

## McDaid Farrell

### PRIVACY NOTICE

The General Data Protection Regulation (the “GDPR”) seeks to protect and enhance the rights of data subjects. McDaid Farrell is committed to protecting and respecting your privacy. McDaid Farrell recognises the importance of the correct and lawful treatment of personal information, and will only use personal information as set out in this Privacy Notice.

This Privacy Notice sets out how McDaid Farrell collects and uses any information that you give us directly or when you use our website. The expressions “we”, “us” and “our” refer to McDaid Farrell. We have appointed a Data Protection Officer to oversee compliance with this Privacy Notice. If you have any questions about this Privacy Notice or how we handle your personal information, please contact the Privacy Officer at: [chris@mcdaidfarrell.com](mailto:chris@mcdaidfarrell.com), or by post to: Privacy Officer, Christopher McDaid, McDaid Farrell, 20 Croftfoot Road, Glasgow. We may change this Privacy Notice at any time by updating this page so you should therefore check the Website from time to time to ensure you are aware of any changes. It is important that you read this Privacy Notice, together with any McDaid Farrell terms and conditions that we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such personal information. This Privacy Notice supplements the other notices and is not intended to override them.

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

## Who are we?

McDaid Farrell is a Solicitors Office at 20 Croftfoot Road, Glasgow, G44 5JT.

## How is data collected?

We use different methods to collect personal information from and about you.

- **If you’re a client of the firm:** We collect data from you. This is either face to face, over the phone, email, letter or text.
- **If you’re a client of another law firm:** We will receive your personal data from your solicitor.
- **Data we receive from third parties about you:** We may collect, store and use personal information relating to you when you become our client from any third party suppliers necessary in the effective delivery of our legal service to you which includes, but is not limited to external credit agencies including but not restricted to (<https://www.transunion.co.uk/legal-information/bureau-privacy-notice>), third party law firms, the Scottish Legal Aid Board, Scottish Courts Service, the Office of Public Guardian, Registers of Scotland, Property Search Scotland and again any other third party required to assist McDaid Farrell in the effective delivery of our service to you.
- **Data we receive about third parties:** We will also receive and process personal data of third parties for whom we neither act nor have any connection with. This can belong to the beneficiary in a Will or Executory case or a source of funds in a conveyancing purchase. These are examples of where we might receive and process personal data which does not belong to our clients. This list is not exhaustive and we will receive and process personal data from a wide range of third parties.

## What personal information will McDaid Farrell hold about you?

Personal information means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal information about you, as follows:

- full name and title
- contact information - email addresses and postal addresses, telephone numbers
- health and medical information – where we are supporting individuals who have a vulnerability, for example arranging a power of attorney
- criminal offence data – this may be used in relation to due diligence required for fraud prevention and/or anti-money laundering to meet our legal obligations
- credit / debit cards and other payments – funds received from or for an individual or made in relation to a client’s matter (e.g. to pay for the legal service, to pay for outlays incurred by us on your behalf, property purchase / sale)
- identification or supporting documents – such as passport, driving license, birth certificate, utility bill etc.
- national identifiers – unique identifiers attributed to an individual from a government department (such as Tax ID, National Insurance Number or passport number) can be used as part of our due diligence measures for identifying individuals and to meet our legal obligations.

We do not collect any Special Categories of Personal Data about you (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).

## How will McDaid Farrell use personal information held about you?

### To respond and communicate

We use personal information to allow us to respond to you and communicate with you regarding your instructions, questions, comments, support needs, complaints or concerns.

### Using client information

When you become our client, we will collect, store and use the personal information that you provide to us in your instructions and during the course of our solicitor/client relationship.

We need to collect personal information so that we can perform our obligations under our service agreement with clients. We will use such personal information to:

- provide clients with legal advice, including communicating with them by email, letter and/or telephone, etc. in connection with the services that we provide;
- represent clients as their solicitors in connection with such services;
- provide clients with legal advice in respect of the matter(s) upon which we are instructed to provide advice; and/or
- process and make payments in connection with such matter(s).

If clients do not provide us with all of the personal information that we need to collect in order to perform our obligations under our service agreement, then this may affect our ability to provide them with legal advice and/or represent them as their solicitors.

We may also process personal information for purposes relating to the provision of services we provide including updating, reviewing and enhancing client records and undertaking analysis for management purposes.

### To comply with our legal obligations to prevent financial crime

To comply with our legal obligations to prevent financial crime including money laundering under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, we will use personal data including name, address, date of birth, country of residence/citizenship, personal identification (which may include passport number or driving licence number), information about any criminal convictions, information about roles held in public office, and information about your status as or your relationship and association with a politically exposed person.

We will give personal information to and receive personal information from third parties where that is necessary to meet our legal obligations, including credit reference agencies, fraud prevention agencies, the police and other law enforcement and government agencies, and regulators.

### To comply with regulatory obligations

We will provide our regulator, the Law Society of Scotland, with names of individuals for whom our solicitors act under Powers of Attorney.

## Why we need your personal information

### Contractual Purpose

We need to collect our clients' personal information so that we can perform our services. We will use our clients' personal information to:

- Provide you with legal advice, for example by communicating with you by email, letter and/or telephone
- Represent you as your solicitors in connection with the matter you have instructed us about
- Respond to and communicate with clients regarding your questions, comments, support needs or complaints, concerns or allegations in relation to complaints and disciplinary procedures, for example we will use your personal information to investigate your complaint and take disciplinary action
- Manage any money processed on your behalf

We may ask you for additional personal information during the course of our solicitor / client relationship, which shall be collected, stored and used in accordance with this privacy notice.

If you do not provide us with all of the personal information that we need, this may affect our ability to provide you with legal advice and / or represent you as your solicitors.

### Legitimate Purpose

We also process our clients' personal information in pursuit of our legitimate interests to:

- Manage our relationship with you
- Promote our services by sending communications with information for upcoming events and to keep you informed of legal developments and developments within our company
- Email you about other products and services we think may be of interest to you
- We will not share your information for marketing purposes with any third party

- In providing our services, we may send your details to, and also use information from credit reference agencies and fraud prevention agencies

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us on [chris@mcdaidfarrell.com](mailto:chris@mcdaidfarrell.com). If we comply with your objection, this may affect our ability to undertake the tasks above for the benefit of you as a client.

### Legal Obligation

We are under a legal obligation to process certain personal information relating to our clients for the purposes of complying with our obligations under:

- Law Society of Scotland Practice Rules
- Money Laundering Regulations
- Proceeds of Crime Act 2002

### Who we share your personal information with

We may be required to share personal information with statutory or regulatory authorities and organisations. Such organisations include the Law Society of Scotland or HMRC, for the purposes of compliance with statutory obligations.

We may also share personal data with our professional advisors for the purposes of taking advice.

McDaid Farrell employs third party suppliers to provide services including legal searches, service of documents and our own professional advisers. These suppliers may process personal data on our behalf as “processors” and are subject to written contractual conditions to only process that personal data under our instructions and to protect it.

In the event that we do share personal data with external third parties, we will only share such personal data strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal data in accordance with those purposes.

Your continued relationship with us will be evidence that you consent to our use of your personal information for these purposes.

### Destruction of files and data

By instructing us to carry out work on your behalf, you consent to destruction of files and data without further reference to you after that work is completed and after the periods set out below:

**Executries** - Ten years after completion. Relevant documents and papers might be sent to the Executor for safekeeping since prior rights and legal rights only prescribe if not claimed in 20 years after becoming enforceable

**Conveyancing** – Five years after completion, unless otherwise stated

**Separation Agreement** – Five years after completion of works

## Your rights

You can exercise any of the following rights by writing to us at [chris@mcdaidfarrell.com](mailto:chris@mcdaidfarrell.com) or by post to 20 Croftfoot Road, , Glasgow, G44 5JT.

Your rights in relation to your personal information are:

- you have a right to request access to the personal information that we hold about you by making a "subject access request";
- if you believe that any of your personal information is inaccurate or incomplete, you have a right to request that we correct or complete your personal information;
- you have a right to request that we restrict the processing of your personal information for specific purposes; and
- if you wish us to delete your personal information, you may request that we do so subject to Law Society of Scotland rules and regulations.

Any requests received by McDaid Farrell will be considered under applicable data protection legislation. If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk)

## **McDaid Farrell**

### **Data Protection Policy**

#### **Introduction**

McDaid Farrell is a law firm and provides legal advice and assistance to its clients. It is regulated by the Law Society of Scotland.

The personal data that McDaid Farrell processes to provide these services relates to its clients and other individuals as necessary, including staff and suppliers' staff.

This policy sets out McDaid Farrell's commitment to ensuring that any personal data, including special category personal data, which McDaid Farrell processes, is carried out in compliance with data protection law. McDaid Farrell processes the personal data of staff from all over the world, including the personal data of a large number of non-EU citizens, but is committed to ensuring that all the personal data that it processes is done in accordance with data protection law. McDaid Farrell ensures that good data protection practice is imbedded in the culture of our staff and our organisation.

McDaid Farrell's other data protection policies and procedures are (these should be considered and may not all be necessary):

- record / audit of processing activities
- privacy notices (website, clients, employees)
- personal data breach reporting process and a breach register
- data retention policy
- data subject rights procedure
- data protection impact assessment process
- IT security policies

'Data Protection Law' includes the General Data Protection Regulation 2016/679; the UK Data Protection Act 2018 and all relevant EU and UK data protection legislation.

#### **Scope**

This policy applies to all personal data processed by McDaid Farrell and is part of McDaid Farrell's approach to compliance with data protection law. All McDaid Farrell staff are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including dismissal.

## Data protection principles

McDaid Farrell complies with the data protection principles set out below. When processing personal data, it ensures that:

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')
- it is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation')
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
- it is all accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')
- it is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation')
- it is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

McDaid Farrell will facilitate any request from a data subject who wishes to exercise their rights under data protection law as appropriate, always communicating in a concise, transparent, intelligible and easily accessible form and without undue delay.

## Process/procedures/guidance

McDaid Farrell will:

- ensure that the legal basis for processing personal data is identified in advance and that all processing complies with the law
- not do anything with your data that you would not expect given the content of this policy and the fair processing or privacy notice
- ensure that appropriate privacy notices are in place advising staff and others how and why their data is being processed, and, in particular, advising data subjects of their rights
- only collect and process the personal data that it needs for purposes it has identified in advance
- ensure that, as far as possible, the personal data it holds is accurate, or a system is in place for ensuring that it is kept up to date as far as possible
- only hold onto your personal data for as long as it is needed, after which time McDaid Farrell will securely erase or delete the personal data – McDaid Farrell's data retention policy sets out the appropriate period of time
- ensure that appropriate security measures are in place to ensure that personal data can only be accessed by those who need to access it and that it is held and transferred securely

McDaid Farrell will ensure that all staff who handle personal data on its behalf are aware of their responsibilities under this policy and other relevant data protection and information security policies, and that they are adequately trained and supervised.

Breaching this policy may result in disciplinary action for misconduct, including dismissal. Obtaining (including accessing) or disclosing personal data in breach of McDaid Farrell's data protection policies may also be a criminal offence.

## **Data Subject Rights**

McDaid Farrell has processes in place to ensure that it can facilitate any request made by an individual to exercise their rights under data protection law. All staff have received training and are aware of the rights of data subjects. Staff can identify such a request and know who to send it to.

All requests will be considered without undue delay and within one month of receipt as far as possible.

**Subject access:** the right to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:

- the purpose of the processing
- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office
- the source of the information if not collected direct from the subject, and
- the existence of any automated decision making

**Rectification:** the right to allow a data subject to rectify inaccurate personal data concerning them.

**Erasure:** the right to have data erased and to have confirmation of erasure, but only where:

- the data is no longer necessary in relation to the purpose for which it was collected, or
- where consent is withdrawn, or
- where there is no legal basis for the processing, or
- there is a legal obligation to delete data



**Restriction of processing:** the right to ask for certain processing to be restricted in the following circumstances:

- if the accuracy of the personal data is being contested, or
- if our processing is unlawful but the data subject does not want it erased, or
- if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims, or
- if the data subject has objected to the processing, pending verification of that objection

**Data portability:** the right to receive a copy of personal data which has been provided by the data subject and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller. This would only apply if McDaid Farrell was processing the data using consent or on the basis of a contract.

**Object to processing:** the right to object to the processing of personal data relying on the legitimate interests processing condition unless McDaid Farrell can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

### **Special category personal data**

This includes the following personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- an individual's health
- a natural person's sex life or sexual orientation
- criminal convictions or offences

McDaid Farrell processes special category data of clients and third parties as is necessary to provide legal services for the establishment, exercise or defence of legal claims.

McDaid Farrell processes special category data of employees as is necessary to comply with employment and social security law. This policy sets out the safeguards we believe are appropriate to ensure that we comply with the data protection principles set out above. McDaid Farrell also has a data retention policy which sets out how long special category data will be held onto.

### **Responsibility for the processing of personal data**

The Christopher McDaid of McDaid Farrell takes ultimate responsibility for data protection.

If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact the Data Protection Officer in the following ways:

Name	Christopher McDaid
Address	20 Croftfoot Road, Glasgow.
Email	chris@mcdaidfarrell.com
Telephone	0141 6340437

The Data Protection Director is Christopher McDaid.

### **Monitoring and review**

This policy was last updated on 25 May 2018 and shall be regularly monitored and reviewed, at least every two years.

[www.mcdaidfarrell.com](http://www.mcdaidfarrell.com)