

DATA PRIVACY NOTICE

1.0 Introduction

1.1 Muir Myles Laverty is a partnership with its registered office at Meadow Place Building, Bell Street, Dundee, DD1 1EJ, (“MML”) is a firm of solicitors and estate agents. In this Notice, references to ‘we’ and ‘us’ mean MML.

1.2 When you provide us with Personal Data in order to allow us to provide you with our services we will keep a record of the data you give to us in order to enable us to provide that service and also to comply with our statutory obligations under the law, for example anti-money laundering and anti-terrorism and also to comply with regulations from the Law Society of Scotland.

1.3 For the purpose of the General Data Protection Regulation 2016/279 (GDPR), MML will be a Data Controller in respect of your Personal Data. Our Partner Alan Fraser is Data Protection Officer.

1.4 Everyone has rights with regard to how their Personal Data is handled by organisations. MML is committed to ensuring that Personal Data is properly and securely managed in accordance with the relevant data protection laws. This is an addition to our existing obligations regarding client confidentiality. Please read this Notice to understand how we use and protect the information that you provide to us or that we obtain or hold about you, and to understand what your rights are in relation to information that we hold. This Notice applies to information about living identifiable individuals only.

2.0 What Personal Data do we hold about you?

2.1 We may hold the following types of Personal Data:

2.1.1 name and contact details;

2.1.2 gender, age, date of birth, marital status and nationality;

2.1.3 information about your education/work history and professional qualifications

2.1.4 information about your family and any dependants;

2.1.5 information about your business and property interests and any companies, trusts, or similar entities you may have an interest in;

2.1.6 financial information (e.g. bank details);

2.1.7 information obtained as a result of any background checks we may be obliged to carry out for identification and verification purposes;

2.1.8 any other information which you choose to provide to us or that we are provided by others.

2.2 We may also hold Special Categories of Personal Data e.g. information about your religious beliefs, information about your health and well-being, information revealing racial or ethnic origins, information concerning your sexual orientation or in the case of background checks, information about criminal records or proceedings.

2.3 We may also receive Personal Data about you from third parties, for example, your family members, other parishioners, other dioceses, medical professionals, the police and other law enforcement bodies.

3.0 Why and how do we Process your Personal Data?

3.1 Why we may use the information we collect:

3.1.1 To carry out the services that you have or may yet request us to;

3.1.2 To keep you informed of developments, news and other information that may be of interest to you;

3.1.3 To maintain our list of contacts;

3.1.4 To help us improve our provision of services to our clients, data analysis, submitting our bills; for fulfilling our legal obligations including to prevent and detect illegal activities;

3.1.5 To comply with any obligation to supply information to government agencies or third parties or otherwise to protect your rights or those of others including those of MML.

3.2 How we may use the information we collect:

3.2.1 With our staff only to the extent necessary to provide our services to you. MML and its staff remain under the strict obligation of confidentiality and any use will comply with the relevant law and within the regulations of the Law Society of Scotland.

3.2.2 Third-party service providers engaged by us to perform services on our behalf, such as IT providers and support, web-hosting companies, event hosting services, law accountants to fee our files, file storage providers, confidential disposal providers, and experts which may need to be instructed on your behalf including surveyors, accountants, medical practitioners, councils and similar.

3.2.3 Law enforcement, courts or tribunals, other government authorities, or third parties (within or outside the jurisdiction in which you reside) as may be permitted or required by the laws of any jurisdiction that may apply to us; as provided for under contract; or as we deem reasonably necessary to provide our legal services. In these circumstances, we take reasonable efforts to notify you before we disclose information that may reasonably identify you or your organisation, unless giving prior notice is prohibited by applicable law or is not possible or reasonable in the circumstances.

3.2.4 Service providers, advisors, potential transactional partners, or other third parties in connection with the consideration, negotiation, or completion of a transaction in which

we are acquired by or merged or amalgamated with another company or we sell, liquidate, or transfer all or a portion of our assets.

4.0 On what grounds do we Process your Personal Data?

We must have a lawful basis for Processing your information; this will vary according to the circumstances of how and why we have your information but typical examples include:

4.1 To carry out the legal services you have contracted with us for us to provide to you.

4.2 To comply with various legal obligations imposed on us by law and regulation to carry out identification and background checks on our clients, to prevent anti-money laundering and anti-terrorism, and other similar.

4.3 We may use your information to help improve our service to you and others as part of our legitimate interest in providing our services to clients.

4.4 You have given us consent to do so.

5.0 Who will we share your information with?

In addition to the uses mentioned at 3.2 above we may, for the purposes of the services we are providing to you, share your information with:

5.1 other solicitors;

5.2 surveyors, accountants, doctors, hospitals, councils, sheriff officers, law accountants, government agencies such as public registers for births deaths and marriages, Registers of Scotland (for registering your title deeds), the Books of Council and Session (for registering any contracts or other deeds for preservation and execution as appropriate); Solicitors' Property Centres and similar;

5.3 the courts and tribunals;

5.4 We may share your information with government bodies for tax purposes or law enforcement agencies for the prevention and detection of crime or otherwise as required by law to do so.

6.0 How will you protect my data?

6.1 Where any third party is not already a data controller or otherwise subject to the same regulations as MML in respect of your data we will require all those we share information with to comply strictly with our instructions and the GDPR.

6.2 We have in place administrative, technical and physical measures designed to guard against and minimise the risk of loss, misuse or unauthorised processing or disclosure of the Personal Data that we hold.

6.3 In the event that we may have to transfer your data to countries which are outside the European Economic Area (EEA), some of which may not have laws which provide the same level of protection to your Personal Data as laws inside the EEA. In such cases we will take steps to ensure that the transfers comply with the GDPR and that your Personal Data is appropriately protected.

7.0 How long will you keep my data?

7.1 We retain the information we collect only for so long as it is reasonably necessary to fulfil the purposes for which we collected it and to comply with our legal obligations.

7.2 Following completion of the legal services provided by us, we will retain your file and papers for so long as we are required to by law or as dictated by The Law Society of Scotland, whichever is the longer. The period we have to hold onto your file depends on the nature of the case and can be subject to change from time to time. We may at our discretion store your records digitally, where that is permitted by the Law Society of Scotland.

8.0 Your Rights

8.1 *You have rights in respect of the Personal Data you provide to us. In particular:*

8.1.1 the right to request a copy of some or all of the Personal Data that we hold about you (including, in some cases, in a commonly used, machine readable, format so that it can be transferred to other Data Controllers). We do not make a charge for this service;

8.1.2 if we Process your Personal Data on the basis that we have your consent, the right to withdraw that consent;

8.1.3 the right to ask that any inaccuracies in your Personal Data are corrected;

8.1.4 the right to have us restrict the Processing of all or part of your Personal Data;

8.1.5 the right to ask that we delete your Personal Data where there is no compelling reason for us to continue to Process it;

8.1.6 the right to object to us Processing your Personal Data for direct marketing purposes; and

8.1.7 the right not to be subject to legal or other significant decisions being taken about you on the basis of an automated process (i.e. without human intervention).

8.2 Please note that the above rights may be limited in some situations – for example, where we can demonstrate that we have a legal requirement to Process your Personal Data. Also, we may need you to provide us with proof of identity for verification and data security purposes before you can exercise your rights.

8.3 Rights may only be exercised by the individual whose information is being held by MML or with that individual's express permission. Children from around 12 years upwards are entitled to make their own requests (where MML is of the reasonable view

that they have an appropriate understanding of the request they are making) and parents / guardian / family members do not have an automatic right to see information about their child or prevent their child from making a request to MML.

9.0 Changes to this Notice

9.1 We may make changes to this Notice from time to time as our organisational practices and/or applicable laws change. We will not make any use of your personal information that is inconsistent with the original purpose(s) for which it was collected or obtained (if we intend to do so, we will notify you in advance wherever possible) or otherwise than is permitted by data protection laws.

10.0 Contact Details

10.1 If you have any questions, require further information about how we protect your Personal Data, if you wish to exercise any of the above rights or if you would like to provide feedback or make a complaint about the use of your information, please contact Alan Fraser, Muir Myles Laverty, York House, Meadow Place Building, Bell Street, Dundee, DD1 1EJ or email at alan@mmlaw.co.uk or telephone on 01382 206000. Please make it clear that your query is about data protection, and let us know what data you are specifically looking for and why. If you are not an existing client, or it might otherwise not be obvious why you are asking for information that may relate to someone else if not you, then please let us know. It may take longer than expected to process your request if we have to investigate your query, including investigating who you are and why you may be entitled, or not, to the information.

10.2 Any complaints will be dealt with in accordance with MML Complaints Policy.

10.3 We hope that we can satisfy any queries you may have about the way in which we Process your Personal Data. However, if you have unresolved concerns you also have the right to complain to the Information Commissioner ('ICO') (www.ico.org.uk).

11.0 Glossary

“Data Controller” means a person, organisation or body that determines the purposes for which, and the manner in which, any Personal Data is processed. A Data Controller is responsible for complying with the data protection laws including the GDPR and establishing practices and policies in line with them. MML is the data controller in terms of this notice.

“Data Processor” means any person, organisation or body that Processes personal data on behalf of and on the instruction of MML. Data Processors have a duty to protect the information they process by following data protection laws.

“Data Subject” means a living individual about whom MML processes Personal Data and who can be identified from the Personal Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in relation to their Personal Data and the information that MML holds about them.

“Personal Data” means any information relating to a living individual who can be identified from that information or in conjunction with other information which is in, or is

likely to come into, MML's possession. Personal Data can be factual (such as a name, address or date of birth) or it can be an opinion (e.g. a performance appraisal). It can even include a simple email address. A mere mention of someone's name in a document does not necessarily constitute Personal Data, but personal details such as someone's contact details or salary (if it enabled an individual to be identified) would fall within the definition.

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

"Special Categories of Personal Data" (previously called sensitive personal data) means information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexuality. It also includes genetic and biometric data. Special Categories of Personal Data can only be processed under strict conditions and such processing will usually, although not always, require the explicit consent of the Data Subject.