

Data & Privacy Notice

Our Privacy Policy

In accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), this Data & 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's a lot of information here, but we want you to be fully informed about your rights, and how our firm uses your data. We hope the following sections will answer any questions you have but if not, please do get in touch with us.

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 in to 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. For example, when you tick a box to receive email newsletters. When collecting your personal data, we'll always make clear to you which data is necessary in connection with a particular service.

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 (your opponent's solicitors for example) 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.

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/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.

How do we use your data?

We only use your data for the purposes of providing you with legal advice, assistance and where appropriate, representation and for reasons 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.

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, and sensitive data is secured by encryption.

We regularly monitor our system for possible vulnerabilities and attacks, and we carry out penetration testing to identify ways to further strengthen security.

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. Normally this is for 6 years after your case or matter ends (enquiries where we do not take on your case are kept for only 18 months).

This is because we are required to keep client files for that period by our Regulator and/or by the SRA. This also protects you should you be unhappy with our services and want to complain or even sue us after your case ends.

For some cases we may decide that it is proper and appropriate to keep data for longer than 6 years, but we will notify you if we believe that your case falls into this category.

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; translators; costs draftsmen; process servers; secure file storage and destruction companies; auditors; the company that securely hosts our off-site cloud storage servers.

Here's the policy we apply to those organisations to keep your data safe and protect your privacy:

- We provide only the information they need to perform 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.

Where is your data processed?

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

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

What are your rights?

You have rights under the General Data Protection Regulation and these include the right to be informed what information we hold about you. In particular, 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
- that we stop any consent-based processing of their personal data after they have withdrawn 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

You also have the right to request a copy of any information about you that we hold at any time.

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

Contact Details

For information on how your information is used, how we maintain the security of our information, and to exercise your rights to access information we hold on you, please contact us. Similarly, if you believe that the information we hold is wrong or out of date, please let us know and we will update it. The person in this firm responsible for data protection is our Data Protection Officer, John Mellon and enquires and requests can be sent to him by emailing john.mellon@brandmellon.co.uk

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.

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.

Links to other websites

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this policy. You should exercise caution and look at the privacy statement or policy applicable to the website in question.

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 (opens in a new window; please note we can't be responsible for the content of external websites)