



## **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. It is 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.

## **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](mailto: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.
- **Social Relationships Data** includes details about your family, friends and other relationships
- **Publicly Available Data** includes details about you 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 information we learn about 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. We will only collect this type of information where we need to and if the law allows us to.

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.

## **How is your personal data collected?**

We may collect data from and about you from our clients, from you directly, from automated technologies or interactions (as you interact with our website), from the internet and social networking sites, market researchers, search agents, intermediaries, solicitors, other professional advisors and through other third parties or publically available sources (for example, Registers of Scotland and Companies House).

## **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 we use your information**

The table below outlines how we use your personal information and our reasons. Where these reasons include legitimate interests we explain what these legitimate interest are.

<b>Categories of Individual</b>	<b>What we use your information for</b>	<b>Our reasons</b>	<b>Our legitimate interests</b>
Third party (claimant or litigant)	<ul style="list-style-type: none"> <li>• To give legal advice to our clients;</li> <li>• To communicate with you or your advisers on behalf of our clients;</li> <li>• To carry out pre-action discovery and evidence gathering;</li> <li>• To bring or defend legal claims on behalf of our clients; and</li> <li>• To enforce judgements or awards on behalf of our clients.</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual performance;</li> <li>• Legitimate interests; and</li> <li>• Legal claims.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide legal services to our clients;</li> <li>• To provide legal advice to our clients;</li> <li>• To assist clients to establish exercise or defend legal claims; and</li> <li>• To support the due and proper administration of justice.</li> </ul>
Third party (transactional)	<ul style="list-style-type: none"> <li>• To give legal advice to our clients;</li> <li>• To communicate with you or your advisers on behalf of our clients;</li> <li>• To carry out due diligence on behalf of our clients; and</li> <li>• To negotiate and conclude sale/purchase, commercial or other transactions on behalf of our clients.</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual performance; and</li> <li>• Legitimate interests.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide legal services to our clients;</li> <li>• To provide legal advice to our clients;</li> <li>• To assist clients to establish, exercise or defend legal claims;</li> <li>• To carry out pre-contract due diligence activities; and</li> <li>• To assist our clients to comply with legal obligations generally.</li> </ul>
Employees (TUPE transfers)	<ul style="list-style-type: none"> <li>• To carry out due diligence on behalf of our clients; and</li> <li>• To give legal advice to our clients on the potential or actual application of TUPE, employment and pensions legislation on transactions where TUPE may apply.</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual performance;</li> <li>• Legitimate interests; and</li> <li>• Legal Claims.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide legal services to our clients;</li> <li>• To provide legal advice to our clients;</li> <li>• To assist clients to establish Exercise or defend legal claims;</li> <li>• To carry out pre-contract due diligence activities; and</li> <li>• To assist our clients to comply with legal obligations concerning TUPE, employment and pensions legislation.</li> </ul>
Witnesses	<ul style="list-style-type: none"> <li>• To contact you to establish whether you have evidence relevant to matters concerning our client;</li> <li>• To take evidence from you in connection with legal claims concerning our client; and</li> <li>• To see to compel you to give evidence in court or other proceedings concerning our client.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal claims; and</li> <li>• Legitimate interests</li> </ul>	<ul style="list-style-type: none"> <li>• To provide legal advice and services for the benefit of our clients; and</li> <li>• To support the due and proper administration of justice.</li> </ul>

Executors, administrators or trustees (Estate or Trusts – non-clients)	<ul style="list-style-type: none"> <li>• To contact and communicate with you on behalf of our client in connection with the proper administration of wills, trusts or executries of which you are an executor, administrator or trustee.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal obligation;</li> <li>• Contractual performance; and</li> <li>• Legitimate interests.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide legal services to our clients;</li> <li>• To provide legal advice to our clients; and</li> <li>• To assist clients to properly administer trusts and executries in accordance with their legal obligations.</li> </ul>
Beneficiaries (Estates or Trusts – non-clients)	<ul style="list-style-type: none"> <li>• To verify your identity and entitlement to legacies from an Executry or administration;</li> <li>• To verify your identity and entitlement to benefit from any distribution from a trust; and</li> <li>• To distribute any entitlement to any assets from an estate on the instructions of a client.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal obligation;</li> <li>• Contractual performance; and</li> <li>• Legitimate interests.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide legal services to our clients;</li> <li>• To provide legal advice to our clients; and</li> <li>• To assist clients to properly administer trusts and executries in accordance with their legal obligations</li> </ul>
Referees	<ul style="list-style-type: none"> <li>• To verify the suitability of an individual to be employed as an employee or be assumed as a partner.</li> </ul>	<ul style="list-style-type: none"> <li>• Employment purposes; and</li> <li>• Legitimate interests</li> </ul>	<ul style="list-style-type: none"> <li>• For recruitment and resources;</li> <li>• For firm management;</li> <li>• For the prevention of crime and public security; and</li> <li>• For pre-employment screening</li> </ul>
Viewer of properties we are marketing on behalf of a client	<ul style="list-style-type: none"> <li>• To arrange viewings to our marketed properties;</li> <li>• To provide a full Estate Agency service to our clients;</li> <li>• To ensure your health and safety when visiting our marketed properties;</li> <li>• To keep our marketed properties we market secure;</li> <li>• To prevent crime and for public safety;</li> <li>• To report any incidents at our marketed properties;</li> <li>• To establish, bring or defend legal claims; and</li> <li>• To register you as a visitor to our marketed properties to assist NHS Test &amp; Protect (Scotland) Service</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual performance;</li> <li>• Legitimate interests;</li> <li>• Legal claims;</li> <li>• Vital Interests; and</li> </ul>	<ul style="list-style-type: none"> <li>• To prevent crime and for public safety;</li> <li>• To keep our marketed properties safe and secure;</li> <li>• To ensure your health and safety whilst visiting our marketed properties;</li> <li>• To restrict access to our marketed properties;</li> <li>• To manage the risk of crime;</li> <li>• To develop and improve how we deal with crime;</li> <li>• To report criminality or the suspicion of criminality for the wider benefit of society;</li> <li>• To be efficient about fulfilling our responsibilities generally;</li> <li>• To manage complaints or legal claims;</li> <li>• To assist the Test and Protect (Scotland) strategy in relation to the coronavirus public health epidemic; and</li> <li>• In the interest of enabling our clients and viewers of our marketed properties to be made aware of any potential risk of infection.</li> </ul>

<p>Visitor to our premises</p>	<ul style="list-style-type: none"> <li>• To register you as a visitor to our premises in accordance with our visitor access policies;</li> <li>• To ensure your health and safety when on our premises;</li> <li>• To keep our premises secure;</li> <li>• To prevent crime and for public safety, including through the use of CCTV;</li> <li>• To report any incidents on our premises;</li> <li>• To establish, bring or defend legal claims; and</li> <li>• To register you as a visitor to our premises to assist NHS Test &amp; Protect (Scotland) service</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests;</li> <li>• Legal claims; and</li> <li>• Vital Interests</li> </ul>	<ul style="list-style-type: none"> <li>• To prevent crime and for public safety, including the safety of our own employees;</li> <li>• To keep MacPhee &amp; Partners' premises safe and secure;</li> <li>• For incident/breach reporting, management and investigation;</li> <li>• To ensure your health and safety whilst on our premises;</li> <li>• To ensure a safe working environment for our staff;</li> <li>• To restrict access to certain areas of our premises to authorised persons;</li> <li>• To manage the risk of crime;</li> <li>• To develop and improve how we deal with crime;</li> <li>• To report criminality or the suspicion of criminality for the wider benefit of society;</li> <li>• To be efficient about fulfilling our responsibilities generally;</li> <li>• To manage complaints or legal claims;</li> <li>• To assist the Test and Protect (Scotland) strategy in relation to the coronavirus public health epidemic; and</li> <li>• In the interest of enabling colleagues and visitors to our offices to be made aware of any potential risk of infection</li> </ul>
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**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 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.
- Appropriate parties in the event of emergencies, in particular to protect health and safety of our clients, staff and organisations including the police and other law enforcement agencies.
- 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.
- Fraud prevention agencies
- 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.
- Other solicitors, advisors, actuaries, insurance companies, intermediaries, courts, adjudicators, arbiters, sheriff officers, third party payees and other parties with whom it is necessary for us to engage in the course of the provision of our legal services to our clients.
- Other companies or service providers who support our business and the provision of our services

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 (hereinafter referred to as "the EEA"): -

- Where that is required to provide the legal services that our client has instructed us to provide, for example, in instructing or dealing with foreign solicitors or advisors;
- Where we need to do so in order to comply with a legal duty incumbent on us or our client;
- 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 we are required to send your information outside the EEA, we will ensure it is protected to the same standards as if it were being processed within the EEA by using appropriate safeguards.

### **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 our client.

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](http://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.