



Introduction

MacPhee & Partners respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you. It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

Controller

MacPhee & Partners LLP is the controller and is responsible for your personal data (collectively referred to as "we", "us" or "our" in this privacy notice). We have appointed a Data Protection Partner, Claire Bamber, who is responsible for overseeing our data protection policies. However, If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact Billie Smith (Email: billiesmith@macphee.co.uk, Tel: 01631 562308), one of our Associates, who handles the day-to-day management of data protection related matters.

The data we collect about you

We may collect, use, store and transfer different kinds of personal data about you, which we have grouped together as follows:

- Identity Data includes first name, middle name(s), maiden name, last name, marital status, title, date of birth, gender and national insurance number.
- Contact Data includes billing address, postal address, email address and telephone numbers.
- Financial Data includes bank account and payment card details.
- Transaction Data includes details about payments to and from you.
- Contractual data includes information obtained by providing legal services to you
- Social Relationships Data includes details about your family, friends and other relationships
- Publicly Available Data includes details that are publicly available, such as on Companies House or elsewhere on the internet
- Technical Data includes internet protocol (IP) address, your login data, 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.
- Social media includes posts, likes, shares, tweets and other interactions with our social media presence.
- Usage Data includes information about how you use our website and services, including information about your visit including URL clickstream to, through and from our website (including date and time), information about your network such as information about devices, nodes, configurations, connection speeds and network application performance; pages viewed or searched for, page response times, download errors, length of visit and interaction information (such as scrolling, clicks, mouse-overs) and whether you click on particular links or open our emails.
- Marketing and Communications Data includes your preferences in receiving marketing from us, your communication preferences and other information we learn from you from letters, emails, call recordings and conversations between us.
- Special Categories of Personal Data (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data) and information about **criminal convictions/offences**, if doing so is necessary for the establishment, exercise or defence of legal claims and for the performance of a contract with you.

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to provide services to you/perform the contract we have entered into/are trying to enter into with you. In some cases, we may be unable to act for you or may have to withdraw from acting.

Our reasons for using your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- 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.
- Where we need to comply with a legal or regulatory obligation, for example, anti-money laundering and mandatory clients screening checks or disclosure to law enforcement.
- Where collecting such data is necessary for the establishment, exercise or defence of legal claims

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending marketing communications to you via email or post. You have the right to withdraw consent to marketing at any time by contacting us.

Our Legitimate Interests (interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience)

We have legitimate business interests in:

- Providing engage you as a client and to allow us to provide you with legal and estate agency services;
- To keep our records up to date, including your client file
- To protect our reputation
- To manage credit control and debt recovery
- To bill for the services we provide and deal with funds transfers
- To manage complaints and claims
- To be efficient about how we manage our relationship with you and fulfil our responsibilities generally

- To manage the risk of crime and safety for us, our employees and our clients
- To develop and improve how we deal with crime
- To report criminality or the suspicion of criminality for the wider benefit of society
- To be efficient about how we fulfil our general responsibilities
- To attract new business
- To promote our business
- To hold events
- To seek your consent if necessary
- Managing our business relationship with you, your company or organisation;
- Understanding and responding to inquiries and client feedback;
- Understanding how our clients use our services and websites;
- Identifying what our clients want and developing our relationship with you, your company or organisation;
- Improving our services
- Enforcing our terms of engagement, website and other terms and conditions; and
- Ensuring our systems and premises are secure.
- To register you as a visitor to our premises to assist NHS Test & Protect (Scotland) Service, to assist the Test and Protect (Scotland) strategy in relation to the coronavirus public health epidemic and in the interest of enabling our staff and visitors to our premises to be made aware of any potential risk of infection.

Our reasons for collecting special category data and information relating to criminal offences/convictions

- We have your explicit consent
- Where collecting such data is necessary to protect your vital interests or those of another person
- Where collecting such data is necessary to deal with legal claims
- Where collecting such data is necessary for reasons of substantial public interest

Retention of your data

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Typical retention periods range from 5 to 20 years. Please contact us to ask us for details of retention periods for different aspects of your personal data. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. We follow the guidelines issued by the Law Society of Scotland concerning the retention of client files. CCTV footage is erased on a monthly basis unless it reveals any activity that needs to be reported for the prevention or detection of crime or other legal reasons in which case the relevant footage will be kept for so long as is necessary for those purposes. Contact data gathered for Test and Protect purposes will be destroyed after 21 days. In some circumstances you can ask us to delete your data: see *Request erasure* below for further information.

How is your personal data collected?

We may collect data from and about you including through direct interactions with you, organisations or other businesses that introduce you to us, such as referrals from other law firms, professional advisors and financial institutions, credit reference agencies and fraud prevention agencies, publicly available resources, such as Companies House and Registers of Scotland, the internet and social networking sites such as LinkedIn, search agents, intermediaries with whom you are also a client, other solicitors, intermediaries, expert witnesses, courts, adjudicators, arbiters and others that we engage (or have engaged us) in connection with the products and services that we provide to you, market researchers and through automated technologies or interactions (as you interact with our website)

Please do not send us confidential information until we have confirmed in writing that we represent or act for you or your company or organisation. Unsolicited emails from non-clients do not establish a solicitor-client relationship and may not be privileged.

Disclosures of your personal data

We may have to share your personal data with the following parties: -

- Service providers acting as processors based in the EU who provide IT and system administration services, including marketing and advertising agencies to support and display ads on our website and other social media tools.
- Professional advisers acting as processors or joint controllers including other solicitors, advocates, expert witnesses, mediators, arbitrators, bankers, auditors, intermediaries, courts, law accountants, sheriff officers (or similar), third party payees, search agents, insurance brokers and insurers based in the EU who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, law enforcement bodies and our regulators, including any other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances, in accordance with legal requirements or good practice.
- Public information resources such as Companies House, Registers of Scotland and relevant regulators including the Information Commissioner's Office in the event of a personal data breach, the Scottish Legal Complaints Commission, the Law Society of Scotland and the Solicitors Regulation Authority.
- Credit reference and fraud prevention agencies
- Counterparties to any transaction, dispute or legal proceedings, or other matter on which we are advising your organisation.
- Other professional advisors and agents engaged by you.
- Appropriate parties in the event of emergencies, in particular to protect health and safety of our clients, staff and organisations.
- Screening service providers so that we can comply with legal obligations in relation to the prevention or protection of crime, anti-money laundering, sanctions screening and other required checks.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our contracts with them.

International transfers

As a law firm, we hold all personal information concerning our clients and their affairs within the United Kingdom. We will only send your personal information outside the European Economic Area:

- where you ask us to
- where we are being instructed on your behalf by someone outside the European Economic Area (for example, another law firm)
- where that is required to provide the legal services that you have instructed us to provide – for example, in instructing/dealing with foreign solicitors or other advisors on your behalf
- where we need to do so in order to comply with a legal duty incumbent on us or you
- where the transfer is necessary for important reasons of public interest
- the transfer is necessary for the establishment, exercise or defence of legal claims

If your information is to be processed outside the EEA, then we will ensure that it is protected to the same standards as if it were being processed within the EEA by using appropriate safeguards, which may include:

- ensuring that your information is only transferred to countries that have been recognised by the EU as adequate protecting personal information to the same standards as the EU
- putting in place a contract with the recipient of your information which requires them to protect that information to the same standards as if the information were being processed within the EEA

The safeguards we use will depend on the location of the recipient, the function they are performing and the personal information being transferred.

Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

- Request access to your personal data. You are entitled to ask us if we are processing your data and, if we are, you can request access to your personal data. You would receive a copy of the personal data we hold about you and certain other information about it.
- Request correction of your personal data. You are entitled to request that any incomplete or inaccurate personal data we hold about you is corrected, though we may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. You are entitled to ask us to delete or remove personal data in certain circumstances. There are exceptions, where we may refuse a request for erasure, for example, where the personal data is required for compliance with law or in connection with claims.
- Object to processing of your personal data. Where we are processing your personal data based on a legitimate interest (or those of a third party) you may challenge this. However, we may be entitled to continue processing your information. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request restriction of processing your personal data. You are entitled to ask us to suspend the processing of certain aspects of your personal data, for example, if you want us to establish its accuracy or the reason for processing it.
- Request transfer of your personal data. You may request the transfer of personal data to another party. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- Right to withdraw consent. Where we are processing personal data with consent, you can withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you.

If you wish to exercise any of the rights set out above, please contact us.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk, Tel 0303 123 1113). We would, however, appreciate the opportunity to deal with your concerns before you approach the ICO so please contact us in the first instance.