

## GDPR Privacy Notice

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### WHAT IS THE PURPOSE OF THIS PRIVACY NOTICE?

James and George Collie LLP (the “Firm” or “we”) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you, in accordance with the General Data Protection Regulation (GDPR).

It applies to all prospective, new and continuing clients and business contacts of the Firm (“Clients” or “you”).

The Firm is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

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.

### THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

### We may collect, process, store, and use the following (non-exhaustive) categories or potential categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- National Insurance number.
- Bank account details.
- Copy of Passport and/or driving licence.
- Employment details.

### We may also collect, store and use the following (non-exhaustive) “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious or philosophical beliefs, sexual orientation and political opinions.
- Data revealing trade union membership

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- Information about your health, including physical and mental health and any medical condition.
- Information about criminal convictions and offences.

### HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about Clients directly from you or through publicly available searches.

We may require to collect additional personal information in the course of providing legal advice throughout the period of our solicitor/client relationship.

### HOW WE WILL USE INFORMATION ABOUT YOU

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

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. 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.

We may also use your personal information in the following situations:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

### Situations in which we will use your personal information

We need or may need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations and complete legal transactions. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

### If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations (such as to ensure compliance with anti-money laundering requirements).

### Change of purpose

We will only use your personal information 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. If we need to use your personal information 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 information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, in line with our data protection policy.
4. Where you have already made the information public.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### Our obligations as legal advisers

We will use your particularly sensitive personal information in the following ways:

- We will use information to comply with applicable laws.
- We will use information about your physical or mental health, or disability status, to provide appropriate advice in the pursuit of legally related claims or for the purposes of court proceedings.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure appropriate advice can be made available for e.g. equal opportunity or discrimination purposes.

### Do we need your consent?

In limited circumstances, we may require to approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

### INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We do not envisage that we will normally require to hold information about criminal convictions, except in the case where it is necessary for the purposes of court proceedings.

However, we will only collect information about criminal convictions if it is appropriate given the nature of the advice and proceedings which we require to provide or conduct for you.

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### **AUTOMATED DECISION-MAKING**

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

### **DATA SHARING**

We may have to share your data with third parties, including third-party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may require to transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

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

We will share your personal information with third parties where required for the purposes of any transaction on your behalf or by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

### **Which third-party service providers process my personal information?**

“Third parties” includes third-party service providers (including contractors and designated agents). We envisage your personal information may require to be shared with the following third parties:

- Aberdeen Solicitors Property Centre,
- surveyors,
- photographers,
- local authorities and relevant courts or tribunals,
- other solicitors connected with your transaction,
- Revenue Scotland, and
- the Firm’s professional advisers and/or regulatory bodies (such as its accountants, bankers, and the Law Society of Scotland).

### **How secure is my information with third parties**

All the above third parties are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow third parties to use your personal data for their own purposes unless they are separately permitted to do so by law. We only permit third parties to process your personal data for specified purposes and in accordance with our instructions.

### **Transferring information outside the EEA/EU**

We do not expect to have to transfer the personal information we collect about you to countries outside the EU in order to perform our contract with you.

However, in such eventuality, to ensure that your personal information does receive an adequate level of protection we will put in place appropriate measures to ensure that your personal information is treated by all relevant third parties in a way that is consistent with and which respects the EU and UK laws on data

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protection.

### DATA SECURITY

We have put in place measures to protect the security of your information. Details of these measures are contained in our data protection policy and terms and conditions of business.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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.

### DATA RETENTION

#### How long will you use/hold my personal information for?

We will only retain your personal information 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, or in accordance with the retention guidelines set down by the Law Society of Scotland. 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 and regulatory requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a Client we will retain and securely destroy your personal information in accordance with our data retention policy, taking into account applicable laws and regulations.

### RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

#### Informing us of changes

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

#### 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.

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- **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.
- **Request the restriction of processing** of your personal information. This allows you to ask us to suspend the processing of personal information about you, for example 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 our Data Protection Partner, in writing.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Partner. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **DATA PROTECTION PARTNER**

We have appointed a Data Protection Partner to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Partner by email at [dataprotection@jgcollie.co.uk](mailto:dataprotection@jgcollie.co.uk). 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.

## **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will make a new privacy notice available 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.