

# Privacy Notice

The UK General Data Protection Regulation (“UK GDPR”) and the Data Protection Act 2018 seek to protect and enhance the rights of data subjects. Birkett's LLP is committed to protecting and respecting your privacy. Birkett's LLP recognises the importance of the correct and lawful treatment of personal information, and will only use personal information as set out in this Privacy Notice.



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Please use the Glossary to understand the meaning of some of the terms used in this privacy notice.

It is important that you read this privacy notice to understand how we manage your personal data, together with any terms and conditions that we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such personal information. This Privacy Notice supplements the other notices and is not intended to override them.

This statement is compliant with control 18.1.4 under ISO 27001 in the Combined Management System.

### **Controller**

Birketts LLP is the controller and responsible for your personal data (collectively referred to as Birketts LLP, “we”, “us” or “our” in this privacy notice).

We have appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

### **Contact details**

Our full details are:

Birketts LLP  
Data Protection Officer: Sarah Ralph  
Email address: [sarah-ralph@birketts.co.uk](mailto:sarah-ralph@birketts.co.uk)  
Postal address: Providence House  
141-145 Princess Street  
Ipswich, IP1 1QJ

You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

### **Changes to the privacy notice and your duty to inform us of changes**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### **Third-party links**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control

these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read

the privacy notice of every website you visit.

### **The data we collect about you**

Personal data, or personal information, means any information about an individual from which that person can be identified.

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

**Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, National Insurance number and gender. Information to enable us to check and verify your identity e.g. your passport or DVLA details.

This is necessary to comply with a legal obligation for the purposes of preventing money laundering or terrorist financing.

**Contact Data** includes billing address, delivery address, email address and telephone numbers Details of your family members.

**Financial Data** includes bank account details.

**Transaction Data** includes details about transactions to and from you and other details of services we have provided.

**Technical Data** includes internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.

**Usage Data** includes information about how you use our website, products and services.

**Marketing and Communications Data** includes your subscription preferences in receiving marketing material from us and our third parties and your communication preferences.

We may collect and use **Aggregated Data** such as statistical or demographic data for any purpose Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not actively collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, criminal convictions and offences, trade union membership, information about your health and genetic and biometric data) however we may become aware of this data through any legal instructions.

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you ( for example, to provide you with legal services). In this case, we may have to withdraw any service

you have with us but we will notify you if this is the case at the time.

### **How is your personal data collected?**

We use different methods to collect data from and about you including through:

Direct interactions. You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- apply for our services;
- subscribe to our service or publications;
- request marketing to be sent to you;
- give us some feedback.

**Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies. Please see our cookie policy (Policy) for further details.

Third parties or publicly available sources: We will also gather personal information from other sources, including but not limited to; financial organisations, other law firms, Government agencies and regulatory bodies.

### **How we use your personal data**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

Where we need to perform the contract we are about to enter into or have entered into with you.

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.
- If you have subscribed for marketing material.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us in writing at Providence House, 141-145 Princess Street, Ipswich, IP1 1QJ or by emailing [data@birketts.co.uk](mailto:data@birketts.co.uk). If you would like to speak to us please call us on 01473 232300.

### **Purposes for which we will use your personal data**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new client	(a) Identity (b) Contact	Performance of a contract with you
To process your instructions: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you. (b) Necessary for our legitimate interests (c) Necessary for publishing and auditing of statutory accounts (d) Necessary for managing your monies and accounts with us. (e) Necessary in order to provide you with information about our services including newsletters, publications events and seminars that you have opted in to receive.
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests to keep our records updated and to study how clients use our services (d) Necessary in order to provide you with information about our services including newsletters, publications, events and seminars that you have opted in to receive.
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) (c) Necessary for our legitimate interests ( for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/ services, marketing, client relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about our services that may be of interest to you	(a) Identity (b) Contact (c) Technical	Necessary for our legitimate interests (to develop our products/ services and grow our business)
To share contact data with a joint host of a seminar or event that you are invited to	(d) Usage (e) Profile	(a) only for private individuals for shared events or seminars (a) and (b) for companies for shared events or seminars

## Marketing

We strive to provide you with choices regarding publications, seminars and events.

## Promotional material from us

We may use your subscription preferences to promote seminars or events.

You will only receive marketing communications from us if you have requested information from us and, in each case, you have not opted out of receiving that marketing.

## Opting out

You can ask us to stop sending you marketing material at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time in writing at Providence House, 141-145 Princess Street, Ipswich, IP1 1QJ or by emailing [data@birketts.co.uk](mailto:data@birketts.co.uk). If you would like to speak to us please call us on 01473 232300.

## Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly. For more information about the cookies we use, please see (Cookie Policy).

## Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

(for example: if you have instructed us for one service and then instruct us a second time for a different service) If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table above.

External Third Parties as set out in the Glossary.

Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## Transferring your personal data out of the UK/EEA

To deliver services to you, it is sometimes necessary for us to share your personal data outside the UK, e.g.:

1. if you are based outside the UK/EEA;
2. where there is a European and/or international dimension to the services we are providing to you. Under data protection law, we can only transfer your personal data to a country or international organisation outside the UK/EEA

where:

1. the UK government or, where the EU GDPR applies, the European Commission has decided the particular country or international organisation ensures an adequate level of protection of personal data (known as an 'adequacy decision');
  2. there are appropriate safeguards in place, together with enforceable rights and effective legal remedies for data subjects;
- or
3. a specific exception applies under data protection law

These are explained below.

### Adequacy decision

We may transfer your personal data to certain countries, on the basis of an adequacy decision. These include:

1. all European Union countries, plus Iceland, Liechtenstein and Norway (collectively known as the 'EEA');
2. Gibraltar; and
3. Andorra, Argentina, Canada, Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Switzerland and Uruguay.

The list of countries that benefit from adequacy decisions will change from time to time. We will always seek to rely on an adequacy decision, where one exists.

Other countries or international organisations we are likely to transfer personal data to do not have the benefit of an adequacy decision. This does not necessarily mean they provide poor protection for personal data, but we must look at alternative grounds for transferring the personal data, such as ensuring appropriate safeguards are in place or relying on an exception, as explained below.

### Transfers with appropriate safeguards

Where there is no adequacy decision, we may transfer your personal data to another country or international organisation if we are satisfied the transfer complies with data protection law, appropriate safeguards are in place, and enforceable rights and effective legal remedies are available for data subjects.

The safeguards will usually include using legally approved standard data protection contract clauses. In relation to transfers to our overseas

offices or other companies within our group, the safeguards may instead include legally binding rules and policies that apply to Birketts LLP (known as binding corporate rules), which have been approved by the UK data protection regulator.

### Transfers under an exception

In the absence of an adequacy decision or appropriate safeguards, we may transfer personal data to a third country or international organisation where an exception applies under data protection law, e.g.:

1. you have explicitly consented to the proposed transfer after having been informed of the possible risks;
2. the transfer is necessary for the performance of a contract between us or to take pre-contract measures at your request;
3. the transfer is necessary for a contract in your interests, between us and another person; or
4. the transfer is necessary to establish, exercise or defend legal claims

We may also transfer information for the purpose of our compelling legitimate interests, so long as those interests are not overridden by your interests, rights and freedoms. Specific conditions apply to such transfers and we will provide relevant information if and when we seek to transfer your personal data on this ground.

### Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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

## Data retention

### How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request by contacting us.

In some circumstances you can ask us to delete your data: see below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## Glossary

### LAWFUL BASIS

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### THIRD PARTIES

#### External Third Parties

Whilst we may use service providers who provide IT and system administration services, none of these providers act on our behalf as data processors.

Professional advisers and specialists acting as processors or joint controllers including lawyers, bankers, auditors and insurers based worldwide who provide consultancy, banking, legal, insurance and accounting services.

HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

#### Your Legal Rights

You have the right to:

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required

to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

#### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

#### Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take

us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

**+44 (0)808 169 4320**

**[birketts.co.uk](http://birketts.co.uk)**

Birketts LLP is a limited liability partnership authorised and regulated by the Solicitors Regulation Authority and registered in England & Wales with registered number OC317545.

A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a member of Birketts LLP.

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