

CLOCH SOLICITORS DATA PRIVACY NOTICE FOR CLIENTS AND SUPPLIERS

Introduction

Cloch Solicitors Limited ("We") are committed to protecting and respecting your privacy.

This policy (together with our terms of business and any other documents referred to on it) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The rules on processing of personal data are set out in the General Data Protection Regulation (the "GDPR").

1. Definitions

Data controller - A controller determines the purposes and means of processing personal data.

Data processor - A processor is responsible for processing personal data on behalf of a controller.

Data subject – Natural person

Categories of data: Personal data and special categories of personal data

Personal data - The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (as explained in Article 6 of GDPR). For example name, passport number, home address or private email address. Online identifiers include IP addresses and cookies.

Special categories personal data - The GDPR refers to sensitive personal data as 'special categories of personal data' (as explained in Article 9 of GDPR). The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Other examples include racial and ethnic origin, sexual orientation, health data, trade union membership, political opinions, religious or philosophical beliefs.

Processing - means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Third party - means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

2. Who are we?

Cloch Solicitors Limited is the data controller. This means we decide how your personal data is processed and for what purposes. Our contact details are: Standard Buildings, 94 Hope Street, Glasgow, G2 6PH. Telephone: 0141 2218029. Email: info@cloth.co.uk. For all data matters contact Philip Hannay at info @cloth.co.uk.

3. The purpose(s) of processing your personal data

We use your personal data for the following purposes:

To provide legal advice and services; to make such disclosure as required or permitted by law; to carry out anti-money laundering and terrorist financing checks; to keep accounting records and carry out general administration; to check for potential conflicts of interest in relation to future potential clients; to respond to requests for references; to publish details of legal judgments and decisions of courts and tribunals.

4. The categories of personal data concerned

With reference to the categories of personal data described in the definitions section, we process the following categories of your data:

- Personal data: personal details; family details; business details; ; financial information; bank details; passport number; national insurance number; unique taxpayer reference; employment details; education and training details; other personal data relevant to instructions to provide legal services, including data specific to the instructions in question legal matter instructed on;

5. What is our legal basis for processing your personal data? Personal data (article 6 of GDPR)

Our lawful basis for processing your general personal data:

<input type="checkbox"/> Consent of the data subject;	<p>If the data subject has consented to the processing of the data subject's personal information, then we may process that information for the Purposes set out above to the extent to which the data subject has consented to the member doing so, but we may also process the information under another of the lawful bases listed below, irrespective of whether specific consent therefor has been given</p>
<input type="checkbox"/> Processing necessary for the performance of a contract with the data subject or to take steps to enter into a contract	<p>Terms of business issued to new client; on-going client instructions</p>
<input type="checkbox"/> Processing necessary for compliance with a legal obligation	<p>To ensure compliance with Anti-money laundering obligations under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (Article 6(1)(c); to ensure compliance with statutory obligations to maintain financial records and client files</p>
<input type="checkbox"/> Processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller	<p>Where the processing is necessary to publish judgments or other decisions of courts or tribunals.</p>

<input type="checkbox"/> Processing necessary for the purposes of the legitimate interests of the data controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the data subject	For the purposes of responding to a complaint; pursuing or defending a legal claim or action.
---	---

6. Sharing your personal data

Your personal data will be treated as strictly confidential, and will be shared only with third parties as required to fulfil services and representation on your behalf, including banks, other parties' legal representatives, courts and tribunals, court agents, counsel and their clerks, opposing counsel, witnesses or potential witnesses, expert witnesses or potential expert witnesses, Law enforcement officials, government authorities, or other third parties to meet any legal obligations, HMRC, Companies House, Registers of Scotland, the UK Intellectual Property Office, other national, multinational or worldwide Intellectual Property registries as required, our regulated professional advisors and accountant, our cloud-based server provider, case management system and cashier, the Law Society of Scotland or other members of the Law Society of Scotland, for the purpose of obtaining guidance on professional or ethical matters, The Scottish Legal Complaints Commission, in the event of a complaint thereto, any other party where the data subject consents to the sharing.

7. How long do we keep your personal data?

OR We keep your personal data for no longer than reasonably necessary and we only retain your data to provide business or legal services and representation on your behalf, comply with legal obligations. resolving legal claims or complaints, to safeguard your legal position and to comply with Law Society of Scotland recommended periods of file retention in relation to the specific category of legal work and use the following criteria to determine how long to retain your personal data: compliance with legal data retention requirements for the specific personal data, Law Society of Scotland guidance on file retention and periods of legal prescription (time bar) under Scots law, such retention may be for periods of up to 21 years from the date of the last item of work carried out. This is because it may be required for potential legal proceedings. At this point any further retention will be reviewed and the data will be deleted, or retained for a further period if required for legal proceedings.

8. Providing us with your personal data

We require your personal data as it is a statutory and contractual requirement. If you fail to adhere the consequences will be unable to act on your behalf.

9. Your rights and your personal data

You may have the following rights with respect to your personal data:

- The right to request a copy of the personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary to retain such data;
- The right to withdraw your consent to the processing at any time, where consent was your lawful basis for processing the data;
- The right to request that we provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability),

(where applicable i.e. where the processing is based on consent or is necessary for the performance of a contract with the data subject and where the data controller processes the data by automated means);

- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable i.e. where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics).

It should be noted that such rights may not be available to data subjects. Such rights may not be available where legal professional privilege, confidentiality, any lawful agreement or any legal provision prevents disclosure of data.

10. Transfer of Data Abroad

We will only transfer your personal data outside the EEA where you instruct us to carry out work on your behalf within territories outside the EEA or the transfer is necessary for the performance of a contract between the data subject and the controller, or the implementation of pre-contractual measures taken at the data subject's request, or the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person, or the transfer is necessary for the establishment, exercise or defence of legal claims.

In order to safeguard your personal data, we will only transfer personal data to official intellectual property offices, courts, tribunals, regulated professionals, and other third parties as required, within the territories in which you require work to be carried out.

11. Automated Decision Making

We do not use any form of automated decision making in our business.

12. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.

13. Changes to our privacy policy

Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy policy.

14. How to make a complaint

To exercise all relevant rights, queries or complaints please in the first instance contact Philip Hannay at info@cloch.co.uk.

If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](https://ico.org.uk/global/contact-us/email/) on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.