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## **Privacy Notice - General Data Protection Regulations (“GDPR”)**

### **Information for Clients – Introduction**

The General Data Protection Regulations (GDPR) are European regulations which introduce changes to the Data Protection Act 1989 that includes additional rights for individuals in relation to their personal and sensitive personal data.

GDPR applies to all EU Member States from 25 May 2018. Dudden Law Solicitors are committed to protecting and keeping confidential all the information you provide to us, subject to certain legal duties set out in our client care letter sent to you at the outset of your matter.

We ask that you read this privacy notice carefully as it contains important information about who we are, how and why we collect, store, use and share personal information, your rights in relation to your personal information and how to contact us and supervisory authorities in the event you have a complaint.

### **Who are Dudden Law Solicitors**

Dudden Law Solicitors is the trading name of R Dudden Law. The office is at Roath Chambers, 80 Albany Road, Cardiff, CF24 3RS. It is a legal practice which is authorised and regulated by the Solicitors Regulation Authority under number 629102.

We collect, use and is responsible for certain personal information about you. We are required by the GDPR to be registered with the Information Commissioner and Dudden Law Solicitors is responsible as the ‘controller’ of that personal information.

The law states that we are allowed to use personal information only if we have a proper and lawful reason to do so.

The GDPR says we must have one or more of these reasons to use your personal information:

- **Contract:** the processing is necessary for a contract we have with an individual, or because they have asked us to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

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- **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.
- **Consent:** the individual has given clear consent for us to process their personal data for a specific purpose.
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### **The personal information we collect**

In the course of your legal transaction we collect the following personal information when you provide it to us:

- Name, address, date of birth, contact information (telephone and email where appropriate) and National Insurance number (where appropriate)
- Identity information and documentation
- Additional information in relation to your legal transaction to enable us to advise you and progress your case. This will depend on the type of legal work you instruct the firm to undertake

### **The personal information we use**

We use your personal information primarily to enable us to provide you with a legal service in accordance with your instructions. We also use your personal information for related purposes including identity verification, administration of files, updating existing records if you have instructed us previously, analysis to help improve the management of the firm, for statutory returns and legal and regulatory compliance.

The information will be held in hard copy and/or electronic format.

You are responsible for ensuring the accuracy of all the personal data you supply to us, and we will not be held liable for any errors unless you have advised us previously of any changes in your personal data.

We will only take instructions from you or someone you authorise in writing. Where you are acting as an agent or trustee, you agree to advise your principal or the beneficiary of the trust that their personal information will be dealt with on these terms. If we are working on your matter in conjunction with other professionals who are advising you, including experts, barristers, banks, building societies, mortgage lenders, estate agents etc., we will assume, unless you notify us otherwise, that we

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may share and disclose relevant personal data and information about your matter to them, if we feel it is appropriate and necessary.

We use a private, secure, cloud computing case management system hosted by our IT partners. All IT providers we use are subject to strict confidentiality agreements with this firm and we will ensure that they meet GDPR obligations in relation to the service they provide to us. All of the personal information you provide to us is kept in the UK; we will not transfer any of your personal data to another country outside the UK unless you specifically instruct us to do so.

### **The personal information we share**

Subject to the SRA Code of Conduct and the requirements with regard to client confidentiality, we may share your personal information with:

- Lawyers or other organisations on the other side of your case
- Barristers or experts we instruct
- The courts and other tribunals
- Your Personal Representatives or Attorneys
- Auditors
- Lenders
- Estate Agents, IFAs, Referrers, etc
- Organisations that we introduce you to.
- HM Revenue and Customs
- The government both Central and Devolved
- Fraud Prevention Agencies including the National Crime Agency
- The SRA and other regulators
- ID checking organisations
- Selected 3rd party processors, including those utilised to maintain internal software / hardware, for communications purposes or where we outsource any of our business functions under which we collect or store your data, in which case we will ensure that any such service provider adheres to at least the same obligations of security with regard to your data as undertaken by us

There may be occasions when we are under a legal duty to share personal information with law enforcement or other authorities, including the Solicitors Regulation Authority or the Information Commissioner. If we are required to disclose

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information to the National Crime Agency, we may not be able to tell you that a disclosure has been made. We may have to stop working for you for a period of time and may not be able to tell you why. We cannot be held liable for any loss you suffer due to delay or our failure to provide information in these circumstances. Occasionally some of our client files may be audited strictly confidentially by external auditors or examiners to ensure we meet our legal, quality and financial management standards.

Some information may be disclosed to our professional indemnity insurers and to our financial auditors if required, but this information is provided on a strictly confidential basis where this concerns individuals.

### **Special categories of data**

Special categories of data are data relating to your:

- Health
- sex life
- sexual orientation
- race
- ethnic origin
- political opinion
- religion
- trade union membership
- genetic and biometric data.

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- you have given explicit consent to the processing
- we must process the data in order to carry out our legal obligations
- we must process the data in order to carry out the contract to provide legal services to you
- we must process data for reasons of substantial public interest

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- you have already made the data public

We will use your special category data:

- when processing is necessary for the establishment, exercise, or defence of your legal matter.
- for the purposes of equal opportunities monitoring
- to determine reasonable adjustments

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights, including where processing is necessary for the establishment, exercise, or defence of legal matter. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent. Consent, once given, may be withdrawn at any time.

You have the right to withdraw your consent by contacting us as stated above. However, if you do so then we may not be able to progress your case or indeed continue to act for you.

You may object at any time and refusing your consent will not affect our work for you. We will not submit files for external audit or disclose personal information to directories where there is particularly sensitive material

### **How long your personal data will be kept**

We will hold your personal data including your name, address and contact details plus your file of papers for a period of time, depending on the nature of your case. We will confirm this to you at the end of your case. After this period of time, your file of papers including the electronic file, will be destroyed confidentially without further reference to you, unless we contact you to confirm other arrangements or you contact us to request your file of papers at an earlier date.

We are legally obliged to keep certain information for at least 5 years and typically store your file for a minimum of 6 years before destroying it.

We will store Wills and other documents indefinitely.

We will keep your name and personal contact details on our database until you tell us that you would like them removed e.g. where you have changed solicitor.

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Further details about safeguarding your file and our file storage and destruction arrangements are provided in the client care letter provided at the outset of every matter.

In order to meet our regulatory requirements, we may be required to retain basic information about you to include your name, address and date of birth on our electronic database for a longer period of time.

### **Marketing Information**

Marketing information about the firm and up to date articles which may be of interest to you are available on our website [www.duddenlaw.co.uk](http://www.duddenlaw.co.uk).

In relation to future marketing, we would like to keep in touch with you and let you know periodically about information that we think may be of specific interest to you or to tell you about events or developments in the firm.

We may ask you to provide your email address and give specific confirmation that you want to “opt in” to us sending you such information in the future. If you provide your consent, you may withdraw it at any time by contacting us to confirm that you no longer want us to contact you. If you provide your consent, we may use third party software and services to assist us in relation to the processing of our marketing communications, but we will ensure we have confidentiality agreements in place and will never disclose your information to third parties for them to use for their own marketing purposes.

If you are an existing client of the firm or we are holding documents for you such as Wills or Deeds we may rely on legitimate interests as the reason for contacting you in future. We will only do this where we feel it would be of benefit to you or where we need to update you in relation to our terms and conditions.

Our website makes use of some third party cookies, including the Google analytics cookie and the Facebook Pixel.

Please see the [Google privacy policy](#) and the [Facebook privacy policy](#) of information on these cookies.

### **Your rights**

Under the GDPR you have a number of important rights, free of charge.

- Please be aware that you have the following data protection rights:

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- The right to be informed about the personal data the Company processes on you;
- The right of access to the personal data the Company processes on you;
- The right to rectification of your personal data;
- The right to erasure of your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision making and profiling; and
- The right to withdraw consent at any time.

Further information about these rights can be found on the Information Commissioners Website [www.ico.org.uk/for-the-public/](http://www.ico.org.uk/for-the-public/) . If you would like to exercise any of these rights, please:

- email, call or write to us
- let us have enough information to identify you
- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill), and
- let us know the information to which your request relates, including any account or reference numbers, if you have them.

The right to rectification, If you think any information we have about you is incomplete or wrong, then you have the right to ask us to correct it. Please contact us.

### **Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner

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and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

### **How to complain**

We hope that we can resolve any query or concern you raise about our use of your information. The GDPR also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at [www.ico.org.uk/concerns/](http://www.ico.org.uk/concerns/) or telephone 0303 1231113.

### **Changes to this privacy notice**

This privacy notice was published on 24 May 2018. We may change this privacy notice from time to time. When we do we will inform you via our website or by a direct communication with you.

### **How to contact us**

Please contact our us if you have any questions about this privacy notice or the information we hold about you. If you wish to contact us, please send a letter marked Data Protection, Dudden Law Solicitors, Roath Chambers, 80 Albany Road, Cardiff, CF24 3RS or call 02921 320 150.

If you would like this notice in another format please let us know.