

Data Protection Policy

Introduction

James and George Collie LLP (the “Firm”) is a law firm and provides legal advice and assistance to its clients. It is regulated by the Law Society of Scotland.

The personal data that the Firm processes to provide these services relates to its clients, and other individuals, as necessary.

This policy (together with our terms and conditions of business and GDPR Privacy Notice) sets out the Firm’s commitment to ensuring that any personal data, including special category personal data, which the Firm processes, is carried out in compliance with Data Protection Law. The Firm processes the personal data of clients from all over the world, including the personal data of a number of non-EU citizens, but is committed to ensuring that all the personal data that it processes is done in accordance with Data Protection Law. The Firm ensures that good data protection practice is imbedded in the culture of our personnel and our organisation. A Glossary of terms relative to this Data Protection Policy is set out in the appendix hereto.

The Firm’s other data protection policies and procedures are:

- record of processing activities
- privacy notices (website, clients, employees)
- personal data breach reporting process and a breach register
- data protection impact assessment process
- IT and data security policies

Scope

The Firm recognises that the correct and lawful treatment of personal data will maintain confidence in the organisation and will provide for successful business operations. It is a critical responsibility that we take seriously at all times.

This policy applies to all personal data processed by the Firm and is part of the Firm’s approach to compliance with Data Protection Law. All the Firm personnel are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including dismissal.

Data protection principles

The Firm complies with the data protection principles set out below. When processing personal data, it ensures that:

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’)
- it is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (‘purpose limitation’)
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’)

- it is all accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')
- it is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation')
- it is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

The Firm will facilitate any request from a data subject who wishes to exercise their rights under Data Protection Law as appropriate, always communicating in a concise, transparent, intelligible and easily accessible form and without undue delay.

Types of Data we hold

Personal data is kept in client files or within the Firm's IT systems. The type of data held by the Firm includes, but is not limited to, the following:

- Name, address, phone numbers
- National Insurance numbers
- Employer details, job title and job descriptions
- Copy passports and/or driving licences
- Copy utility bills
- Copy credit card bills/statements
- Bank account details and copy bank statements

Relevant individuals should refer to the Firm's Privacy Notice and its terms of business letters for more information on the reasons for its processing activities, the lawful bases it relies on for the processing of data and data retention periods.

Process/procedures/guidance

The Firm will:

- ensure that the legal basis for processing personal data is identified in advance and that all processing complies with the law
- not do anything with your data that you would not expect given the content of this policy and the fair processing or privacy notice
- ensure that appropriate privacy notices are in place advising personnel and others how and why their data is being processed, and, in particular, advising data subjects of their rights
- only collect and process the personal data that it needs for purposes it has identified in advance
- ensure that, as far as possible, the personal data it holds is accurate, or a system is in place for ensuring that it is kept up to date as far as possible

- only hold onto your personal data for as long as it is needed, after which time the Firm will securely erase or delete the personal data – the Firm's policy on data retention sets out the appropriate period of time
- ensure that appropriate security measures are in place to ensure that personal data can only be accessed by those who need to access it and that it is held and transferred securely

The Firm will ensure that all personnel who handle personal data on its behalf are aware of their responsibilities under this policy and other relevant data protection and information security policies, and that they are adequately trained and supervised.

Breaching of this policy by the Firm's personnel may result in disciplinary action for misconduct, including dismissal. Obtaining (including accessing) or disclosing personal data in breach of the Firm's data protection policies may also be a criminal offence.

Data Subject Rights

The Firm has processes in place to ensure that it can facilitate any request made by an individual to exercise their rights under Data Protection Law. All personnel have received training and are aware of the rights of data subjects. Personnel can identify such a request and know who to send it to.

All requests will be considered without undue delay and within one month of receipt as far as possible.

Subject access: the right to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:

- the purpose of the processing
- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office
- the source of the information if not collected direct from the subject, and
- the existence of any automated decision making

Rectification: the right to allow a data subject to rectify inaccurate personal data concerning them.

Erasure: the right to have data erased and to have confirmation of erasure, but only where:

- the data is no longer necessary in relation to the purpose for which it was collected, or
- where consent is withdrawn, or
- where there is no legal basis for the processing, or
- there is a legal obligation to delete data

Restriction of processing: the right to ask for certain processing to be restricted in the following circumstances:

- if the accuracy of the personal data is being contested, or
- if our processing is unlawful but the data subject does not want it erased, or
- if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims, or
- if the data subject has objected to the processing, pending verification of that objection

Data portability: the right to receive a copy of personal data which has been provided by the data subject and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller. This would only apply if the Firm was processing the data using consent or on the basis of a contract.

Object to processing: the right to object to the processing of personal data relying on the legitimate interests processing condition unless the Firm can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

Special category personal data

This includes the following personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- an individual's health
- a natural person's sex life or sexual orientation
- criminal convictions or offences

The Firm may require to process special category data of clients and third parties as is necessary to provide legal services for the establishment, exercise or defence of legal claims.

This policy sets out the safeguards we believe are appropriate to ensure that we comply with the data protection principles set out above. The Firm also has a data retention policy which sets out how long special category data will be held onto.

Sharing personal data

We will only share personal data with third parties where certain safeguards and contractual arrangements have been put in place. In addition, we only share the personal data we hold with third parties if:

- a) we have a lawful basis for doing so;
- b) sharing the personal data complies with the privacy notices provided to the data subject and, if applicable, consent has been obtained; and
- c) the third party has agreed to comply with the Firm's required data security policies and procedures and put adequate security measures in place.

We may share the personal data we hold with other agents if the recipient has a business-

related need to know the information.

Responsibility for the processing of personal data

The partners of the Firm take ultimate responsibility for data protection.

If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact the data protection partner using the following information:

Contact: Data Protection Partner

Address: 1 East Craibstone Street, Aberdeen, AB11 6YQ

Email: dataprotection@jgcollie.co.uk

Telephone: 01224 581581

Monitoring and review

This policy was last updated as at 24 May 2018 and shall be regularly monitored and reviewed, at least every two years.

APPENDIX – GLOSSARY

Data Controller: the person or organisation that determines when, why and how to process Personal Data.

Data Protection Acts 1998 and 2018: the Data Protection Act 1998 (for so long as it remains in force), thereafter to be replaced by the Data Protection Act 2018, as amended from time to time.

Data Protection Law includes the General Data Protection Regulation, the Data Protection Acts 1998 and 2018 and all relevant EU and UK data protection legislation.

Data Subject: an identified or identifiable individual about whom we hold Personal Data.

Data Protection Officer (DPO): the person required to be appointed in specific circumstances under the GDPR. Where a DPO has not been appointed (as is currently the case with the Firm), this term refers to the data protection partner or refers to the Firm's data protection/privacy team with responsibility for data protection compliance.

General Data Protection Regulation or GDPR: the EU General Data Protection Regulation 2016/679.

Personal Data: any information identifying a Data Subject or information relating to a Data Subject that can be identified (directly or indirectly) from that data alone or in conjunction with other identifiers.

Personal Data Breach: the loss, or unauthorised access, disclosure or acquisition of Personal Data.

Privacy Notices: separate notices setting out information that may be provided to us which details why we collect information about Data Subjects and what we do with it.

Processing or Process: any activity that involves the use of Personal Data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties.

Sensitive or Special Category Personal Data: information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data, and personal data relating to criminal offences and convictions.