

TAITS PRIVACY NOTICE

(Last updated 6th July 2020)

DATA CONTROLLER

We will be a “controller” of your personal information, under the relevant Data Protection legislation unless otherwise stated in this Privacy Notice or otherwise provided in that legislation.

WHERE WE COLLECT INFORMATION FROM

Personal information is obtained by us from many sources:

- 1 From you - for example when you or someone representing you are in contact with us.
- 2 From others
 - (a) Referrers and Referees – organisations who referred you to us such as Accountants, Financial Advisors, Estate Agents, other Solicitors, and persons you have authorised to give us a reference or other information about you;
 - (b) Other people you know – people who you are in some way linked to such as family and others that you have a financial connection with as well as persons representing them. Organisations and individuals who are our clients may also be connected with you in this way such as when you are involved with a matter in relation to which we are instructed, for example, as a beneficiary or claimant on an estate; as another party to a sale or lease of a property; as an employee or employer; as a party to or witness in a case; as a loan guarantor.
 - (c) From information that is publicly available about you such as on the internet and open source data and public records, for example, Registers of Scotland, Companies House, credit referencing agencies and estate research companies, and courts and tribunals. Information obtained from such sources can include information about: an individual’s bankruptcy, public office held, inhibitions, ownership of land and verification of identity, address and beneficial ownership of companies etc.

COVID-19 UPDATE: as a result of the worldwide Coronavirus pandemic, we may need to record information regarding whether you are displaying from any symptoms of Covid-19, have been in recent contact with anyone who has tested positive or is displaying symptoms of Covid-19 or have been advised to shield. This information would be required to ensure safety of our colleagues, clients and those visiting our premises and viewing properties.

WHY WE NEED YOUR PERSONAL INFORMATION

There has to be a legal basis for our use of your personal information under the relevant Data Protection legislation. The bases we use are: contractual purposes, our legal obligations, legitimate interests or your consent (if consent is required and which consent you have the right to withdraw at any time).

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information in this way. If you wish to object to any processing carried out in pursuit of our legitimate interests please contact us by email at info@taits.co.uk or by letter to

Taits, 10 The Square, Kelso, TD5 7HJ. If we comply with your objection, however, this may affect our ability to undertake matters for your benefit and particularly as a client.

Communication

We need your personal information to be able to respond to and communicate with you regarding your instructions, questions, comments, support needs, complaints or concerns.

Clients

We need to collect our clients' personal information so that we can perform our service agreement with clients. As such, when you become our client, we will collect, store and use the personal information that you provide to us in your instructions and during the course of our solicitor/client relationship. We will use our clients' personal information to:

- (a) Provide clients with legal advice, including by, for example, communicating with them by email, letter and/or telephone etc., in connection with the services that we provide;
- (b) Represent clients as their solicitors in connection with such services;
- (c) Process and make payments in connection with such services.

If clients do not provide us with all of the personal information that we need to collect to carry out our obligations in terms of our service agreement with them then this may affect our ability to provide them with legal advice and/or represent them as their solicitors.

Business Clients

Business clients includes companies, other corporate bodies, public bodies and charities. In order that we can provide our services we use personal information about key individuals within such business clients.

(See also Financial Crime below)

Marketing

We also process our clients' personal information in pursuit of our legitimate interest to promote ourselves by sending clients communications and information for upcoming events, and legal updates; and by inviting our clients as guests to events.

Debt Recovery

If required to recover debts due by you to us we may give your personal information to and receive that from third parties (such as sheriff officers).

Financial Crime

We need your personal information to comply with our legal obligations to prevent financial crime. This includes our obligations and our anti-money laundering requirements under The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. We are required to use personal data including name, address and date of birth, personal identification,

information about status as and relationship to a politically exposed person (PEP), criminal convictions, roles held in public office. This personal information will be used in the URU system supplied to us by the GB Group and/or similar systems to verify the identity of individuals and check for their relationship with financial sanctions as well as their status as or in relation to PEPs.

Even if they are not our clients we have to use personal information about key individuals in relation to our clients, for example, key individuals who are a director, company secretary, shareholder, a partner, a member, a trustee, charity trustee, controller, beneficial owner or authorised signatory.

Personal information will be given to and received from third parties to meet our legal obligations in relation to financial crime. Such third parties include the Police and other law enforcement agencies, regulators, credit reference agencies and fraud prevention agencies.

Law Society of Scotland

The names of individuals who have appointed our solicitors to act under Powers of Attorney will be provided to the Law Society of Scotland as our regulator.

Non Clients

If you are not our client but are connected with our client as mentioned in Where We Collect Information From at 2(b) above, we will process personal information about you from the sources mentioned above so that we can comply with our duty as legal advisor to our client.

Taits Employees and Former Employees

This Privacy Notice does not apply to individuals in respect of their position as employees or former employees of ours.

Automated Decision Making and Profiling

We do not use personal information to make decisions solely by automated means without any human intervention. We utilise a system to assess individuals so that we comply with our obligations and requirements as mentioned above under Financial Crime.

Our Website

How we use cookies on our website:

A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website, by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

COVID-19

Our lawful basis for processing health information relating to Covid-19 is:

- to protect your vital interests;
and/or
- for the legitimate interests of our firm, our clients and those viewing properties to ensure individuals' safety and prevent the spread of the virus.

As health information falls within the definition of "special categories of personal data" under applicable data protection legislation, we also need a special condition to process such information. We may need to process this health information:

- to protect your vital interests where you cannot consent;
- for reasons of public interest in the area of public health, including protecting against serious cross-border threats to health where we have a legal duty of confidentiality to our clients;
and/or
- with your explicit consent (if required).

WHO WE SHARE YOUR PERSONAL INFORMATION WITH

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations imposed upon us and upon you in respect of the matter(s) upon which we advise. Such organisations include the Law Society of Scotland, the Information Commissioner's Office in the event of a data breach, the Scottish Legal Complaints Commission, the Department for Work & Pensions, HMRC, Revenue Scotland, Scottish and UK courts, Registers of Scotland, local authorities, Police and law enforcement agencies.

We may also share personal data with our professional advisors for the purposes of taking advice in the event of any legal claim.

Taits employ third parties who may process your personal data for us in providing services including IT, advertising, taxation and accountancy work, fee assessment, destruction of files and papers, anti-money laundering service providers including the GB Group's URU system.

As well as other professional advisors and agents engaged by you, we may be required to share personal information with other agents and service providers who we use in the provision of our products and services including solicitors, counsel, search agents, Registers of Scotland, Companies House, expert witnesses, accountants, auditors, the courts, law accountants and fee assessors, sheriff officers.

In the event that we do share personal data with external third parties, we will only share such personal data strictly required for the specific purposes and take reasonable steps to ensure that the recipients shall only process the disclosed personal data in accordance with those purposes.

HOW WE PROTECT YOUR PERSONAL INFORMATION

Your personal information is stored on our electronic filing system and our servers in the UK and is accessed by our staff for the purposes set out above.

HOW LONG WE KEEP PERSONAL INFORMATION

We will keep your personal information for as long as is required to comply with our obligations set out above and to fulfil the purposes for which it was collected including satisfying any legal, accounting or reporting requirements.

To determine the appropriate retention period for personal information we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

If your personal information has been used by us in matters in relation to which we are acting for clients, the period for which we hold our clients' file (whether in paper or electronic form) will often be the same period as we retain your personal information. The Law Society of Scotland's guidelines concerning the retention of client files are observed by us which means that we will retain those files (and your personal information within them) for a basic minimum period of ten years. The nature of the matters on which we are instructed may require us to hold client files (and your personal information) for longer periods as a result of the time periods for legal claims to be made being much longer than ten years. This is often the case in heritable property, wills, trusts and executry cases.

YOUR RIGHTS

You can exercise any of the following rights by writing to us by email at info@taits.co.uk or by letter to Taits, 10 The Square, Kelso, TD5 7HJ.

Your rights in relation to your personal information are:

- You have the right to request access to the personal information that we hold about you by making a "subject access request";
- If you believe that any of the personal information is inaccurate or incomplete you have a right to request that we correct or complete your personal information;
- You have a right to request that we restrict the processing of your personal information for specific purposes;
- If you wish us to delete your personal information you may request that we do so;
- You have the right to object to us processing your personal information in certain circumstances;
- You have a right to obtain and re-use the personal information that we hold about you for your own purposes in certain circumstances;
- Where we undertake any automated decision making and profiling, you have certain rights in relation to that processing.

Any request received by Taits will be considered under applicable Data Protection legislation. If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at www.ico.org.uk.