

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

Details of the practice and data collection

Data is collected, processed and stored by HSH Solicitors; and we are what is known under the General Data Protection Regulation (GDPR) rules as the ‘data controller’ of the personal information you provide to us.

HSH Solicitors is a partnership which is authorised and regulated by the Solicitors Regulation Authority under SRA practice No 558015. We are also registered with the Information Commissioner’s Office under Z2215053. Our Data Protection Officer can be contacted by email enquiries@hshsolicitors.co.uk.

Legal basis and purpose of data processing

Information that we request from you will vary dependent upon what you have instructed the firm to deal with on your behalf. This notice therefore applies to our existing clients and prospective clients.

Under the Data Protection Act 1998 (“DPA”) and General Data Protection Regulation (“GDPR”) there are several types of personal data (personal information) that you may provide to us as follows:

- i) General information that you supply about yourself – such as your name, address, gender, date of birth and contact details
- ii) Other sensitive personal data which may include your racial or ethnic origin, religion health or criminal convictions for example.

One of the main reasons the personal data we hold is that this will relate to basic information and information needed to complete ID checks. But we may ask for additional and more sensitive information. We also use your personal data in compliance with other UK and EU legislation. We may also obtain information from other sources ie third parties (banks, GPs, experts) and social media etc.

Further by way of example other main reasons we request your personal data is to allow us to carry out your instructions – which would usually be to represent you and provide you with legal advice and to generally to undertake your legal work.

There are 6 lawful bases for processing your data under the GDPR (General Data Protection Regulations):

- i) Consent
- ii) Performance of a contract
- iii) Compliance with a legal obligation
- iv) Vital interests of the data subject

- v) The legitimate interests of the data controller
- vi) Public interest or exercise of official authority

When processing your data HSH Solicitors would usually rely on the following:

- on your consent;
- performance of a contract (by way of example any contract we may have with you);
- compliance with a legal obligation ie it is necessary for us to use and process your data to enable us to comply with the law;
- protection of vital interests of the data subject or another person (for example to provide information (processing of data) to protect someone's life);
- for our legitimate interests ie for identifying and preventing criminal activity that could affect you and ourselves and for example ensuring our internal procedures are adhered to and further complying with any required external audits, quality checks (eg CQS (Conveyancing Quality Scheme) etc.

Further we may be required to use your data when acting for you or liaising with government bodies such as courts, tribunals, Land Registry, HMRC and any other disclosure required by law or regulation, such as the prevention of financial crime and terrorism).

Additionally we may be required to use your data when acting for you or liaising with third parties as follows:

- i) Solicitors acting on the other side
- ii) Asking an independent Barrister or Counsel for advice and/or to represent you.
- iii) Non legal experts to obtain advice or assistance
- iv) Translation Agencies
- v) Contract Suppliers
- vi) External auditors or our Regulators eg SRA (Solicitors Regulation Authority), Information Commissioner (ICO) etc.
- vii) Bank or Building Society or other financial institutions
- viii) Insurance companies
- ix) Providers of identity verification for you
- x) If there is an emergency and we consider you or others are at risk

When it is necessary to share your information with third parties we will ensure that they comply with the provisions of the GDPR (General Data Protection Regulation) regarding your personal data.

We would add that there may be occasions that may require your additional further specific consent such as in the unusual situation were it be necessary to provide a third party overseas with your data when we will contact you separately to ask you for your consent.

There are special rules relating to children's data should this be collected by the firm and should you require an explanation please contact the Data Protection Officer for more information.

Storage of your personal data and security

The firm have clear and stringent policies to protect your data and will take all reasonable steps to protect this whilst this is being held by us.

We would indicate that we have a high level industry standard of IT security and other security steps to enable us to protect your data from any loss, misuse, alteration or destruction. This is one of the reasons why we have ensured all your personal data is handled in accordance with our strict policies for data protection, cyber security and confidentiality.

We would add that the firm have in place firewalls and data encryption and an annual IT data testing procedure so that we can take all reasonable steps to protect your personal data. Further we have controls to our building and your files to allow your data to be kept safe.

Your data will be retained usually on computer and/or manual files but this is only as long as is necessary to fulfil the purposes for which your data is collected or as required by law or for as long as set out in any relevant contract you may have with us. For example:

- As long as necessary to carry out and complete your legal work
- A minimum of 6 years from conclusion or closure of the legal work we undertake for you. On the occasion where we may need to re-open your case for the purpose of defending complaints or claims against us.
- Some information or matters may be kept for up to 12 years such as purchase of residential property, sales of leasehold purchases.
- Further the current guidance in respect of will files from the Law Society suggests that such files should be retained indefinitely.
- 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 and transferable residence allowance.
- Deeds related to unregistered property may be kept indefinitely as they currently evidence of ownership.

Your rights to access your personal data:

Under the GDPR you are entitled to request a copy of your personal data by way of a subject access request. If you wish to make a request please do so in writing addressed to the firm's Data Protection Officer (DPO).

The GDPR allows individuals rights to be informed, rights of access and rectification if the data is incorrect or requires updating, right to erasure in certain circumstances, right to restrict processing and a right to data portability (for example should you wish your file to be transferred to another firm), right to object to the use of your data in certain circumstances and the right not to be subject for example to profiling.

Complaints regarding the use of personal data

If you wish to raise a complaint about how we have used your personal data please contact initially the Data Protection Officer who will undertake an investigation as follows:

The Data Protection Officer
HSH Solicitors
98-102 North Street
Romford
Essex RM1 1DA
Tel: 01708 773360

Should you be dissatisfied with the outcome of the investigation you are able to complain to the Information Commissioner's Office (ICO) <https://ico.org.uk>

Marketing

Currently the firm do not use personal data for marketing or profiling purposes. However, should the firm adapt their policy to utilise personal data held for marketing or profiling purposes you will be contacted specifically seeking your written consent.

Changes to the privacy notice

We will review our privacy notice at regular intervals. This privacy notice was most recently updated on 14th May 2018.

Contacting us

If you require any further information about our privacy policy please email us on enquiries@hshsolicitors.co.uk