

## INKSTERS PRIVACY STATEMENT FOR CLIENTS

This statement explains in more detail what personal data we process about our clients, why we process it and for how long we process it. We may update our privacy statement from time to time; if you would like a copy of our most up-to-date privacy statement at any time please contact us using the contact details at the end of this document.

### **Who we are?**

Inksters is a trading name of Brian Hunter Inkster. Brian Inkster is the Principal Solicitor of Inksters. He employs support staff and solicitors, as well as entering into consultancy agreements with experienced solicitors, for the provision of legal services to individuals, businesses and others throughout Scotland.

Inksters' head office is in Glasgow and can be found at The Exchange, 142 St Vincent Street, Glasgow, G2 5LA. We have permanent office space at 1 Wentworth Street, Portree, Isle of Skye, IV51 9EJ, 24 West High Street, Forfar, DD8 1B and 102 High Street, Wick, Caithness, KW1 4LR. We also have a visiting base in Inverness at Ness Horizons Business Centre, Kintail House, Beechwood Park, Inverness, IV2 3BW and in Lerwick.

Our firm website is [www.inksters.com](http://www.inksters.com) and we also operate two free-standing blogs: [www.croftinglawblog.com](http://www.croftinglawblog.com) and [www.infolawblog.com](http://www.infolawblog.com). This privacy statement is applicable to our website and blogs as well as to our offices.

### **What personal data will you hold about me?**

We will process the following information about our clients:

- Your name, contact details and information concerning your identity;
- In relation to commercial entities such as limited companies and partnerships we process the name, contact details and information concerning the identity of directors/partners;
- In relation to commercial entities such as limited companies and partnerships we process the name and contact details of the person(s) within the entity from whom we receive our instructions (such as an authorised employee);
- Communications, such as letters, E-mails and records of telephone conversations with you concerning the matter(s) which we are assisting you with;
- Financial information such as your bank details, records of payments made to us, fee note and invoices rendered to you and payment information

## How do we use your personal data?

We will only make use of your personal data where we have a lawful basis to do so. In most cases this will be because it is necessary for us to make use of your personal data in order to perform our contract with you (i.e. to provide you with the legal services which you have sought from us) or for us to pursue a legitimate interest such as compliance with regulatory and our own legal obligations.

## ID CHECKS

We are required by our regulator, The Law Society of Scotland, to satisfy ourselves of the identity of our clients before undertaking any work on your behalf. If we do not meet with you at the outset of the work we undertake from you then we will ask you to either (i) verify your ID through an online ID verification system called Amicus; or (ii) have copies of your ID certified by another solicitor and then sent to us by post.

If we are meeting with you in person at the outset of our relationship, then we will ask you to provide us with proof of your identity. We shall keep a copy of the records verifying your ID for a period of five years.

We have a legal obligation to conduct these checks and to hold records confirming that we have undertaken this due diligence and therefore our lawful basis for processing this personal data is that it is necessary for compliance with a legal obligation to which we are subject.

## SOURCE OF FUNDS

In certain types of transactions, such as property transactions, we are required to ask questions concerning the source of funds which you intend on using. This may include asking you to provide us with bank statements. We are also required to keep records to prove that we have complied with our obligations to investigate the source of our clients' funds.

We have a legal obligation to conduct these checks and to hold records confirming that we have undertaken this due diligence and therefore our lawful basis for processing this personal data is that it is necessary for compliance with a legal obligation to which we are subject.

## COOKIES

Our website uses cookies. For more information on why we use cookies and what we use the information for please see the cookies section on our website ([INSERT WEBSITE ADDRESS])

### **Where do we store your personal data?**

We store your personal data both electronically and manually. All of our IT systems are cloud based. We use a third party provider for all of our IT systems. All of your personal data which is stored electronically is stored on servers in a secure data centre. The data centre is operated by our third party contractor and is located in England.

As our IT systems are located on the cloud we are able to access your personal data anywhere in the world where we have access to an internet connection. We do not normally access our cloud based systems from outside of the United Kingdom. However, when members of our team are outside of the UK on business they may access our IT systems from there. Normally this is within the European Economic Area (EEA), but sometimes it is outside of the EEA. Although we are accessing your personal data from countries outside of the United Kingdom we are not removing your personal data from the United Kingdom; this is because when we access our systems we are accessing them in our data centre in England, wherever in the world we are.

Where we store your personal data manually, this will normally be stored within one of our offices. However, members of our team may take your file home with them to work on from there, or may take it out of the office in order to take it to court. We are also members of the Royal Faculty of Procurators in Glasgow and members of our team might take your file, or parts of your file, to their library in order to work on matters there.

### **How do you keep my personal data safe and secure?**

We have in place appropriate technical and organisational measures to ensure that your personal data is kept safe and secure. Where your personal data is stored electronically, it will be stored on our cloud based systems which are encrypted.

We have in place a strict remote working policy which all of our employees and consultants are required to comply with to ensure that your personal data is kept safe and secure when we are working on it away from the office; this policy includes only removing personal data from the office when it is necessary to do so.

We also have in place a data handling and transfer policy which ensures that your personal data is handled in a way that keeps it safe and secure. All of our staff and consultants are required to comply with the terms of this policy.

### Will you provide my personal data to third parties?

Generally, we will not transfer your personal data to third parties without first getting your consent. However, as with any general rule there are some exceptions. The exceptions to this general rule are:

- Court Orders: If we receive a court order, or some other legally binding order or request, which requires us to release personal data to a third party, then we will be required to comply with those orders/requests. We will always ensure that we provide the absolute minimum amount of personal data that we are required. Unless there is some legal reason as to why we cannot, we will seek to notify you that we have had to disclose your personal data in response to such an order/request.
- Law Society of Scotland and Scottish Legal Complaints Commission: We have professional duties to co-operate with the Law Society of Scotland and the Scottish Legal Complaints Commission. If the Law Society of Scotland or the Scottish Legal Complaints Commission ask us to provide them with your personal data, for example in response to a complaint you have made or as part of the Law Society of Scotland's regular inspections of solicitors' practices in Scotland, then we will provide them with access to the personal data they seek. This may be by providing them with the original file or with a copy of the file.
- Law Enforcement Authorities: We have legal obligations to report to the relevant law enforcement authorities any suspicious transactions or suspicions that we have concerning money laundering. In most cases where we have reported such suspicions it will amount to a criminal offence for us to disclose this fact to you or to provide any information to you which leads you to suspect that we have made such a report. It is therefore unlikely that we will be able to tell you that we have done this.
- Our Telephone Provider: If we contact you by telephone, our telephone provider will see that we have made a call to your number; however, it is not possible for them (from the information available from our telephone systems) to identify you as being the person we have called. Furthermore, they do not have access to the content of any telephone conversations that you have with us.

- Enforcement of our contract with you: We do charge for our services and unfortunately sometimes people do not pay us for the services that we have provided. In those circumstances we may elect to either sell the debt to a third party or to instruct a third party to recover the debt on our behalf. If we take recovery action ourselves this will necessitate us disclosing certain personal data about you to the court and we may also instruct Sheriff Officers to serve documents on you or to enforce any decree that we obtain against you in our favour. It is our legitimate interest to take steps to enforce our contract with you in the unfortunate circumstances where you breach that contract.
- Registers of Scotland and Revenue Scotland: If we are acting for you in connection with a property transaction that requires there to be some deed registered in the Land Register of Scotland then we will need to disclose your personal data to the Keeper of the Registers of Scotland to give effect to this. In such circumstances this processing is necessary for the performance of our contract with you. In property purchase transactions and commercial leases we may share your personal data with Revenue Scotland. We will do this where a tax return is required and this; this is part of our contract with you.
- Instruction of Counsel: We may seek the assistance of an Advocate to provide advice or to conduct a hearing. If we do this it will be in consultation with you and with your agreement. In such circumstances the obtaining of assistance from an Advocate would form part of your instructions to us and this sharing would therefore be necessary for the performance of our contract with you.
- Instruction of Experts: As part of undertaking the work that we are doing for you it may be necessary to instruct experts to obtain opinions or reports. If we require to do this then it will be discussed with you in advance and an appropriate expert will be agreed. An agreement to instruct an expert will form part of yours instructions to us and the provision of personal data to the expert will become necessary to allow us to perform our contract with you.
- Law Accountants: At the end of transactions which do not involve a fixed fee we will normally have your file assessed by an independent law accountant for the purposes of determining a fair and reasonable fee for the work that we have undertaken on your behalf and this requires us to transmit your file to them (which is returned to us upon completion of the assessment). We may also elect to send our file to a law accountant before the end of the transaction where it is a particularly protracted matter, where there is a change of fee earner or where you decide to move your file to another firm. Our Terms of Business make provision for this and this is therefore part of our contract with you. It is

also our legitimate interest to ensure that we charge a fair and reasonable fee for the work that we undertake on your behalf.

Where we have not had the file assessed by our law accountant and you wish to challenge the level of fees that we have charged, then we will send the file to a law accountant for assessment of a fair and reasonable fee in accordance with our terms of business and schedule of charging. This is provided for within our Terms of Business and therefore forms part of your contract with us.

- Judicial Expenses: If you are awarded Judicial Expenses as part of a litigation we will send your file to our law accountants for the purpose of preparing a judicial account of expenses. We will typically send the whole of your file to the law accountants to ensure that nothing which can be included in the account is missed, thus ensuring the maximum possible recovery of expenses on your behalf. It may also be necessary, if the account cannot be agreed, to take the matter to taxation before the auditor to assess. During the assessment process the accountant might wish to see parts of your file in order to determine whether a particular entry in the account of expenses is acceptable. The Auditor will not normally keep any part of the file, unless they reserve their decision to consider a matter more fully, and they will only be given those parts which they ask to see. This is necessary for the performance of our contract and is also in our legitimate interests to ensure that we are complying with our own professional obligations to you.
- Legal Aid: If you are in receipt of legal aid for the work that we undertake on your behalf, we may be required to send your file to another solicitor (who has not been involved in the case). The Law Society of Scotland is responsible for conducting the quality assurance assessments. We are under a legal obligation to comply with these assessments and therefore if you receive legal aid for any matter which we assist you with and your file is requested by the Law Society of Scotland for the purpose of the quality assurance assessment then we are obliged to provide it to them.

We are also required to share certain information with the Scottish Legal Aid Board as part of the legal aid application process. If you are seeking to cover our fees through the legal aid scheme then it is necessary for us to share your personal data with the Scottish Legal Aid Board.

Where we are going to share your personal data in a way that you would not reasonably expect us to with reference to our standard terms of business and the nature of the work that is being undertaken, we will speak to you about this first.

### How long do we keep your personal data for?

We keep your personal data for no longer than is necessary. In some cases it will be necessary to keep personal data about you indefinitely. How long we will retain your personal data is set out in our Records Retention and Disposal Policy. This has been designed to be in line with guidelines from the Law Society of Scotland as to how long we should keep client files. Where there is a legal obligation upon us to keep personal data for a specified period of time then this is reflected in our Records Retention and Disposal Policy. We securely destroy all personal data in line with our policy and keep a separate record of the destruction; this record is kept indefinitely.

### Do we use personal data for marketing purposes?

We do not regularly make use of our personal data for the purposes of marketing. We do send out our annual Christmas hats around December each year. We will not use your personal data to send you marketing information by E-mail or SMS without first obtaining your express permission to do so. We do not make use of your telephone number for the purposes of direct marketing.

If you do not wish a Christmas hat then please contact Karen Hughes in our Glasgow office who will make a note of this. If you have provided us with your consent to provide you with marketing information by E-mail or SMS and change your mind then please do contact us using the contact information below.

We have a legitimate interest in undertaking marketing and therefore our lawful basis of processing in this instance is that it is our legitimate interest. We are satisfied that our legitimate interest is not outweighed by your fundamental rights and freedoms. Where we conduct direct marketing by telephone or other electronic means then our lawful basis of processing is both our legitimate interest (to process your personal data internally for direct marketing purposes) and consent (to send you direct marketing by electronic means or to telephone you for the purpose of direct marketing).

### Consent

Where we are processing your personal data based on us having obtained your consent to do so, you have the right to withdraw that consent at any time. If you decide that you no longer wish us to process your personal data for purposes for which you have consented please get in contact with us using the contact information below.

### Your Rights

You have a number of rights under data protection law, which we set out here:

- **Subject Access:** You have the right of subject access, which means you have the right to be told what personal data we are processing about you, where we obtained it, why we're processing it (our legal basis for processing) and how long we will hold it for. If you would like to make a subject access request then please do contact us.
- **Rectification:** You have the right to require us to rectify any inaccurate information that we hold about you. If you would like some inaccurate information to be corrected please contact us to discuss it – we may not always have an obligation to correct the information.
- **Erasure:** In certain circumstances you have the right to require us to erase personal data that we hold about you. If you would like to make use of your right to erasure please contact us.
- **Restriction:** In certain circumstances you have the right to request that we restrict the processing of your personal data; please contact us if you would like to exercise this right.
- **Data Portability:** In certain circumstances you have the right to portability of personal data; please contact us if you would like to exercise this right.
- **Complain to the ICO:** The Information Commissioner's Office (ICO) is responsible for enforcing data protection law in the United Kingdom. If you are unhappy with the way in which we are processing your personal data, then you can make a complaint to the Information Commissioner. You can do so by writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF. Alternatively you can send an E-mail to her office at [casework@ico.org.uk](mailto:casework@ico.org.uk) or you can telephone her office on 0303 123 1113. You can find out more about the Commissioner and her office on her office's website at [www.ico.org.uk](http://www.ico.org.uk).
- **Action through the Courts:** You are also able to enforce your data protection rights and to seek compensation where we have not processed your personal data lawfully directly through the courts.

### **What to do if you have questions, comments or concerns about our processing of your personal data?**

If you have any questions, comments or concerns about our processing of your personal data then you can contact the member of our team who is dealing with your transaction, alternatively you can contact us in one of the following ways:

1. By writing to our Head Office in Glasgow: Inksters, The Exchange, 142 St Vincent Street, Glasgow, G2 5LA
2. By sending an E-mail to [info@inksters.com](mailto:info@inksters.com)
3. By sending us a Fax to 0141 229 0550
4. By contacting us by telephone on 0141 229 0880