

DATA PROTECTION POLICY

DEFINITIONS

Company Name:

Glaisyers Solicitors LLP.

Company Personnel:

all employees, workers contractors, agency workers, consultants, directors, members and others.

Consent:

agreement which must be freely given, specific, informed and be an unambiguous indication of the Data Subject's wishes by which they, by a statement or by a clear positive action, signifies agreement to the Processing of Personal Data relating to them.

Data Controller:

the person or organisation that determines when, why and how to process Personal Data. It is responsible for establishing practices and policies in line with the GDPR. We are the Data Controller of all Personal Data relating to our Company Personnel and Personal Data used in our business for our own commercial purposes.

Data Subject:

a living, identified or identifiable individual about whom we hold Personal Data. Data Subjects may be nationals or residents of any country and may have legal rights regarding their Personal Data.

Data Privacy Impact Assessment (DPIA):

tools and assessments used to identify and reduce risks of a data processing activity. DPIA can be carried out as part of Privacy by Design and should be conducted for all major system or business change programs involving the Processing of Personal Data.

Data Protection Officer (DPO):

the person required to be appointed in specific circumstances under the GDPR. Where a mandatory DPO has not been appointed, this term means a data protection manager or other voluntary appointment of a DPO or refers to the Company data privacy team with responsibility for data protection compliance. **Steve Kuncewicz is Glaisyers DPO.** Steve is a specialist data protection solicitor.

Explicit Consent:

consent which requires a very clear and specific statement (that is, not just action).

General Data Protection Regulation (GDPR):

the General Data Protection Regulation ((EU) 2016 / 679). Personal Data is subject to the legal safeguards specified in the GDPR.

Personal Data:

any information identifying a Data Subject or information relating to a Data Subject that we can identify (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. Personal Data includes Sensitive Personal Data and Pseudonymised Personal Data but excludes anonymous data or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location, or date of birth) or an opinion about that person's actions or behaviour.

Personal Data Breach:

any act or omission that compromises the security, confidentiality, integrity or availability of Personal Data or the physical, technical, administrative or organisational safeguards that we or our third-party service providers put in place to protect it. The loss, or unauthorised access, disclosure or acquisition, of Personal Data is a Personal Data Breach.

Privacy by Design:

implementing appropriate technical and organisational measures in an effective manner to ensure compliance with the GDPR.

Privacy Notices (also referred to as Fair Processing Notices) or Privacy Policies:

separate notices setting out information that may be provided to Data Subjects when the Company collects information about them. These notices may take the form of general privacy statements applicable to a specific group of individuals (for example, employee privacy notices or the website privacy policy) or they may be stand-alone, one time privacy statements covering Processing related to a specific purpose.

Processing or Process:

any activity that involves the use of Personal Data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties.

Pseudonymisation or Pseudonymised:

replacing information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person, to whom the data relates, cannot be identified without the use of additional information which is meant to be kept separately and secure.

Sensitive Personal Data:

information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data, and Personal Data relating to criminal offences and convictions.

1. INTRODUCTION

- 1.1 This Privacy Standard sets out how we handle the Personal Data of our customers, suppliers, employees, workers and other third parties.
- 1.2 This policy applies to all Personal Data we Process regardless of the way that data is stored or whether it relates to past or present employees, workers, customers, clients or supplier contacts, shareholders, website users or any other Data Subject.
- 1.3 You must read, understand and comply with it when Processing Personal Data on our behalf and attend training on its requirements. It sets out what we expect from you in order for the Company to comply with applicable law. Your compliance is mandatory. Any breach of this policy may result in disciplinary action.
- 1.4 This policy is an internal document and cannot be shared with third parties, clients or regulators without prior authorisation from the DPO.

2. SCOPE

- 2.1 We recognise that the correct and lawful treatment of Personal Data will maintain confidence in the organisation and will provide for successful business operations. Protecting the confidentiality and integrity of Personal Data is a critical responsibility that we take seriously at all times.
- 2.2 All supervisors are responsible for ensuring all Company Personnel comply with this policy and need to implement appropriate practices, processes, controls and training to ensure such compliance.
- 2.3 Please contact the DPO with any questions about the operation of this Privacy Standard or the GDPR or if you have any concerns that this Privacy Standard is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances:
 - (a) if you are unsure of the lawful basis which you are relying on to process Personal Data (including the legitimate interests used by the Company);
 - (b) if you need to rely on Consent and/or need to capture Explicit Consent;
 - (c) if you need to draft Privacy Notices or Fair Processing Notices;
 - (d) if you are unsure about the retention period for the Personal Data being Processed;
 - (e) if you are unsure about what security or other measures you need to implement to protect Personal Data;
 - (f) if there has been a Personal Data Breach;
 - (g) if you need any assistance dealing with any rights invoked by a Data Subject;
 - (h) whenever you are engaging in a significant new, or change in, Processing activity which is likely to require a DPIA or plan to use Personal Data for purposes others than what it was collected for;

3. PERSONAL DATA PROTECTION PRINCIPLES

- 3.1 We adhere to the principles relating to Processing of Personal Data set out in the GDPR which require Personal Data to be:
- (a) Processed lawfully, fairly and in a transparent manner.
 - (b) Collected only for specified, explicit and legitimate purposes.
 - (c) Adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed.
 - (d) Accurate and where necessary kept up to date.
 - (e) Not kept in a form which permits identification of Data Subjects for longer than is necessary for the purposes for which the data is Processed.
 - (f) Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage.
 - (g) Not transferred to another country without appropriate safeguards being in place.
 - (h) Made available to Data Subjects and Data Subjects allowed to exercise certain rights in relation to their Personal Data.
- 3.2 We are responsible for and must be able to demonstrate compliance with the data protection principles listed above.

4. LAWFULNESS, FAIRNESS, TRANSPARENCY

- 4.1 Personal data must be Processed lawfully, fairly and in a transparent manner in relation to the Data Subject.
- 4.2 You may only collect, Process and share Personal Data fairly and lawfully and for specified purposes. The GDPR restricts our actions regarding Personal Data to specified lawful purposes. These restrictions are not intended to prevent Processing, but ensure that we Process Personal Data fairly and without adversely affecting the Data Subject.
- 4.3 The GDPR allows Processing for specific purposes, some of which are set out below:
- (a) the Data Subject has given his or her Consent;
 - (b) the Processing is necessary for the performance of a contract with the Data Subject;
 - (c) to meet our legal compliance obligations;
 - (d) to protect the Data Subject's vital interests;
 - (e) to pursue our legitimate interests for purposes where they are not overridden because the Processing prejudices the interests or fundamental rights and freedoms of Data Subjects. The purposes for which we process Personal Data for legitimate interests need to be set out in applicable Privacy Notices; or

- 4.4 You must identify and document the legal ground being relied on for each Processing activity.

5. CONSENT

- 5.1 A Data Controller must only process Personal Data on the basis of one or more of the lawful bases set out in the GDPR, which include Consent.
- 5.2 A Data Subject consents to Processing of their Personal Data if they indicate agreement clearly either by a statement or positive action to the Processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity are unlikely to be sufficient. If Consent is given in a document which deals with other matters, then the Consent must be kept separate from those other matters.
- 5.3 Data Subjects must be easily able to withdraw Consent to Processing at any time and withdrawal must be promptly honoured. Consent may need to be refreshed if you intend to Process Personal Data for a different and incompatible purpose which was not disclosed when the Data Subject first consented.
- 5.4 Unless we can rely on another legal basis of Processing, Explicit Consent is usually required for Processing Special Categories of Personal Data and Criminal Convictions Data. Usually we will be relying on another legal basis (and not require Explicit Consent) to Process most types of Special Categories of Personal Data and Criminal Convictions Data. Where Explicit Consent is required, you must issue a Privacy Notice to the Data Subject to capture Explicit Consent.
- 5.5 You will need to evidence Consent captured and keep records of all Consents in accordance with Related Policies and Privacy Guidelines so that the Company can demonstrate compliance with Consent requirements.

6. TRANSPARENCY (NOTIFYING DATA SUBJECTS)

- 6.1 The GDPR requires Data Controllers to provide detailed, specific information to Data Subjects depending on whether the information was collected directly from Data Subjects or from elsewhere. Such information must be provided through appropriate Privacy Notices which must be in clear and plain language so that a Data Subject can easily understand them.
- 6.2 Whenever we collect Personal Data directly from Data Subjects, including for human resources or employment purposes, we must provide the Data Subject with all the information required by the GDPR including the identity of the Controller and DPO, how and why we will use, Process, disclose, protect and retain that Personal Data through a Privacy Notice which must be presented when the Data Subject first provides the Personal Data.

- 6.3 When Personal Data is collected indirectly (for example, from a third party or publicly available source), you must provide the Data Subject with all the information required by the GDPR as soon as possible after collecting/receiving the data. You must also check that the Personal Data was collected by the third party in accordance with the GDPR and on a basis which contemplates our proposed Processing of that Personal Data.

7. PURPOSE LIMITATION

Personal Data must be collected only for specified, explicit and legitimate purposes. It must not be further Processed in any manner incompatible with those purposes. You cannot use Personal Data for new, different or incompatible purposes from that disclosed when it was first obtained unless you have informed the Data Subject of the new purposes and they have Consented where necessary.

8. DATA MINIMISATION

Personal Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed. You may only collect Personal Data that you require for your job duties: do not collect excessive data. Ensure any Personal Data collected is adequate and relevant for the intended purposes. You must ensure that when Personal Data is no longer needed for specified purposes, it is deleted or anonymised in accordance with the Company's data retention guidelines.

9. ACCURACY

- 9.1 You will ensure that the Personal Data we use and hold is accurate, complete, kept up to date and relevant to the purpose for which we collected it. You must check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. You must take all reasonable steps to destroy or amend inaccurate or out-of-date Personal Data.

10. STORAGE LIMITATION

- 10.1 Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the data is processed. You must not keep Personal Data in a form which permits the identification of the Data Subject for longer than needed for the legitimate business purpose or purposes for which we originally collected it including for the purpose of satisfying any legal, accounting or reporting requirements. You will take all reasonable steps to destroy or erase from our systems all Personal Data that we no longer require in accordance with all the Company's applicable records retention schedules and policies. This includes requiring third parties to delete such data where applicable.

11. SECURITY INTEGRITY AND CONFIDENTIALITY

- 11.1 Personal Data must be secured by appropriate technical and organisational measures against unauthorised or unlawful Processing, and against accidental loss, destruction or damage.
- 11.2 We will develop, implement and maintain safeguards appropriate to our size, scope and business, our available resources, the amount of Personal Data that we own or maintain on behalf of others and identified risks (including use of encryption and Pseudonymisation where applicable). We will regularly evaluate and test the effectiveness of those safeguards to ensure security of our Processing of Personal Data. You are responsible for protecting the Personal Data we hold. You must implement reasonable and appropriate security measures against unlawful or unauthorised Processing of Personal Data and against the accidental loss of, or damage to, Personal Data. You must exercise particular care in protecting Special Categories of Personal Criminal Convictions Data from loss and unauthorised access, use or disclosure.
- 11.3 You must follow all procedures and technologies we put in place to maintain the security of all Personal Data from the point of collection to the point of destruction. You may only transfer Personal Data to third-party service providers who agree to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.

- 11.4 You must maintain data security by protecting the confidentiality, integrity and availability of the Personal Data, defined as follows:
- (a) Confidentiality means that only people who have a need to know and are authorised to use the Personal Data can access it.
 - (b) Integrity means that Personal Data is accurate and suitable for the purpose for which it is processed.
 - (c) Availability means that authorised users are able to access the Personal Data when they need it for authorised purposes.
- 11.5 You must comply with and not attempt to circumvent the administrative, physical and technical safeguards we implement and maintain in accordance with the GDPR and relevant standards to protect Personal Data.
- 11.6 If you know or suspect that a Personal Data Breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the person or team designated as the key point of contact for Personal Data Breaches. You should preserve all evidence relating to the potential Personal Data Breach.

12. TRANSFER LIMITATION

- 12.1 The GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the GDPR is not undermined. You transfer Personal Data originating in one country across borders when you transmit, send, view or access that data in or to a different country. Should the need arise you must firstly consult with our DPO.

13. DATA SUBJECT'S RIGHTS AND REQUESTS

- 13.1 Data Subjects have rights when it comes to how we handle their Personal Data. These include rights to:
- (a) withdraw Consent to Processing at any time;
 - (b) receive certain information about the Data Controller's Processing activities;
 - (c) request access to their Personal Data that we hold;
 - (d) prevent our use of their Personal Data for direct marketing purposes;
 - (e) ask us to erase Personal Data if it is no longer necessary in relation to the purposes for which it was collected or Processed or to rectify inaccurate data or to complete incomplete data;
 - (f) restrict Processing in specific circumstances;
 - (g) challenge Processing which has been justified on the basis of our legitimate interests or in the public interest;

- (h) prevent Processing that is likely to cause damage or distress to the Data Subject or anyone else;
 - (i) be notified of a Personal Data Breach which is likely to result in high risk to their rights and freedoms;
- 13.2 You must verify the identity of an individual requesting data under any of the rights listed above (do not allow third parties to persuade you into disclosing Personal Data without proper authorisation).
- 13.3 You must immediately forward any Data Subject request you receive to your supervisor.

14. RECORD KEEPING

- 14.1 The GDPR requires us to keep full and accurate records of all our data Processing activities.
- 14.2 You must keep and maintain accurate corporate records reflecting our Processing including records of Data Subjects' Consents and procedures for obtaining Consents.

15. PRIVACY BY DESIGN AND DATA PROTECTION IMPACT ASSESSMENT (DPIA)

- 15.1 We are required to implement Privacy by Design measures when Processing Personal Data by implementing appropriate technical and organisational measures (like Pseudonymisation) in an effective manner, to ensure compliance with data privacy principles.
- 15.2 You must assess what Privacy by Design measures can be implemented on all programs/systems/processes that Process Personal Data by taking into account the following:
 - (a) the state of the art;
 - (b) the cost of implementation;
 - (c) the nature, scope, context and purposes of Processing; and
 - (d) the risks of varying likelihood and severity for rights and freedoms of Data Subjects posed by the Processing.
 - (e) Data controllers must also conduct DPIAs in respect to high risk Processing.
 - (f) You should conduct a DPIA (and discuss your findings with the DPO) when implementing major system or business change programs involving the Processing of Personal Data including:
 - (i) use of new technologies (programs, systems or processes), or changing technologies (programs, systems or processes);
 - (ii) Automated Processing including profiling and ADM;
 - (iii) large scale Processing of Special Categories of Personal Data or Criminal Convictions Data; and
 - (iv) large scale, systematic monitoring of a publicly accessible area.

- (g) A DPIA must include:
 - (i) a description of the Processing, its purposes and the Data Controller's legitimate interests if appropriate;
 - (ii) an assessment of the necessity and proportionality of the Processing in relation to its purpose;
 - (ii) an assessment of the risk to individuals; and
 - (iv) the risk mitigation measures in place and demonstration of compliance.

16. DIRECT MARKETING

- 16.1 We are subject to certain rules and privacy laws when marketing to our customers.
- 16.2 For example, a Data Subject's prior consent is required for electronic direct marketing (for example, by email, text or automated calls). The limited exception for existing customers known as "soft opt in" allows organisations to send marketing texts or emails if they have obtained contact details in the course of a sale to that person, they are marketing similar products or services, and they gave the person an opportunity to opt out of marketing when first collecting the details and in every subsequent message.
- 16.3 The right to object to direct marketing must be explicitly offered to the Data Subject in an intelligible manner so that it is clearly distinguishable from other information.
- 16.4 A Data Subject's objection to direct marketing must be promptly honoured. If a customer opts out at any time, their details should be suppressed as soon as possible. Suppression involves retaining just enough information to ensure that marketing preferences are respected in the future.

17. SHARING PERSONAL DATA

- 17.1 Generally we are not allowed to share Personal Data with third parties unless certain safeguards and contractual arrangements have been put in place.
- 17.2 You may only share the Personal Data we hold with another employee, agent or representative of our group (which includes our subsidiaries and our ultimate holding company along with its subsidiaries) if the recipient has a job-related need to know the information and the transfer complies with any applicable cross-border transfer restrictions.

17.3 You may only share the Personal Data we hold with third parties, such as our service providers if:

- (a) they have a need to know the information for the purposes of providing the contracted services;
- (b) sharing the Personal Data complies with the Privacy Notice provided to the Data Subject and, if required, the Data Subject's Consent has been obtained;
- (c) the third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;
- (d) a fully executed written contract that contains GDPR approved third party clauses has been obtained.



GLAISYERS

ETL
GLOBAL

Manchester Office:

3 Hardman Street
Manchester M3 3HF

T: 0161 832 4666

Liverpool Office:

The Plaza
100 Old Hall St
Liverpool L3 9QJ

T: 0151 332 3555

hello@glaisyers.com

www.glaisyers.com

