

## Privacy Notice

### WHAT IS THIS?

1. When you deal with Tennant Mickleburgh Solicitors you trust us with your information. We take privacy seriously and we are committed to protecting the data you provide to us.
2. This policy explains when and why we process personal data collected from you or provided to us by third parties, how this data is used, the conditions under which it may be disclosed to others, and how it is kept secure. It also provides you with information regarding various rights you may have in respect of processing of your personal data by Tennant Mickleburgh Solicitors.
3. This policy may be updated from time to time in accordance with changing privacy and data protection laws, so please re-visit this page occasionally to ensure that you are happy with any changes. If any amendments have an impact on how we process your personal data, the notice will say so.

### WHO WE ARE

4. Tennant Mickleburgh Solicitors (Tennant Mickleburgh) is a partnership and its registered office is at The Union Building, 51-59 Rose Lane, Norwich, NR1 4BY. Tennant Mickleburgh is a Controller of personal data registered with the Information Commissioner under registration number ZB346140.
5. As a law firm, in most situations Tennant Mickleburgh is a data Controller. This means that Tennant Mickleburgh determines why and how the personal data it collects, is processed. In very limited circumstances, Tennant Mickleburgh may act as a data Processor, in which case it will process personal data only on documented instructions of another Controller.
6. Where this policy refers to “Tennant Mickleburgh”, “we”, “our” or “us” below, unless it mentions otherwise, it is referring to the particular company that is the Controller of your personal data.

### HOW WE COLLECT YOUR PERSONAL DATA

7. When we refer to “personal data”, we mean information that could identify you directly, such as your name, or indirectly by a certain characteristic combined with information we already hold about you.
8. We may receive information about you from you or third parties when we are acting for you or a client and we are required to obtain information about you, for example if you are employed by or an officer of a client company, a beneficiary of an estate or trust or a party or a witness in a litigation case.

9. Where we receive information about you from a third party, we will only use that information for the purposes of the legal matter and to comply with any regulatory or legal obligations we are subject to.

### **Information that you give to us**

10. You give us information about yourself when you make an enquiry to Tennant Mickleburgh, or engage us to provide legal services, or when entering information via our website (please see our [website privacy policy](#)), opt-in/consent forms, apps or by communicating with us by phone, post, e-mail, live chat, social media or otherwise. It includes additional information that you provide to us during the course of any legal matter.

### **Information we receive from you or other sources**

11. We may receive information about you from third parties. For example:

#### **Personal data**

- your contact details.
- identification information.
- financial or billing information.
- employment information; and
- any details from correspondence and information regarding a matter on which we advise our client, including for example:
  - biographical; or
  - personal/circumstantial details.

#### **This information may be provided:**

##### **In transactional matters**

Law firms, accountants and other professional advisors acting for you where our client is a party to or otherwise concerned in the course of, for example:

- a corporate transaction (where your details may be placed in an online data room by us or other advisers);
- a commercial or domestic property transaction.
- a family, trust or probate matter; or
- due diligence.

##### **By customers of financial institutions**

- Banks, building societies and finance companies, where you are their customer/debtor, who are clients of ours or from whom we are given or request information.

### **By clients acting in a representative capacity**

- Personal representatives, attorneys, trustees, deputies and litigation friends who may provide us with information in connection with a matter including litigation which we are conducting for a client.
- Friends, family members or colleagues who may provide information to us about you as part of the work we undertake for them, for example where you are or may be:
  - a beneficiary of an estate or trust.
  - appointed by them in some representative capacity, such as executor; or
  - a party in or a witness to a dispute.

### **Our people**

- Recruitment consultants who may provide information about you to us in relation to a potential job at Tennant Mickleburgh.
- Employers who may provide a reference on you to us.
- Court agents, court officers (i.e. sheriffs and enforcement officers) or trace agents.

### **From regulators**

- Regulatory bodies when making regulatory enquiries.
- Enforcement authorities including, when making enquiries into potential criminal offences, the Police.

### **Through referrals**

- Professional advisers who may refer your case or matter to us.
- Any other introducer of a case or matter to us.

12. We may supplement the personal data collected from you with information from publicly available sources, such as information to validate your identity or address, or to perform a credit or an identity check.

### **Information we automatically collect about you**

13. We may automatically collect information about you which we may observe, detect or create without directly asking you to provide the information to us. In common with most other businesses, this will mainly include information gathered automatically through your use of our website or online services. The settings on our website allow you to reject the non-essential cookies. Please see our [website privacy policy](#) for further details.

### **Mandatory information**

14. Please note that your provision of documents for identity verification purposes is necessary for us to comply with our legal and statutory obligations. Failure to provide these documents will mean that we are unable to undertake identity verification as required by Money Laundering Regulations 2017, as amended and the Money Laundering and Terrorist Financing (Amendment) (EU Exit) Regulations

2020, and, subsequently, we will not be able to act for you or the organisation instructing us, as applicable.

**TYPE OF PERSONAL DATA WE PROCESS ABOUT YOU**

15. As a law firm dealing with cases and matters, we may process a range of personal data about you. To make it easier to understand the information that we use about you, we have divided this information into categories in the table below and provided a short explanation of the type of information each category covers (please note that not all categories may be applicable to you):

<b>Category</b>	<b>Personal data included in this category</b>
<b>Banking/Billing</b>	information used to send/receive funds to/from you or that appears on your bills
<b>Behavioural</b>	your activities, actions and behaviours
<b>Biographical</b>	your life experiences and circumstances
<b>Cardholder</b>	your payment card details
<b>Contact</b>	information which can be used to address, send or otherwise communicate a message to you (i.e. email address, postal address, employer name and job title)
<b>Correspondence</b>	information contained in our correspondence or other communications with you or about you, or about our products, services or business
<b>Employment</b>	your previous, current or future employment details
<b>Financial</b>	Information of financial transactions, history, standing and forecasts including credit and other references
<b>Geo-location</b>	information which contains or reveals the location of your electronic device
<b>Identification</b>	information contained in a formal identification document or social security or other unique reference relating to you
<b>Insurance</b>	your insurance applications, policies and any information relating to your insurance claim
<b>Legal</b>	information from public and other records including Companies House, Land Registry, HM Courts & Tribunals Service, Government and Local authorities, Regulators and Enforcement agencies including relating to legal claims made by you or against you or the claims process
<b>Monitoring</b>	we may record phone or video calls and meetings and retain transcripts of dialogue i.e. livechat conversations, for our records or for training purposes. If you visit one of our offices, your image may be recorded on CCTV for security purposes
<b>Sensitive/Special Categories of Personal Data</b>	your racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, any personal data that relates to your health, sex life,

	sexual orientation or criminal offences or records or any genetic or biometric data about you
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#### HOW AND WHY WE USE YOUR PERSONAL DATA

16. We may use the information we collect about you in the following ways.

#### Where it is necessary for us to perform a CONTRACT with you

17. We may use and process your personal data where we have supplied you (or continue to supply you) with any legal services, where we have arranged for the supply of another firm's services to you, or where you are in discussions with us about a particular matter on which you are considering taking advice.
18. We will use your information in connection with the contract for the provision of services when it is needed to carry out that contract or for you to enter into it.
19. We may also use and process your personal data in connection with our recruitment activities, if you apply for a position with us (whether directly or through a third party) or send your details to us on a speculative basis (for further details, please refer to our [Applicant Privacy Notice](#)).

#### Where we have a LEGITIMATE INTEREST

- We may use and process your personal data where it is necessary for us to pursue our legitimate interests as a business for the following purposes.
- to carry out our conflict checks to ensure that we are able to provide services to you.
- to enter into and perform the contract we have with you or your business (where you are an employee or an owner of that business).
- to carry out work when instructed by another firm who is representing you.
- to assess and improve our service to clients or our clients' customers (where applicable) through recordings of any calls and live chat sessions.
- to pursue a legal claim on behalf of our clients (including debt recovery).
- for the prevention of fraud and other criminal activities.
- to verify the accuracy of the data that we hold about you and to create a better understanding of you as a client and our clients' customers (where applicable).
- to create a profile of you based on any preferences you have indicated to us to enable us to decide what products and services to offer to you for marketing purposes.
- to undertake analysis to inform our business and marketing strategy (this may include the use of your data once it has been anonymized)
- to inform you about relevant events, products, news updates and announcements you may be interested in.
- to manage and deliver internal projects for business improvement.
- for network and information security purposes to enable us to take steps to protect your personal data against loss or damage, theft or unauthorised access.

- to comply with a request from you in connection with the exercise of your rights (e.g., where you have asked us not to contact you for marketing purposes, we will keep a record of this on our suppression lists in order to be able to comply with your request).
- to assist in the management of queries, complaints or claims.
- to notify you or your business of changes in the law that might affect you or your business; and
- for the establishment, exercise or defence of our legal rights.

## **Where required by LAW**

20. Where you engage us to provide legal services to you, we will need to process your personal data and the personal data of third parties in order to comply with our legal obligations, for example under the Civil Procedure Rules or the Family Procedure Rules. We also have a legal obligation to comply with the SRA's Codes of Conduct, the Law Society of Scotland rules, the Law Society of Northern Ireland rules and the Financial Conduct Authority Handbook.
21. It is also a legal requirement for you to provide us with information to verify your identity in connection with anti-money laundering and criminal financing legislation. We will use that information for the purpose of complying with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, as amended and the Money Laundering and Terrorist Financing (Amendment) (EU Exit) Regulations 2020, (or such other legislation that may replace or supersede these Regulations from time to time) unless we have obtained your consent to use it for any other purpose.
22. We may use and process your personal data in order to comply with other legal obligations to which we are subject, as follows:
  - to maintain a register of corporate gifts and hospitality to comply with anti-bribery laws.
  - to maintain a record of undertakings where you are either a beneficiary of an undertaking or the person obliged to perform it.
  - to maintain a record of undertakings where Tennant Mickleburgh is the giver or receiver of an undertaking.
  - to comply with our other legal and regulatory obligations, e.g., undertaking conflict checks; and
  - for the prevention of fraud and other criminal activities.

## **In the VITAL INTERESTS of the individual**

23. From time to time in the course of representing individuals who may be troubled, in danger, very young or otherwise unable to exercise due care for their own safety or where we genuinely believe there is an immediate risk of harm to an individual, we may in extreme circumstances use information about our client, or a person connected with them or a client's customer in order to take action to protect them.

**Where you have provided CONSENT**

24. We will seek consent from you where we wish to feature your identity in a published case study, press release, advertisement or testimonial or wish to include your image in a photograph or video in connection with public relations or promotional activities.
25. You have the right to withdraw your consent at any time. Please see [Withdrawing your consent](#) section for further details.

**Special categories of personal data**

26. We may need to use more sensitive personal data (known as “special categories of personal data”) about you, or others associated with you, e.g. your family/carers). We will only use this kind of information where:
  - we have your explicit consent; or
  - it is necessary for us to use this information to protect your vital interests or those of another person where it is not possible to obtain consent; or
  - it is necessary for us to do so in connection with the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; or
  - in exceptional circumstances, another of the grounds for processing special categories of personal data are met, such as protecting the economic well-being of an individual at economic risk.
27. Where you have provided us with explicit consent to use special categories of personal data about you, you may withdraw your consent for us to use this information at any time. Please see [Withdrawing your consent](#) for further details.
28. Please note that if you choose to withdraw your consent for us to use special categories of personal data about you, this may impact our ability to provide legal or support services to you which may not be in your best interest.

**Use of anonymised data**

29. We may use data derived from the personal data we process for our legitimate business purposes including our commercial research, after it has been anonymised.
30. Anonymised data is data from which individuals cannot be identified or made identifiable neither by us nor anyone else. Anonymised data is not subject to data protection laws.

**OTHERS WHO MAY RECEIVE OR HAVE ACCESS TO YOUR PERSONAL DATA**

**Our suppliers and service providers**

31. Our work for you may require us to provide information to third parties who will use your information for the purposes of providing services to us or directly to you on our behalf. Such third parties may include for example insurers, payment processing, software providers and mailing services.
32. When we use third party service providers, we only disclose to them any personal data that is necessary for them to provide their services and we have an agreement in place that requires them to keep your data secure and not to use it other than in accordance with our specific instructions.

**Others involved in your case or matter**

33. Our work for you may require us to provide information to third parties such as law firms, accountants, counsel, expert witnesses, medical professionals and other professional advisers, who will use your information in connection with your case or matter (see paragraphs 12 to 13 for a list of third parties we deal with). They may provide their own services directly to you.
34. Where we are engaged by a third party such as a bank or lender in connection with your contract with them, we may share information you provide to us with that third party about the progress of the case.
35. Any third party to whom we disclose information about you will be under an obligation to keep your information secure and not to use it for any purpose other than that for which it was disclosed unless you agree with them otherwise.

**Credit/debit card payment processors**

36. All payment information is handled using encrypted technology and we are compliant with the Payment Card Industry Data Security Standards (PCI-DSS). Where you make a payment to us by credit or debit card, we will use the payment card information only for the purpose of processing that specific transaction.
37. No credit or debit card details are stored once your payment has been processed and the transaction is completed.
38. When you pay for any services over internet, your credit/debit card payment is processed by a third-party payment processor, who specialises in the secure online capture and processing of credit/debit card transactions. If you have any questions regarding secure transactions, please contact us using the details at the end of this policy.

## Direct debit payments

39. If you set up a direct debit, your name, bank account number and sort code will be shared electronically with your bank or building society and a third-party processor in order to set up the direct debit mandate.
40. A copy of your direct debit mandate will also be held by Tennant Mickleburgh to allow us to track any payments made and will be kept in accordance with our data retention policy.
41. You may cancel a direct debit at any time by informing us and contacting your bank or building society.

## Other ways in which we may share your personal data

42. We may transfer your personal data to a third party as part of a sale of some or all of our business and assets to any third party or as part of any business restructuring or reorganisation. We may also transfer your personal data if we are under a duty to disclose or share it in order to comply with any legal obligation, to detect or report a crime, to protect your vital interests, to enforce or apply the terms of our contracts or to protect the rights, property or safety of our visitors and clients. However, we will always take steps to ensure that your privacy rights continue to be protected.

## WHERE WE STORE YOUR PERSONAL DATA

43. We use cloud storage for client files. Our cloud software provider is LEAP. LEAP's cloud infrastructure is provided and maintained by industry leading cloud-platform provider Amazon Web Services. Amazon Web Services demonstrates a commitment to information security at every level of the organisation and complies with internationally recognised standards, the EU Data Protection Directive, and regulations and the Data Protection Act 2018. If you object to your files/other details being stored in this way, please let us know. The third parties listed under Others who may receive and have access to your personal data may be located outside of the UK or they may transfer your data outside of the UK. Those countries may not have the same standards of data protection and privacy laws as in the UK, which means additional safeguards must be put in place.
44. We will not transfer your personal data to other countries unless we have in place appropriate safeguards, such as:
  - The countries where the data is transferred are covered by the UK adequacy regulations. These countries have been assessed and approved by the UK government as having adequate protection of personal data.
  - The transfer is based on standard contractual clauses (SCCs) ensuring appropriate safeguards. This may include requiring the recipients of the data to protect your personal data to the same standard required in the UK.

- The transfer is based on a Derogation for specific situations, as permitted by the data protection law; or
- Where the recipient subscribed to a UK approved international framework, intended to enable secure international transfers.

### HOW LONG WILL WE KEEP YOUR PERSONAL DATA FOR

45. If we collect your personal data, the length of time for which we retain it is determined by a number of factors including the type of data, the purpose for which we use that data and our regulatory and legal obligations attached to this use.
46. We maintain internally a full schedule of types of data and the specified period of time for which we will retain this.
47. Typically, the retention criteria are as follows for the following data types:

Personal data	Retention period
Queries and claims	Minimum of 7 years
Potential instructions	6 months in conveyancing
Recruitment data	Up to 12 months after candidate application
For legal and regulatory requirements	Time periods above might vary depending on legal and regulatory requirements

48. The only exceptions to this are where:
- the law requires us to hold your personal data for a longer period or delete it sooner.
  - you exercise your right to have the data erased (where it applies) and we do not need to hold it in connection with any of the reasons permitted or required under the law (see Erasing your personal data or restricting its processing); or
  - in limited cases, the law permits us to keep your personal data indefinitely provided we have certain protections in place.

### YOUR RIGHTS

49. You have a number of rights in relation to your personal data under data protection legislation. In relation to certain rights, we may ask you for information to confirm your identity and, where applicable, or clarification to enable us to find your personal data. Except in rare cases, we will respond to you within one calendar month from either (i) the date that we have received your clarification; or (ii) we have confirmed your identity; or (ii) where we do not need to do this because we already have this information, from the date we received your request.

### **Accessing your personal data**

50. You have the right to ask for a copy of the data that we hold about you by emailing or writing to us at the address at the end of this policy. We may not be able to provide you with a copy of your personal data if it concerns other individuals or we have another lawful reason to withhold that data.
51. We may charge you a reasonable fee based on administrative costs if you request a copy of data we have previously provided to you or if your request is manifestly unfounded or excessive.
52. In line with our environmental commitments, we will try to provide you with a copy of your data by electronic means where this is possible, unless you have specified otherwise in your request.

### **Correcting and updating your personal data**

53. The accuracy of your data is important to us, therefore if you change your name or address/email address, or you discover that any of the other data we hold is inaccurate or out of date, please let us know by contacting us using the details set out at the end of this policy.

### **Withdrawing your consent**

54. Where we rely on your consent as the lawful basis for processing your personal data, as set out under How we use your personal data, you may withdraw your consent at any time by emailing or writing to us at the address at the end of this policy. (Please use "Withdrawal of consent" as the subject heading of your email).
55. If you withdraw your consent, our use of your personal data up until you're the date you withdrew your consent is still lawful.

### **Objecting to our use of your personal data**

56. Where we rely on our legitimate interests as the lawful basis for processing your personal data for any purpose(s), as set out under How we use your personal data, you may object to our using your personal data for these purposes by emailing or writing to us at the address at the end of this policy. Except for the purposes for which we are sure we can continue to process your personal data and where our interests override yours (e.g., in debt recovery), we will temporarily stop processing your personal data in line with your objection until we have investigated the matter. If we agree that your objection is justified in accordance with your rights under data protection legislation, we will permanently stop using your data for those purposes. Otherwise, we will provide you with our justification as to why we need to continue using your data.

57. You may object to us using your personal data for direct marketing purposes and we will immediately comply with your request. If you would like to do so, please email [zmilner@tennantmickleburgh.com](mailto:zmilner@tennantmickleburgh.com)
58. You may also contest a decision made about you based on automated processing by emailing or writing to us at the address at the end of this policy.

### **Erasing your personal data or restricting its processing**

59. In certain circumstances, you may ask for your personal data to be removed from our systems by emailing or writing to us at the address at the end of this policy. Please note that this right is not an absolute right. Provided we do not have any continuing lawful reason to continue processing or holding your personal data, we will make reasonable efforts to comply with your request.
60. You may also ask us to restrict processing your personal data where you believe our processing is unlawful, you contest its accuracy, you have objected to its use and our investigation is pending, or you require us to keep it in connection with legal proceedings. We may only process your personal data whilst its processing is restricted if we have your consent or are legally permitted to do so, for example for storage purposes, to protect the rights of another individual or company or in connection with legal proceedings.

### **Transferring your personal data in a structured data file**

61. Where we rely on your consent as the lawful basis for processing your personal data or need to process it in connection with your contract, as set out under How we use your personal data, you may ask us to provide you with a copy of that data in a structured data file. We will provide this to you electronically in a structured, commonly used and machine-readable form, such as a CSV file.
62. You can ask us to send your personal data directly to another service provider, and we will do so if this is technically possible. We may not be able to provide you with a copy of your personal data if this concerns other individuals or we have another lawful reason to withhold that data.

### **Complaining about the use of your personal data**

63. If you wish to complain about the way we use your personal data, you can e-mail us using the details set out at the end of this notice. If you are dissatisfied with our response to your complaint and remain concerned about the way we have processed your personal, you have the right to complain to the Information Commissioner's Office (ICO) data or seek to enforce your rights through a judicial remedy. Please visit the ICO's website for further details.

## SECURITY

### How we protect your personal data

64. The transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our website and any transmission is at your own risk. Once we have received your personal data, we have in place reasonable and appropriate controls to ensure that it remains secure against accidental or unlawful destruction, loss, alteration, or unauthorised access.
65. Where we collect any special categories of personal data about you, we will apply additional security controls to protect it.
66. Where we have given you (or where you have chosen) a password which enables you to access any of our online or electronic resources, you are responsible for keeping this password confidential. We advise you not to share your password with anyone.

### Links to other websites

67. Our website may contain links to other websites run by other organisations. Please see our [website privacy policy](#). This policy does not apply to those other websites, so we encourage you to read their privacy statements. We are not responsible for the privacy policies and practices of other websites even if you access them using links that we provide, and their security cannot be guaranteed.
68. If you linked to our website from a third-party website, we cannot be responsible for the privacy policies and practices of the owners and operators of that third-party website and recommend that you check the policy of that third-party website.

## COOKIES

### Use of 'cookies'

69. Like many other websites, our website uses digital cookies (including Google Analytics cookies to obtain an overall view of visitor habits and visitor volumes to our website). 'Cookies' are small pieces of information sent to your computer and stored on its hard drive to allow our website to recognise you when you visit. Our settings for cookies enable you to reject the non-essential cookies.
70. It is also possible to switch off cookies by setting your browser preferences. Please note that this may impact functionality of some webpages and your browsing experience. For more information on how we use cookies and how to switch them off, please see our [Cookies Policy](#).

## MARKETING AND OTHER COMMUNICATIONS

71. You will only receive tailored marketing information from Tennant Mickleburgh (including information about our products and services, relevant insights, webinar and event invitations and other news or announcements) if you are a client of the firm (or associated with a client of the firm), or where we have your express consent to do so. We also reserve the right to email you with marketing information if you fall outside of the groups specified above, if we believe it is in your interest to receive the communication. You will be invited by email to opt-in online as a result of:

- You or your employer becoming a client of Tennant Mickleburgh.
- Your attendance at an event, seminar or webinar hosted, or co-hosted, by or with Tennant Mickleburgh.
- Your attendance at a 'public' event organised or co-hosted by Tennant Mickleburgh that has been promoted via social media or other advertisement.
- You are providing a business card directly to an employee of Tennant Mickleburgh at a trade or networking/business event.
- You are registering your brief contact details in order to obtain information or free downloads from a Tennant Mickleburgh website;
- An email request from you to attend an event we have advertised via social media or on our website or via a third party; or
- An employee adding your details to our database due to an existing relationship.

If you would like to withdraw your consent or opt-out of receiving any Centralised Communications, you can do so by emailing [zmilner@tennantmickleburgh.com](mailto:zmilner@tennantmickleburgh.com). You will receive an email from us at intervals of no less than 2 years where you will be asked to confirm your contact details to ensure we keep accurate records.

72. Unsubscribing to our marketing information will not remove our right to contact you regarding the work we carry out for you or on behalf of our clients.

73. We may contact you in response to an article or social media promotion that you have carried out.

74. If you are a client or contact of Tennant Mickleburgh, we may contact you personally to notify you of changes in the law that might affect you or your business, or specific events/information that may benefit you or your business.

75. We may occasionally share personal data with trusted third parties to help us deliver efficient and quality services. Any such recipients will be contractually bound to safeguard the data we entrust in them and will not contact you to offer other services

76. Please see ***Objecting to our use of your personal data***

above for further details on how you can do this.

**CONTACT US**

77. In the first instance, please contact Zéline Milner at [zmilner@tennantmickleburgh.com](mailto:zmilner@tennantmickleburgh.com) with any queries about this Notice or about the way we process your personal data.
78. You can also write to us at Tennant Mickleburgh Solicitors, The Union Building, 51-59 Rose Lane, Norwich, NR1 4BY.

Last updated: 11<sup>th</sup> July 2022