

## Privacy Policy

This Privacy Notice explains, in detail, the types of personal data we may collect about you when you interact with us. It also explains how we'll store and handle that data and keep it safe.

We know that there is a lot of information in this document and the accompanying "client care" letter, but we want you to be fully informed about your rights, and how Birds Solicitors uses your data. We hope the following sections will answer any questions you have but if not, please do get in touch with us.

### 1. Conditions for Processing Data

We are only entitled to hold and process your data where the law allows us to. The current law on data protection sets out a number of different reasons for which a law firm may collect and process your personal data. These include:

- ***Contractual obligations***

The main purpose for our holding your data is to provide you with legal services under the agreement we have with you. This agreement is a contract between us and the law allows us to process your data for the purposes of performing a contract (or for the steps necessary to enter into a contract). We may also need to process your data to meet our contractual obligations to the Legal Aid Agency where you receive legal aid to fund your case or advice.

- ***Legitimate Interests***

In specific situations, we require your data to pursue our legitimate interests in a way which might reasonably be expected as part of running our business and which does

not materially impact your rights, freedom or interests. This may include to satisfy our external quality auditors or our Regulators.

- ***Legal compliance***

If the law requires us to, we may need to collect and process your data. For example, we can pass on details of people involved in fraud or other criminal activity.

- ***Consent***

In some situations, we can collect and process your data with your consent. When collecting your personal data, we will always make clear to you when we believe your consent is necessary and you will be able to choose whether to give that consent.

## **2. When do we collect your data?**

We normally collect your data when you provide it to us or when it is provided to us by others (e.g. by the prosecution) during your case. You may give us your data by email, through an online web form, over the telephone, face to face or by post.

## **3. What sort of data do we collect?**

We collect your name and contact details. This may include asking for and keeping a copy of your passport or driving licence and proof of address.

We may gather details of your age; ethnicity; gender etc. if required to do so by the Legal Aid Agency where you are in receipt of Legal Aid. Where you have Legal Aid, we may also gather financial information from you.

We also collect and hold information about your case or legal problem and about your finances and financial circumstances.

## **4. How do we use your data?**

We only use your data for the purposes dealing with your enquiries and/or for providing you with legal services (legal advice, assistance and where appropriate,

representation) and for purposes directly associated with those services (i.e. providing information to quality auditors, the Legal Aid Agency etc.).

We may use your data to notify you of our other services but only where we have your consent to do so or the law allows us to contact you without consent.

## **5. How do we protect your data?**

We take protecting your data very seriously. The data you give us may be subject to Legal Professional Privilege and is often extremely sensitive and confidential.

With this in mind, we will treat your data with the utmost care and take all appropriate steps to protect it. We have clear data protection and information security policies and procedures in place (along with regulatory and other legal obligations to keep your data safe) and these are regularly assessed as part of our Quality Standards and compliance processes.

We protect our IT system from Cyber Attack. Access to your personal data is password-protected.

We regularly monitor our system for possible vulnerabilities and attacks, and we employ expert consultants to ensure that our system remains secure.

## **6. How long will we keep your data?**

We only keep your data for as long as is necessary for the purpose(s) for which it was provided.

In most cases this will be for up to 6 years after your case or matter ends (or where you are under 18 when the matter or case ends, for up to 6 years after your 18<sup>th</sup> birthday). We keep your data for this period either because we are required to keep the files for that long by our Regulator or Insurer (and, where you have received legal aid, the Legal Aid Agency) or because keeping the files for this long protects you should you need access to your file or for where you may be unhappy with our services and want to complain after your case/matter ends.

For some cases we may decide that it is proper and appropriate to keep data for longer than that the periods set out above but we will notify you if we believe that your case falls into this category.

## **7. Who do we share your personal data with?**

We sometimes share your personal data with trusted third parties. We only do this where it is necessary for providing you legal services or for the effective operation of our legal practice.

For example, we may share your data with barristers, experts, solicitor agents, police station representatives, translators, interpreters, secure file storage and destruction companies, auditors, the company that securely hosts our off-site cloud storage servers etc.

The policy that we apply to those organisations to keep your data safe and protect your privacy is as follows:

- We provide only the information they need to provide their specific services;
- They may only use your data for the exact purposes we specify in our contract with them;
- We work closely with them to ensure that your privacy is respected and protected at all times;
- If we stop using their services, any of your data held by them will either be deleted or rendered anonymous.

## **8. Where is your data processed?**

Your data is stored and processed within the European Economic Area (EEA). If we ever have to share your personal data with third parties and suppliers outside the EEA we will ensure that it is sent and stored securely and, where appropriate, we will seek your specific consent to do so.

The EEA includes all EU Member countries as well as Iceland, Liechtenstein and Norway.

## 9. What are your rights?

You have the right to request:

- Access to the personal data we hold about you, free of charge in most cases.
- The correction of your personal data when incorrect, out of date or incomplete.
- The deletion of your personal data, for example when you withdraw consent, or object and we have no legitimate overriding interest, or once the purpose for which we hold the data has come to an end – though we are not required to delete your data where we are required to hold it for complying with our own legal obligations.
- That we stop any consent-based processing of your personal data after you withdraw that consent.

To ask for your information, please contact [p.klus@birds.eu.com](mailto:p.klus@birds.eu.com).

If we choose not to action your request, we will explain to you the reasons for our refusal.

- ***Your right to withdraw consent***

Whenever you have given us your consent to use your personal data, you have the right to change your mind at any time and withdraw that consent. However, we do not rely on your consent for processing your data where you are a client or former client.

- ***Where we rely on our legitimate interest***

In cases where we are processing your personal data on the basis of our legitimate interest, you can ask us to stop for reasons connected to your individual situation.

We must then do so unless we believe we have a legitimate overriding reason to continue processing your personal data.

## **10. The Regulator**

If you feel that your data has not been handled correctly, or you are unhappy with our response to any requests you have made to us regarding the use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office.

You can contact them by calling [0303 123 1113](tel:03031231113).

Or go online to [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns)