

## Privacy Notice

### 1. What is the purpose of this document?

Carson McDowell LLP is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this privacy notice because you are a client or prospective client of our firm. It makes you aware of how and why your personal data will be used, namely for the purposes of providing legal services, and how long it will usually be retained for. It provides you with certain information that must be provided under the UK GDPR (General Data Protection Regulation), or EU GDPR, as applicable. ). It is important that you read this notice, together with any other privacy notice 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 information.

### Key Terms

It would be helpful if we start by explaining some key terms used in this policy:

**We, us our:** Carson McDowell LLP

**Our Data Protection Lead:** Clare Bates, Director of Legal Operations and Compliance

**Personal data:** Any information relating to an identified or identifiable individual

**Special category personal data:** Personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs or trade union membership, genetic and biometric data, data concerning health, sex life or sexual orientation.

### 2. The personal information we collect and use

In connection with the legal services we provide to you, we will collect, store, and use the following categories of personal information about you:

- The information you have provided to us in your instructions in respect of which you are seeking our advice or representation
- The contact details you have provided, including name, title, address, telephone number, email address, date of birth, gender, employment history, qualifications
- Information to enable us to check and verify your identity e.g. your date of birth or passport details, checks on electronic verification and identification platforms like Legi
- CCTV images of our car park and entry to the premises
- Any information you provide to us during a meeting, telephone call, online video or audio call, webinar or online event, or in correspondence

- Financial details insofar as is relevant to your instructions e.g the source of your funds if you are instructing us on a purchase transaction
- Relevant information about your lifestyle and social circumstances e.g your employment status; and
- Family details.

We may also collect, store and use the following "special categories" of more sensitive personal information depending on why you have instructed us:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences.

### **3. How is your personal information collected?**

We collect personal information about you from the following sources:

- You
- Your insurer or professional indemnity organisation, providing instructions for us to act on your behalf
- Your employer
- Your bank or building society
- If relevant, your financial adviser
- If relevant, consultants and other professionals we may engage in relation to your matter
- If relevant, your doctor, medical and occupational health professionals
- Via our information technology systems e.g case management, document management and time recording systems
- CCTV used to ensure the security of our premises
- When you join an online video or voice call, or for a webinar or online event. Your name may be visible to allow us to identify participants. When you join an online call with video, your image may be captured
- From publicly accessible sources such as Companies House or Land Registry
- From our Client Due Diligence provider (Legl).

#### **4. How we will use information about you**

Under data protection law, we can only use your personal data if we have a proper reason for doing so, for example:

- To comply with our legal and regulatory obligations
- For the performance of our contract with you or to take steps at your request before entering into a contract
- For our legitimate interests or those of a third party; or
- Where you have given consent.

A legitimate interest is when we have a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests.

The table below explains what we use your personal data for and our reasons for doing so:

What we use your personal data for	Our reasons
To prepare a quote in respect of the services we provide.	To take steps at your request before entering into a contract.
To conduct conflict checks and client due diligence. We use a third party platform called Legl to help us with our Client Due Diligence. This system allows us to streamline our file opening processes by automating the client due diligence needed for new clients and allowing you to complete the ID verification steps on line. You will receive an email from Legl or an email from us with a link to the Legl platform and be asked to provide information directly to them. You can find their privacy notice here: <a href="#">Privacy Policy - Legl</a>	To comply with our legal and regulatory obligations.
Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies.	To comply with our legal and regulatory obligations.
Ensuring business policies are adhered to e.g. policies covering security and internet use.	For our legitimate interests or those of a third party i.e to make sure we are following our own internal procedures so we can deliver the best service to you.
Ensuring client confidentiality.	For our legitimate interests or those of a third party i.e to make sure we protect commercially valuable information and to comply with our legal and regulatory obligations.
Marketing our services to existing and former clients and those who have previously expressed an interest in our services.	For our legitimate interests or those of a third party i.e to promote our business to existing and former clients.
Providing online events or webinars	For our legitimate interests, and those of clients and contacts.
In the course of carrying out work for you and for the purpose of updating client records.	For the performance of our contract with you or to take steps at your request before entering into a contract. To comply with our legal and regulatory obligations. For our legitimate interests or those of a third party e.g making sure that we can keep in touch with our clients.
Statutory Returns.	To comply with our legal and regulatory obligations.
Operational reasons such as improving efficiency, training and quality control.	For our legitimate interests or those of a third party i.e to make sure we are as efficient as we can be so we can

	deliver the best service to you at the best price.
External audits and quality checks e.g. for ISO and the audit of our accounts.	For our legitimate interests or those of a third party i.e to maintain our accreditations so we can demonstrate that we operate at the highest standards and to comply with our legal and regulatory obligations.
Collecting track and trace information in light of government COVID -19 guidance.	For the purpose of ensuring we comply with Government requirements in relation to track and trace information.

#### **5. If you fail to provide personal information**

If you fail to provide information when requested, which is necessary for us to provide legal services to you (such as the proof of identity we need to do our client due diligence), we will not be able to accept your instructions and act on your behalf.

#### **6. How we use particularly sensitive personal information**

We will use your particularly sensitive personal information only in ways that are necessary for us to deal with your instructions, with your consent and if it is necessary for the purpose of or in connection with any legal proceedings (including prospective legal proceedings), is necessary for the purpose of obtaining legal advice or is otherwise necessary for the purpose of establishing, exercising or defending legal rights. For example:

- We will use information about your disability status to consider a claim for disability discrimination.
- We will use information about your health if it is relevant to your case
- We will use relevant information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to deal with your case.

#### **7. Information about criminal convictions**

We envisage that we will from time to time process information about criminal convictions.

We will collect information about your criminal convictions if it is necessary to allow us to provide you with legal advice about your current instructions.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

#### **8. Automated decision-making**

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

#### **9. Why might you share my personal information with third parties?**

We will only share your personal information with the following third parties if necessary: the third party we use for client due diligence identification and verification checks (Legl), counsel; independent

experts; title insurers; forensic accountants, law searchers. You will always be told in advance if we are going to instruct a third party on your behalf and share your personal data with them.

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When we run online events and webinars, any captured footage may be shared with other participants. We may use service providers to enable us to run these events, and in that case your information may be shared with those service providers in accordance with our contract with them. At times we may run events in collaboration with other organisations, and in that case your data may be recorded and shared with the other organisation. Please feel free to disable your video should you not wish your image to be recorded.

We may share your data with 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.

#### **10. Promotional communications**

We may from time to time send you details of relevant cases, events we are running or updates on services we provide. You can opt out of these communications at any time.

#### **11. Data security**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

#### **12. How long will you use my information for?**

We will retain your personal information in accordance with our Retention Policy or as required by applicable law. We retain your personal information for that period so that we provide you with any further advice you may require after your case has concluded or defend any claims which may arise out of advice we have provided. We take into account the guidelines issued by the Law Society of Northern Ireland, and Law Society of Ireland, as appropriate. We will securely destroy your personal information when it is no longer necessary for us to retain it.

### 13. Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, e.g. if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Clare Bates, our Director of Legal Operations and Compliance, in writing.

### 14. Right to withdraw consent

In the event you provided consent to us processing your personal information for marketing purposes, so that we could invite you to events or provide you with updates about relevant legal developments, you have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact our Director of Legal Operations and Compliance either by email ([clare.bates@carson-mcdowell.com](mailto:clare.bates@carson-mcdowell.com)) or in writing to Carson McDowell, Murray House, Murray Street, Belfast, whichever is easier for you. Once we have received notification that you have withdrawn your consent, we will no longer process personal data for that purpose and, subject to our retention policy, we will dispose of your personal data securely.

### 15. How to complain

Please contact us if you have any queries or concerns about our use of your personal data. We hope we will be able to resolve any issues you may have. You also have the right to lodge a complaint with: the Information Commissioner in the UK

(<https://ico.org.uk/make-a-complaint> or by telephone: 0303 123 1113) or the Data Protection Commission in Ireland (*Data Protection Commission* or 01 7650100 / 1800437 737)

#### **16. Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information. This privacy notice was last reviewed in April 2022.

#### **17. Do you need extra help?**

If you would like this notice in another format, for example audio, large print, braille, please contact us and let us know.