



*Jayne Brearley & Co*  
SOLICITORS

## **Privacy policy**

This notice explains when and why we collect personal information about you; how we use it, the conditions under which we may disclose it to others and how we keep it secure.

For clients of this firm, you should read this notice alongside our general terms and conditions which provide further information on confidentiality, data privacy etc.

This notice does not apply to any websites that may have a link to ours.

### **Who we are**

Data is collected, processed and stored by Jayne Brearley & Co; and we are what is known as the 'data controller' or in some circumstances the 'data processor' of the personal information you provide to us.

Jayne Brearley & Co is a legal disciplinary practice authorised and regulated by the Solicitors Regulation Authority under number 499364.

### **Children**

Our services are not aimed specifically at children because in legal work children are generally represented by their parent or guardians.

### **What we need**

The exact information we will request from you will depend on what you have asked us to do or what we are contracted to do for you.

There are two types of personal data (personal information) that you may provide to us:

Personal data: is the general information that you supply about yourself – such as your name, address, gender, date of birth, contact details, financial information etc.

Sensitive personal data: is, by its nature, more sensitive information and may include your racial or ethnic origin, religion, sexual orientation, political opinions, health data, trade union membership, philosophical views, biometric and genetic data.

In the majority of cases personal data will be restricted to basic information required for the work we are contract to do and it is very unlikely that we will require any sensitive information.

## **Sources of information**

Information about you may be obtained from a number of sources; including:

You may volunteer the information about yourself

You may provide information relating to someone else – if you have the authority to do so

Information may be passed to us by third parties in order that we can undertake your legal work on your behalf. Typically these organisations can be:

Banks or building societies

Panel providers who allocate legal work to law firms

Organisations that have referred work to us

Medical or financial institutions – who provide your personal records / information

## **Why we need it**

The primary reason for asking you to provide us with your personal data, is to allow us to carry out your requests – which will ordinarily be to represent you and carry out your legal work.

The following are some examples, although not exhaustive, of what we may use your information for:

Verifying your identity

Verifying source of funds

Communicating with you

To establish funding of your matter or transaction

Obtaining insurance policies on your behalf

Processing your legal transaction including:

Providing you with advice; carrying out litigation on your behalf; attending hearings on your behalf; preparing documents or to complete transactions

Keeping financial records of your transactions and the transactions we make on your behalf

Seeking advice from third parties; such as legal and non-legal experts

Responding to any complaint or allegation of negligence against us

### **Who has access to it**

We have a data protection regime in place to oversee the effective and secure processing of your personal data. We will not sell or rent your information to third parties. We will not share your information with third parties for marketing purposes.

Generally, we will try and restrict the use of your data to within Jayne Brearley & Co. However there may be circumstances, in carrying out your legal work, where we may need to disclose some information to third parties; for example:

HM Land Registry to register a property

HM Revenue & Customs; e.g. for Stamp Duty Liability

Court or Tribunal

Solicitors acting on the other side

Asking an independent Barrister or Counsel for advice; or to represent you

Non legal experts to obtain advice or assistance

Translation Agencies

Contracted Suppliers

External auditors or our Regulator; e.g. SRA, CILEx, ICO etc.

Bank or Building Society; or other financial institutions

Insurance Companies

Providers of identity verification

Any disclosure required by law or regulation; such as the prevention of financial crime and terrorism

If there is an emergency and we think you or others are at risk

In the event any of your information is shared with the aforementioned third parties, we ensure that they comply, strictly and confidentially, with our instructions and they do not use your personal information for their own purposes unless you have explicitly consented to them doing so.

There may be some uses of personal data that may require your specific consent. If this is the case we will contact you separately to ask for your consent which you are free to withdraw at any time.

## **How do we protect your personal data**

We recognise that your information is valuable and we take all reasonable measures to protect it whilst it is in our care.

We have exceptional standards of technology and operational security in order to protect personally identifiable data from loss, misuse, alteration or destruction. Similarly, we adopt a high threshold when it comes to confidentiality obligations and both internal and external parties have agreed to protect confidentiality of all information; to ensure all personal data is handled and processed in line with our stringent confidentiality and data protection policies.

We use computer safeguards such as firewalls and we enforce, where possible, physical access controls to our buildings and files to keep data safe.

## **How long will we keep it for**

Your personal information will be retained, usually in computer or manual files, only for as long as necessary to fulfil the purposes for which the information was collected; or as required by law; or as long as is set out in any relevant contract you may hold with us. For example:

As long as necessary to carry out your legal work

For a minimum of 7 years from the conclusion or closure of your legal work; in case you, or we, need to re-open your case for the purpose of defending complaints or claims against us

For the duration of a trust

Some information or matters may be kept for 16 years – such as commercial transactions, sales of leasehold purchases, matrimonial matters (financial orders or maintenance agreements etc.)

Probate matters where there is a surviving spouse or civil partner may be retained until the survivor has died in order to deal with the transferable Inheritance Tax allowance

Wills and related documents may be kept indefinitely

Deeds related to unregistered property may be kept indefinitely as they evidence ownership

Personal injury matters which involve lifetime awards or PI Trusts may be kept indefinitely

## **What are your rights?**

Under GDPR, you are entitled to access your personal data (otherwise known as a 'right to access'). If you wish to make a request, please do so in writing addressed to Jayne Brearley.

A request for access to your personal data means you are entitled to a copy of the data we hold on you – such as your name, address, contact details, date of birth, information regarding your health etc.- but it does not mean you are entitled to the documents that contain this data.

Under certain circumstances, in addition to the entitlement to 'access your data', you have the following rights:

1. The right to be informed: which is fulfilled by way of this privacy notice and our transparent explanation as to how we use your personal data
2. The right to rectification: you are entitled to have personal data rectified if it is inaccurate or incomplete
3. The right to erasure / 'right to be forgotten': you have the right to request the deletion or removal of your personal data where there is no compelling reason for its continued processing. This right only applies in the following specific circumstances:

Where the personal data is no longer necessary in regards to the purpose for which it was originally collected

Where consent is relied upon as the lawful basis for holding your data and you withdraw your consent

Where you object to the processing and there is no overriding legitimate interest for continuing the processing

The personal data was unlawfully processed

Where you object to the processing for direct marketing purposes

### **The right to object**

You have the right to object to processing based on legitimate interests; and direct marketing. This right only applies in the following circumstances:

An objection to stop processing personal data for direct marketing purposes is absolute – there are no exemptions or grounds to refuse – we must stop processing in this context

You must have an objection on grounds relating to your particular situation

We must stop processing your personal data unless:

We can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms; or

The processing is for the establishment, exercise or defence of legal claims.

## **The right to restrict processing**

You have the right to request the restriction or suppression of your data. When processing is restricted, we can store the data but not use it. This right only applies in the following circumstances:

Where you contest the accuracy of the personal data – we should restrict the processing until we have verified the accuracy of that data

Where you object to the processing (where it was necessary for the performance of a public interest or purpose of legitimate interests), and we are considering whether our organisation's legitimate grounds override your right

Where processing is unlawful and you request restriction

If we no longer need the personal data but you require the data to establish, exercise or defend a legal claim

## **Complaints about the use of personal data**

If you wish to raise a complaint on how we have handled your personal data, please contact Jayne Brearley who will investigate further.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner's Office (ICO).

## **Marketing data**

Although unlikely, we may contact you for the purpose of direct marketing. This means that we may use your personal data that we have collected in accordance with this privacy policy to contact you about our products or services, events etc. which we feel may interest you. The direct marketing communications may be provided to you by social media channels, email or post. We will never send marketing communications via SMS or call you without your specific consent; nor do we ever pass on or sell your details to a third party.

## **How we collect personal data**

The following are examples, although not exhaustive, of how we collect your personal information:

Submitting an online enquiry

Ask us a question or submit any queries or concerns you have via email

Whenever we collect your personal data, you will be provided the opportunity to 'opt in' to receiving marketing communications from us. We hope you will provide this information so you find our communications useful but if you choose not to this will have no effect on accessing our legal services.

Jayne Brearley & Co handle enquiries at different stages and we group those enquiries in three main ways. We will take the following steps in each instance:

Prospects: Consent will need to be recorded before being added to marketing campaigns.

Fixed fee clients: Legitimate interest will be the legal basis. Relevant marketing communication by email may be sent during the case and once the case has been closed. Clients have the option to exclude themselves from marketing on the telephone when speaking to an advisor or contacting Jayne Brearley & Co through email or otherwise.

Retainer clients: Legitimate interest will be the legal basis. Relevant marketing communication by email may be sent during the case and once the case has been closed. Clients have the option to exclude themselves from marketing on the telephone when speaking to an advisor or contacting Jayne Brearley & Co through email or otherwise.

### **How we may use your details**

The following are examples, although not exhaustive, of how we may use your personal information for our legitimate business interests:

fraud prevention

direct marketing

network and information systems security

data /analytics /enhancing, modifying or improving our services

identifying usage trends

determining the effectiveness of promotional campaigns and advertising.

We may use your personal information for legitimate interests such as direct marketing or under reasonable expectation to provide you with information you would expect to receive or that would benefit and enhance our relationship. This information will help us review and improve our products, services and offers.

### **Your rights**

You have the right to object to this processing. Should you wish to do so please email [enq@jaynebrearleyandco.co.uk](mailto:enq@jaynebrearleyandco.co.uk)

## **How we protect your personal information**

We will only ever use non sensitive personal information in relation to marketing, such as name, address, telephone, email, job description and previous buying behaviours. Sensitive information or specific details will never be used for marketing.

If you do not wish us to continue to contact you in this way, you can contact us by emailing [eng@jaynebrearleyandco](mailto:eng@jaynebrearleyandco). Your details will be removed immediately. Once unsubscribed, you may still receive transactional emails from us regarding your legal case.