

# Privacy Policy

We take your privacy very seriously. Please read this privacy policy carefully as it contains important information on who we are and how and why we collect, store, use and share your personal data. It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

When we use your personal data we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal data for the purposes of the GDPR. Our use of your personal data is subject to your instructions, the GDPR, other relevant UK and EU legislation and our professional duty of confidentiality.

## Key terms

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

|                                |  |
|--------------------------------|--|
| We, us, our                    | ASV Law Ltd trading as ASV Law   |
| Our data privacy manager       | Stewart Graham – <a href="mailto:stewartg@asvlaw.com">stewartg@asvlaw.com</a> – 020 7052 8414  |
| 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<br><br>Genetic data<br><br>Biometric data (where used for identification purposes)<br><br>Data concerning health, sex life or sexual orientation |

## Personal data we collect about you

The table below sets out the personal data we will or may collect in the course of providing legal services. This may include special category personal data.

| Personal data we will collect   | Personal data we may collect depending on why you have instructed us   |
|---|--|
| Your name, address and telephone number<br><br>Information to enable us to check and verify your identity, eg your date of birth or passport details<br><br>Electronic contact details, eg your email address and mobile phone number | Your National Insurance and tax details<br><br>Your bank and/or building society details<br><br>Details of your professional online presence, eg LinkedIn profile<br><br>Details of your spouse/partner and dependants or other family members, eg if you instruct us on a personal matter.<br><br>Your employment status and details including salary and |

| Personal data we will collect   | Personal data we may collect depending on why you have instructed us   |
|---|--|
| <p>Information relating to the matter in which you are seeking our advice or representation</p> <p>Information to enable us to undertake a credit or other financial checks on you</p> <p>Your financial details so far as relevant to your instructions, eg the source of your funds if you are instructing on a financial transaction</p> | <p>benefits, eg if you instruct us on matter related to your employment or in which your employment status or income is relevant.</p> <p>Your nationality and immigration status and information from related documents, such as your passport or other identification, and immigration information.</p> <p>Details of your pension arrangements, eg if you instruct us on a pension matter or in relation to financial arrangements following breakdown of a relationship</p> <p>Your employment records including, where relevant, records relating to sickness and attendance, performance, disciplinary, conduct and grievances, eg if you instruct us on matter related to your employment or in which your employment records are relevant.</p> <p>Your racial or ethnic origin, gender and sexual orientation, religious or similar beliefs, eg if you instruct us on discrimination claim.</p> <p>Your trade union membership, eg if you instruct us on a discrimination claim or your matter is funded by a trade union.</p> <p>Personal identifying information, such as your eye colour or your parents' names, eg if you instruct us to incorporate a company for you.</p> |

This personal data is required to enable us to provide legal services. If you do not provide personal data we ask for, it may delay or prevent us from providing those services.

For information on why we use this personal data, see below: '**How and why we use personal data**' and '**How and why we use special category personal data**'.

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

We collect most of this information from you direct. However, we may also collect information:

- from publicly accessible sources, eg Companies House or HM Land Registry;
- directly from a third party, eg:
  - sanctions screening providers;
  - credit reference agencies;
  - client due diligence providers;
- from a third party with your consent, eg:

- your bank or building society, another financial institution or advisor;
- consultants and other professionals we may engage in relation to your matter;
- your employer and/or trade union, professional body or pension administrators;
- your doctors, medical and occupational health professionals;
- via our website—we use cookies on our website (for more information on cookies, please see our cookie policy, which can be found on our website).
- via our information technology (IT) systems, eg:
  - case management, document management and time recording systems;
  - door entry systems and reception logs;
  - automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, email and instant messaging systems;

### **How and why we use personal data**

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

- 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 personal data, so long as this is not overridden by your own rights and interests.

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

| What we use personal data for  | Our reasons  |
|--|--|
| To provide legal services to our clients   | For the performance of our contract with our client or to take steps at our client's request before entering into a contract |
| Conducting checks to identify our clients and verify their identity<br><br>Screening for financial and other sanctions or embargoes<br><br>Other processing necessary to comply with professional, legal and regulatory obligations that apply to our business, eg under health and safety | To comply with our legal and regulatory obligations  |

| What we use personal data for  | Our reasons   |
|--|---|
| regulation or rules issued by our professional regulator   |   |
| 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, eg policies covering security and internet use  | For our legitimate interests or those of a third party, ie to make sure we are following our own internal procedures so we can deliver the best service to you  |
| Operational reasons, such as improving efficiency, training and quality control  | For our legitimate interests or those of a third party, ie to be as efficient as we can so we can deliver the best service for you at the best price  |
| Ensuring the confidentiality of commercially sensitive information   | For our legitimate interests or those of a third party, ie to protect our intellectual property and other commercially valuable information<br><br>To comply with our legal and regulatory obligations  |
| Statistical analysis to help us manage our <i>practice</i> , eg <i>in relation to</i> our financial performance, client base, work type or other efficiency measures | For our legitimate interests or those of a third party, ie to be as efficient as we can so we can deliver the best service for you at the best price  |
| Preventing unauthorised access and modifications to systems  | For our legitimate interests or those of a third party, ie to prevent and detect criminal activity that could be damaging for us and for you<br><br>To comply with our legal and regulatory obligations   |
| Updating and enhancing client records  | For the performance of our contract with you or to take steps at your request before entering into a contract<br><br>To comply with our legal and regulatory obligations<br><br>For our legitimate interests or those of a third party, eg making sure that we can keep in touch with our clients about existing and new services |
| Statutory returns  | To comply with our legal and regulatory obligations   |

| What we use personal data for  | Our reasons  |
|--|--|
| Ensuring safe working practices, staff administration and assessments  | <p>To comply with our legal and regulatory obligations</p> <p>For our legitimate interests or those of a third party, eg to make sure we are following our own internal procedures and working efficiently so we can deliver the best service to you</p> |
| <p>Marketing our services and those of selected third parties to:</p> <ul style="list-style-type: none"> <li>—existing and former clients;</li> <li>—third parties who have previously expressed an interest in our services;</li> <li>—third parties with whom we have had no previous dealings.</li> </ul> | <p>For our legitimate interests or those of a third party, ie to promote our business to existing and former clients</p>   |
| Credit reference checks via external credit reference agencies   | <p>For our legitimate interests or those of a third party, ie for credit control and to ensure our clients are likely to be able to pay for our services</p>   |
| External audits and quality checks, eg for the audit of our accounts   | <p>For our legitimate interests or those of a third party, ie to maintain our accreditations so we can demonstrate we operate at the highest standards</p> <p>To comply with our legal and regulatory obligations</p>                                    |

### **How and why we use special category personal data**

Under data protection law, we can only use special category personal data where:

- we have a proper reason for doing so (see above: **How and why we use personal data**), AND
- one of the ‘grounds’ for using special category personal data applies

There are ten potential grounds for using special category personal data under data protection law. Generally, where we use special category personal data, we will do so on the ground that this is necessary for establishing, exercising or defending legal claims. This includes using special category personal data, where necessary, for:

- actual or prospective court proceedings;
- obtaining legal advice; or
- establishing, exercising or defending legal rights in any other way.

Where this does not apply, we will seek explicit consent to process special category personal data.

### Promotional communications

We may use your personal data to send you updates (by email, text message, telephone or post) about legal developments that might be of interest to you and/or information about our services, including exclusive offers, promotions or new services.

We have a legitimate interest in processing your personal data for promotional purposes (see above '**How and why we use your personal data**'). This means we do not usually need your consent to send you promotional communications. However, where consent is needed, we will ask for this consent separately and clearly.

We will always treat your personal data with the utmost respect and never share it with other organisations outside ASV Law for marketing purposes.

You have the right to opt out of receiving promotional communications at any time by:

- contacting us by emailing [info@asvlaw.com](mailto:info@asvlaw.com)
- using the 'unsubscribe' link in emails or 'STOP' number in texts

We may ask you to confirm or update your marketing preferences if you instruct us to provide further services in the future, or if there are changes in the law, regulation, or the structure of our business.

### Who we share your personal data with

We routinely share personal data with:

- professional advisers who we instruct on your behalf or refer you to, eg barristers, accountants, tax advisors or other experts;
- other third parties where necessary to carry out your instructions eg Companies House;
- credit reference agencies;
- our insurers and brokers;
- external auditors, eg in relation the audit of our accounts;
- our bank;
- external service suppliers, representatives and agents that we use to make our business more efficient, eg typing services, marketing agencies, document collation or analysis suppliers;

We only allow our service providers to handle your personal data if we are satisfied they take appropriate measures to protect your personal data. We also impose contractual obligations on service providers relating to ensure they can only use your personal data to provide services to us and to you.

We may disclose and exchange information with law enforcement agencies and regulatory bodies to comply with our legal and regulatory obligations.

We may also need to share some personal data with other parties, such as potential buyers of some or all of our business or during a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations.

We will not share your personal data with any other third party.

### **Where your personal data is held**

Information may be held at our offices and those of third party agencies, service providers, representatives and agents as described above (see '**Who we share your personal data with**').

Some of these third parties may be based outside the European Economic Area. For more information, including on how we safeguard your personal data when this occurs, see below: '**Transferring your personal data out of the UK and EEA**'.

### **How long your personal data will be kept**

We will keep your personal data after we have finished advising or acting for you. We will do so for one of these reasons:

- to respond to any questions, complaints or claims made by you or on your behalf;
- to show that we treated you fairly;
- to keep records required by law

We will not retain your data for longer than necessary for the purposes set out in this policy. Different retention periods apply for different types of data.

### **Transferring your personal data out of the UK and EEA**

To deliver services to you, it is sometimes necessary for us to share your personal information outside the UK and/or European Economic Area (EEA), eg:

- with your and our service providers located outside the UK/EEA;
- if you are based outside the UK/EEA;
- where there is an international dimension to the services we are providing to you.

These transfers are subject to special rules under European and UK data protection law. This means we can only transfer your personal information to a country or international organisation outside the UK/EEA where:

- the European Commission has issued an 'adequacy decision' in relation to that country or international organisation; or
- there are appropriate safeguards in place, together with enforceable rights and effective legal remedies for data subjects; or
- a specific exception applies under data protection law

These are explained below.

## **European Commission adequacy decision**

The European Commission has the power to determine whether a country or international organisation provides an adequate level of protection for personal information and, if it does, to issue an 'adequacy decision'. The effect of such a decision is that personal information can flow from the UK/EEA to that country without any further safeguards being necessary.

It can take several years for the European Commission to issue an adequacy decision and only a small number of countries currently benefit from one.

We may transfer personal information to those countries that have the benefit of a European Commission adequacy decision

Other countries we are likely to transfer personal information to do not have the benefit of an adequacy decision. This does not necessarily mean they provide inadequate protection for personal information, but we must look at alternative grounds for transferring the personal information, such as implementing safeguards or relying on an exception, as explained below.

### **Transfers with appropriate safeguards**

We may transfer your data to a third country on this ground where 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 standard data protection contract clauses approved by the European Commission.

### **Transfers under an exception**

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

- you have explicitly consented to the proposed transfer after having been informed of the possible risks;
- the transfer is necessary for the performance of a contract between us or to take pre-contract measures at your request;
- the transfer is necessary for a contract in your interests, between us and another person; or
- 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 information on this ground.

### **Further information**

If you would like further information about data transferred outside the UK or EEA, please contact us.

## Your rights

You have the following rights, which you can exercise free of charge:

|   |   |
|---|---|
| Access  | The right to be provided with a copy of your personal data  |
| Rectification   | The right to require us to correct any mistakes in your personal data   |
| To be forgotten   | The right to require us to delete your personal data—in certain situations  |
| Restriction of processing                                 | The right to require us to restrict processing of your personal data—in certain circumstances, eg if you contest the accuracy of the data   |
| Data portability  | The right to receive the personal data you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party—in certain situations  |
| To object   | <p>The right to object:</p> <p>—at any time to your personal data being processed for direct marketing (including profiling);</p> <p>—in certain other situations to our continued processing of your personal data, eg processing carried out for the purpose of our legitimate interests.</p> |
| Not to be subject to automated individual decision making | The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you or similarly significantly affects you  |

For further information on each of those rights, including the circumstances in which they apply, please contact us or see the [Guidance from the UK Information Commissioner's Office \(ICO\) on individuals' rights under the General Data Protection Regulation](#).

If you would like to exercise any of those rights, please:

- email our Data Privacy Manager;
- let us have enough information to identify you (eg your full name, address and client or matter reference number);
- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill); and
- let us know what right you want to exercise and the information to which your request relates.

## Keeping your personal data secure

We have appropriate security measures to prevent personal data from being accidentally lost, used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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

If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit [www.getsafeonline.org](http://www.getsafeonline.org). Get Safe Online is supported by HM Government and leading businesses.

### **How to complain**

We hope that we can resolve any query or concern you may raise about our use of your information.

The [General Data Protection Regulation](#) also gives you right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone: 0303 123 1113.

### **Changes to this privacy policy**

This privacy policy was published on 15 December 2020 and last updated on 15 December 2020.

We may change this privacy policy from time to time, when we do we will update our website.

### **How to contact us**

Please contact us our Data Privacy Manager by email if you have any questions about this privacy policy or the information we hold about you.

Our contact details are shown below:

| Our contact details | Our Data Privacy Manager's contact details |
|---------------------|--|
| Stewart Graham      | stewartg@asvlaw.com                        |

### **[Do you need extra help?]**

If you would like this policy in another format (for example audio, large print, braille) please contact us (see 'How to contact us' above).