



## Privacy Policy for Clients and Potential Clients

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1. Important information and who we are.

#### A. Purpose of this privacy notice

This document sets out how we will collect, process and look after data and information about you (“personal data”) and how the law protects you. Personal data means any information about an individual from which that person can be identified (so does not include data where the identity has been removed)

This document sets out how we manage privacy generally. We may provide more specific notes about privacy as we collect and process your personal data (if the circumstances

require us to do so) and such notices may override what is stated in this document (not the other way round) but all -

#### B. Who we are and data privacy officer.

Appletree Family Law Ltd (referred to as “Appletree family law” “us” or “our” in this privacy notice) is the data controller, responsible for protecting your personal data.

we have appointed a data privacy officer who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, or any request exercise your legal rights, please contact our dating was our data privacy officer at any of the addresses given in the “contact us” page of our website

#### C. How your privacy is protected.

Your protected not just by law but by our professional duty of confidentiality. This means that all of our dealings with you and any personal data we have about you is confidential, and may be the subject of legal professional privilege. Therefore we can promise to keep your personal data safe and confidential, and not to sell your personal data.

#### D. Your duty to inform us of changes.

It’s important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

#### E. Complaints about privacy.

You have the right to complain to the information Commissioner’s office (ICO) the U.K.’s data protection regulator ([www.ICO.org.uk](http://www.ICO.org.uk)) but we would like to resolve your complaints ourselves if possible, so please contact us in the first instance.

## 2. Why we need your data

#### A. Principal purpose

The principal purpose of collecting processing and holding your personal data is to allow us to provide you with legal services and other incidental services.

#### B. Legal basis for processing.

By law we must have a good reason (“legal basis”) to do this which can be one or more of the following: -

- Contractual - the processing is necessary to carry out work you have asked us to do.
- Legal obligation - we need to fulfil a legal or regulatory duty which we have.
- Legitimate interest - we have a legitimate interest.
- Consent - you have given us your consent.

### C. Our legitimate interests

A legitimate interest is where we have a business or commercial reason to use your data, such as for administrative purposes or to provide our services. However we must not rely on this legal basis unfairly. If we do rely on it for obtaining your personal data we will tell you what our legitimate interest is.

### D. If you withhold data or consent.

Much of the data we ask for is needed to carry out the work you have asked us to do for you or to meet our legal and regulatory obligations. So it is unlikely we will be able to continue working for you if you do not provide us with it. If so we will tell you at the time.

In general we do not rely on obtaining your consent as the legal basis for collecting and processing your personal data. If we do we will make clear that we are seeking your consent which will be entitled to withdraw at any time. However if you do so this may restrict what we are able to do for you.

## 3. Obtaining data about you.

### A. What data do we collect?

We may collect, use, store and transfer different kinds of personal data about you. Further details can be found in appendix 2 of this document.

We also collect and use anonymous data about clients and potential clients for a variety of purposes. This may be derived from your personal data but is not considered personable data in law as it does not reveal your identity. However, if we combine this with other a

date to about you so you can be identified (directly or indirectly) the combined data is pace personal data which will be used in accordance with this privacy notice.

## B. Particularly sensitive data.

We may collect and process data which is treated in law as “special category data” that is particularly sensitive. If relevant for the work we are doing for you this may include the following: -

- Health details physical or mental.
- Racial and ethnic origin.
- Political opinions, religious/other beliefs and sexual life.
- Trade union membership.

The law says that we need to have further justification for handling this type of data. Of the 10 permitted reasons the ones which we will most commonly rely on if need be will be these: -

- Legal claims - where we are pursuing defending or establishing a legal claim for you.
- Employment and social security law - where this is relevant for the work we are doing to you where this is relevant for the work we are doing for you.
- Health - where this is relevant to the work you ask us to do.
- Already public - where you have already made the data public.
- Consent - where we have obtained your explicit written consent.

Similar provisions apply in law to criminal offence data (details of criminal proceedings actual/alleged offensives and outcomes/sentences) we have to have specific authority to handle such data.

## C. Sources of data on you

Most of the personal data we obtain about you will come from direct interactions between us, such as: -

- Engaging us to do work for you.
- Corresponding with us by post, phone email et cetera and filling in forms we provide, including online forms.
- Giving us feedback.

However we may need to obtain information from you about you from outside sources included including but not limited to public ones. A list of examples of such sources is provided at appendix 3.

#### 4. How we may use your data.

##### A. Legal basis for processing your data.

See appendix 4 of this document for details of all the ways in which we may use your data, which permitted legal reasons we have for doing so, and what legitimate interest we may have processing.

Please note that we may process your data for a variety of purposes. If you wish to know which legal basis we are relying on in any particular circumstance please ask.

##### B. Change of purpose

We will only use your data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason which is compatible with the original purpose. If you would like us to explain how we have arise at such a decision these ask.

If we need to use your data for an unrelated purpose, we will tell you and explain the reason legal basis for this.

Please note that we may process your data without your knowledge or consent in compliance with the above rules where this is required or permitted by law.

#### 5. Sharing your data with others.

##### A. Why this may be necessary.

We only share your data with others in the following circumstances: -

- Fulfilling a contract - in connection with the work we are doing for you.
- Legal requirement, such as anti-money laundering and tax laws.

- Professional duty - to meet our regulatory and legal obligations as solicitors.
- Legitimate interest - we have a legitimate interest in doing so (in running our business).

We would also need to show your data in the unlikely event that the “data controller” changes. Such a situation would arise if we decided to sell, transfer or merge parts of our business or if we acquired or merged with another business. If this happens the new owner/organisation would become the “data controller” in law and would be able to use your data in the same way as set out in this document.

#### B. Categories of people and organisations with whom we may share your data.

Please see appendix 5 for a list of examples of the type of people and organisation with whom we may share your personal data if necessary.

#### C. Safeguards.

If we have to share your data with external organisations, they will be required to keep it confidential and treated in accordance with the law. Unless they are a “data controller” in their own right, they are not allowed to use the data for their own purposes - in particular for marketing - but only in accordance with our instructions and for specific purposes. Examples of others who might be a “data controller” themselves would be a law enforcement agency or a professional or other supplier assisting us with the work we are doing for you. Professionals and suppliers who need to be in direct contact with you as part of the work (such as barristers and expert witnesses) will normally provide you with their own privacy notice.

#### D. If you wish to object.

If you do not wish us to share your data with particular organisations or individuals, please tell us in writing. We will respect your wishes unless our legal obligations prevent us from doing so, but this may limit the work we can do for you.

#### E. Electronic identity checks and other checks to prevent/detect crime.

To comply with the law on money laundering, terrorist financing, and the proceeds of crime, we have to obtain certain information about you in order to: -

- Verify your identity.
- Understand the nature and purposes of what you are asking us to do.

- Establish if the work you want us to do is for the benefit of someone else is for your benefit of someone else's benefit.
- Establish the source of the money to be provided by you or anyone else in connection with the work.

In doing this we may need to share your data with the companies providing electronic identity verification services. We may also consult public sources to do so. See appendix 5 for further details.

#### F. Sharing your data with law enforcement agencies.

In the unlikely event that anything you asked us to do leads us to suspect criminality, we may have to inform law enforcement agencies and passed them personal data we have about you. An example of this would be the National crime agency, to whom we are obliged to report any knowledge or suspicion of money laundering or terrorist financing.

#### G. Credit checks on you.

We may carry out a credit check on you or your business using a credit reference agency.

### 6. Using your data for marketing.

We may send you marketing information from time to time, but we will apply the principles below.

#### A. Marketing where it is in your best interests.

We have a professional duty to act in your best interests, for which we are accountable to our regulator. This means we will sometimes tell you about a particular product or service or event if we believe it is in your best interest to do so - or a risk to you if we do not tell you.

An example of this would be marketing to you about wills following a major event in your life such as a separation or divorce, as a new will is often needed in such circumstances.

#### B. Other ethical marketing to you.

Sometimes we may tell you about a particular service or product or event even if it is not closely related to work we have done for you. The law allows us to market to you in this way, as a client of ours (or someone who has shown interest in our

services) you may buy other services from or through us. So we have a financial interest in offering you other services products and events.

Even with this “legitimate interest” marketing to you, we will try to do so only where we think you might be genuinely interested.

You can always say no to such marketing if you wish - see below.

C. Marketing products services and events not provided by us.

Our marketing may refer to products, services or events offered by others outside Appletree family law. However we will simply tell you about their product or service or event and leave you to contact them yourself if you are interested in it.

D. We will never sell or share your data for marketing purposes with others outside this firm.

E. Saying no to marketing.

If you do not wish to be told about other products and services (whether offered by family law Appletree family law or by others) please write to our data put privacy officer whose address is in section 1.

7. Keeping hold of your data and documents.

Data and documents which you give us will be held in both electronic and paper form. Anything held electronically will be stored either in the UK or somewhere within the European economic area (EEA).

The key points about our approach to holding data and documents for you are set out below.

A. Important documents and papers.

We will usually return to you at the end of our work any important/original documents you have given us, but we may agree to keep these for you if you ask us to. Ordinarily we will destroy any paper version of our file within six months after the end of the work we agree to do for you. Thereafter we will rely on the electronic copy.

B. Work files and other records containing your data.

We will keep these only for as long as is necessary. Normally this will be for at least seven years, in case there is a query complaint about the work we did and in order to comply with various laws.

C. Charging for storage, retrieval and destruction.

We may make a reasonable charge to retrieve copies of any documents or papers you ask us for.

8. Safeguarding your data.

As required by law, we take appropriate technical and organisational measures to keep your data secure, such that it is not accessed, altered, used or disclosed in a non- unauthorised way or lost. However this will never entirely eliminate the security risk - in particular when we are communicating with you electronically.

A. Risk of email and other unencrypted forms of communication.

We have to point out that ordinary email, as well as other forms of unencrypted electronic communication (including file transfer tools such as dropbox) cannot be relied upon as secured.

If you choose to use ordinary email to communicate with us - or if you simply provide us with an email address - we will assume that you accept the risks of communicating by email and are happy to do so. The same applies if you use another insecure method of communication.

As stated in our terms of business, we will not be held liable if communications between you and us (in either direction) are intercepted and/or hacked.

B. Where you choose to share our communication to you with others.

Any communication from us to you is meant for you only, and if you choose to share it with anyone else you may lose the legal professional privilege that normally protects to communications between you and us.

C. Security breaches

In the event of a breach of security which could affect your data, we have in place procedures to minimise the effects. The law and professional obligations require us to consider the possible impact on you and tell you if there is a significant risk to your privacy. We also have obligations to tell the ICO, the SRA and the best SB about security breaches, unless the risk to your privacy is minimal.

#### D. Transfers of your data overseas.

It may be necessary to transfer your data overseas. If so, it will only be shared within the European economic area. Such transfers will be made in full compliance with data protection law

### 9. Your legal rights.

The law on data protection is designed to put you in control of your data and as such the following rights will apply, in addition to your overall right to be informed: -

- Right of access to your data.
- Right to rectification - to correct any inaccurate or incomplete data we hold about you.
- Right to erasure - commonly known as “the right to be forgotten”.
- Right to request restriction of processing.
- Right to object to processing of your data.

If you wish to exercise any of these rights please write to our data protection data privacy officer whose address is provided above at any of the addresses given on the “contact us” page of our website. We will usually process your request (which must be in writing and include proof your identity) without charge and within 30 days. However we are allowed by law to charge a reasonable administration fee and extend the timescale by up to 2 months if you’re complex if you requested very complex and all is clearly unfounded, excessive or solely intended to cause a nuisance.

### Appendices

#### Appendix 1 - definitions.

- “We” and “our” refers to Appletree family law Ltd, a limited company incorporated in England and Wales. We are a “data controller” within the meaning of the law on data protection.

- “Personal information”, “personal data”, or “data” is information which identifies you or is about you and it is what you tell us about yourself and information about you which others provide to us.

#### Abbreviations used

- regulators - SRA (solicitors regulation authority); BSP (bar standards board); F CA (financial conduct authority);
- LeO (legal ombudsman, the official complaints body for firms of solicitors)
- HMRC (her Majesty’s revenue and Customs)

#### Appendix 2 - types of data we might collect.

- Identity data - e.g. names title gender maiden name marital status date of birth.
- Contact data - e.g. postal addresses email addresses and telephone numbers, and your preferred method of communication.
- Financial and tax data - example bank account and payment card details, national insurance and unique taxpayer reference numbers.
- Business data - for example details of any businesses with which you are connected.
- Transaction/usage data - for example details about payments to and from you, and details of products and services you have purchased from us.
- Marketing and profile data - for example your preferences in receiving marketing from us and your interests, preferences lifestyle family and feedback.

#### Appendix 3 - outside sources which might provide data about you.

Persons and organisations directly involved in the work you ask us to do such as: -

- professionals and organisations who introduce you to us, such as financial advisers estate agents accountants bankers et cetera
- anyone representing you, such as attorneys trustees agents and intermediaries.
- Your family, friends, business associates or anyone else linked to the work we are doing for you.
- Financial organisations such as banks, building societies and insurers.
- Courts and Tribunals.
- Government agencies such as HMRC and the land Registry.
- Healthcare professionals, social and welfare organisations.
- Your employers, current pastoral perspective.

- Fraud between prevention agencies. New line technical data provided is providers associated with visits to our website, such as Google and other search providers, and other advertising networks which link you to our website etc

Organisations which we work with in order to run our business such as: -

- Credit reference agencies.
- Debt collection, tracing agencies and private investigators.
- Market researchers, such as for obtaining feedback on client satisfaction.

Appendix 4 - our legal basis for processing.

This table sets out all the ways we may use your personal data, and which reason allowed by the law we have for doing so. The table also shows what are legitimate interests processing are where appropriate.

How we will use your information	Types of data	Legal basis for processing and what our legitimate interest is if any.
To record you as a client or potential client	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> </ul>	<ul style="list-style-type: none"> <li>• Fulfilling a contract with you</li> </ul>
To carry out your instructions and deliver the work you ask us to do	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> <li>• financial/tax</li> <li>• business</li> <li>• transaction/you file usage</li> <li>• marketing and profile</li> </ul>	<ul style="list-style-type: none"> <li>• Fulfilling a contract with you.</li> <li>• To comply with regulations which apply to us.</li> </ul>

<p>To manage our relationship with you or your business.</p>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> <li>• profile</li> <li>• marketing and profile</li> </ul>	<ul style="list-style-type: none"> <li>• Fulfilling a contract with you</li> <li>• to comply with a legal obligation.</li> <li>• In our legitimate interests - to recover money owed to us.</li> <li>• In our legitimate interests - to keep our products and records updated, and to study how our clients use our services and products.</li> </ul>
<p>To run our business properly and effectively</p>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> <li>• technical</li> </ul>	<ul style="list-style-type: none"> <li>• In our legitimate interests - running our business.</li> <li>• To comply with the law and regulations which apply to us</li> </ul>
<p>To tell you about relevant products and services</p>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> <li>• usage</li> <li>• marketing and profile</li> </ul>	<ul style="list-style-type: none"> <li>• Fulfilling a contract with you.</li> <li>• To comply with our professional obligation to act in your best interests.</li> <li>• In our legitimate interests to grow our business and develop our products and services</li> </ul>
<p>To prevent and detect financial crime such as money laundering, terrorist financing, property and mortgage fraud, tax evasion and financial sanctions</p>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> <li>• financial/tax business</li> <li>• transaction/usage</li> </ul>	<ul style="list-style-type: none"> <li>• To comply with the law and regulations which apply to us</li> </ul>
<p>To improve our business by developing our products and services and the way we deliver them and to grow our business.</p>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• contact</li> <li>• business</li> <li>• transaction/usage</li> <li>• marketing and profile</li> </ul>	<ul style="list-style-type: none"> <li>• in our legitimate interests - to develop products and services and what we charge for them</li> </ul>

## Appendix 5 - examples of where we might share your data with others.

Categories of people and organisations with whom we may share your data.

- Persons and organisations directly involved in the work you ask us to do for you.
- Regulatory authorities, such as the SRA, the BSB, the ICO, the LEO.
- Law enforcement authorities such as the National crime agency (if we suspect money laundering or financing of terrorist) HM Treasury
- HM Treasury, HMRC, or the police if fraud is suspected
- Organisations with which we work to run a business, such as our suppliers and service providers, other professionals such as our own advisers, trade associations and professional bodies such as the Law Society, credit reference agencies, debt collection tracing agencies and private investigators, UK financial services compensation scheme and market researchers.

22nd October, 2018