. We have policies in place preventing those that work for us from opening emails containing viruses and obliging them to delete them forthwith.

In addition, we limit access to any personal data we process to those employees, agents, contractors and other third parties who have a business need to access it. They will only process such personal data on our instructions and they are subject to a duty of confidentiality.

## **11. Data breaches**

In the unlikely event that there were to be any unauthorised access to any personal data which Andrew Clay Legal holds (or an event occurs that creates a real risk of any unauthorised access to such data), then Andrew Clay Legal will, if it considers that the such events give rise to a high risk of affected individuals being adversely impacted, notify the affected individuals and any applicable regulator of such breach or event as soon as reasonably practicable in compliance with applicable statutory time limits and the law relating to data breaches.

## **12. How long will we keep personal data?**

We will only retain personal data for as long as reasonably necessary to fulfil the purposes we collected it for and for the purposes of satisfying legal, regulatory, tax, accounting or reporting requirements. Generally under the law we have to keep information about our clients (including Contact, Identity, Financial and Transaction Data) for six years for tax purposes and for regulatory and legal reasons.

We may retain personal data for a longer period in the event of a complaint or if we reasonably believe that there is a prospect of litigation in respect to any relationship with a client.

## **13. Who do we share personal data with?**

Andrew Clay Legal will not share personal data relating to our clients of their affairs with any third party unless strictly necessary to enable us to provide legal services. As a law firm Andrew Clay Legal owes a very strict duty of confidentiality to its clients and will fully comply with that obligation. That obligation can be enforced in the courts or by the Solicitors Regulatory Authority who can be contacted at <https://www.sra.org.uk/contact-us/> by post at The Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN or by phone on 0370 606 2555.

We may disclose personal data to third parties if Andrew Clay Legal or substantially all of its assets are acquired by a third party, in which case personal data held by it will be one of the transferred assets. Should that occur we will write to all our clients and let them know and will ensure that the confidentiality of any client information is properly protected in accordance with the law.

We may also disclose personal data to third parties if we are under a duty to disclose or share personal data in order to comply with any legal obligation or to protect the rights, property, or safety of Andrew Clay Legal or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection or compliance with money laundering obligations.

If a client were to make a claim against us then we would be obliged to provide personal data relating to that client to our insurers, details of which can be obtained from our data protection officer, (see paragraph 4 above) and to such insurer's legal advisors.

#### **14. Where personal data may be processed**

We will only process personal data within the EEA. The EEA includes all EU Member countries as well as Iceland, Liechtenstein and Norway.

If personal data is stored on a cloud based server, such server may be located outside the EEA or backed up to other servers outside the EEA. However we would only use such a server if our contractual relationship with the cloud services provider ensured sufficient protection of personal data.

#### **15. What rights do people have in relation to their personal data?**

People generally have the legal right to request:

- Access to the personal data we hold about them.
- The correction of personal data relating to them when incorrect, out of date or incomplete.
- That we stop using their personal data for direct marketing.
- That we stop any consent-based processing of their personal data after they withdraw that consent.
- That any decision made based solely on the basis of automatic processing of their data (i.e. where no human has yet reviewed the outcome and criteria for the decision) is reviewed by a human being.
- A copy of any information about them which Andrew Clay Legal holds at any time, and also to have that information corrected if it is inaccurate.

If data subjects wish to exercise any of the rights set out above, they should contact our Data Protection Officer, whose details are set out in paragraphs 2 and 3 above.

#### **No Fee Usually Required**

Data subjects will not have to pay a fee to access their personal data (or to exercise any of the other rights referred to above). However, we may charge a reasonable fee if the request is clearly

unfounded, repetitive or excessive. Alternatively, we could refuse to comply with such a request in such circumstances.

### What We May Need From a Data Subject

We may need to request specific information from a data subject to help us confirm their identity and ensure their right to access personal data (or to exercise any of their 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 such a data subject to ask them for further information in relation to their request to speed up our response.

### Time Limit to Respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if the request is particularly complex or the data subject has made a number of requests. In this case, we will notify the data subject and keep them updated.

## **16. Third party websites**

Our Website may, from time to time, contain links to and from websites run by third parties. If a user of Our Website follows a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before submitting any personal data to these websites.

## **17. Changes to our privacy policy and data subject's duty to inform us of changes**

We keep our privacy policy under regular review. This version was last updated on 12 August 2019. Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to data subjects by email. Please check back frequently to see any updates or changes to our privacy policy.

It is important that the personal data we hold about data subjects is accurate and current. If you are a client of Andrew Clay Legal please keep us informed if your personal data changes during your relationship with us.

## **18. Contacting the regulator to make a complaint**

Data subjects have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority in relation to data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). If a data subject feels that their data has not been handled correctly, or is unhappy with our response to any requests they have made to us regarding our use of their personal data, they have the right to lodge a complaint with the Information Commissioner's Office. We would, however, appreciate the chance to deal with any such concerns before you approach the ICO so please contact us in the first instance.

The ICO can be contacted by calling 0303 123 1113 or by going online at [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns).

If a data subject is based outside the UK, they have the right to lodge a complaint with the relevant data protection regulator in their country of residence.

## **19. Further information**

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to [catherine@andrewclay.com](mailto:catherine@andrewclay.com).