

## **ELBORNE MITCHELL LLP PRIVACY NOTICE**

### **INTRODUCTION**

Elborne Mitchell LLP respects your privacy and is committed to protecting your personal data. This Privacy Notice will inform you about how Elborne Mitchell LLP collects, controls, processes and uses your Personal Data, including any data you may provide through our website, if you subscribe or receive our newsletters, register for events or send us an enquiry. This Notice tells you about your privacy rights and how UK law protects you.

It is important that you read this Privacy Notice together with any other Privacy Notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

Please see the Glossary of terms at the end of this Privacy Notice to understand the meaning of some of the terms used in it.

### **1. IMPORTANT INFORMATION AND WHO WE ARE**

#### **Purpose of this Privacy Notice**

Elborne Mitchell LLP is a limited liability partnership registered in England and Wales practising as solicitors and regulated by the Solicitors Regulation Authority. It is referred to in this Privacy Notice as “we”, “us” or “our.” “You” refers to you and every individual and/or organisation you are representing when accessing our website.

This website is not intended for children and we do not knowingly collect data relating to children.

#### **Controller**

Elborne Mitchell LLP acts as a controller and is responsible for the personal data you provide.

We have appointed a data privacy manager and if you have any questions about this Privacy Notice, including any requests to exercise *your legal rights*, please use the following details:

Elborne Mitchell LLP Data Privacy Manager  
[gdpr@elbornes.com](mailto:gdpr@elbornes.com)  
88 Leadenhall Street, London EC3A 3BP  
T: +44 (0) 20 7320 9000

We would like to deal with any concerns or complaints you may have. However, you have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues. See [www.ico.org.uk](http://www.ico.org.uk) for contact information and its complaint process.

#### **Your Duty to Inform Us of Changes and Changes to Our Privacy Notice**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes.

We may change this Notice from time to time and you should check this Notice regularly to ensure you are aware of and understand any changes.

### **Third-Party Links**

This website may include links to third-party websites and plug-ins. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their control, processing or use of data or their privacy statements. **When you leave our website, we encourage you to consider the security of every website before you visit it and read the relevant privacy notice for that site.**

## **2. THE DATA WE COLLECT ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified or that can otherwise be linked to an individual using information we already hold. It does not include data where the individual's identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, and title.
- **Contact Data** includes work or personal email address, job title, work or home address and telephone number.
- **Technical Data** includes internet protocol (IP) addresses, browser types and versions, time zone settings and locations, browser plug-in types and versions, operating systems and platforms and other technology on the devices you use to access this website.
- **Profile Data** includes your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and third parties and your communication preferences.

We also collect and use aggregated data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data, but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Notice.

On our website we do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data), nor do

we collect any information about criminal convictions and offences. Please do not provide such information to us when using our website.

If you retain us on a matter we will provide you with an additional Privacy Notice.

### **3. HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Marketing Data by filling in forms or by corresponding with us by post, phone, electronically or otherwise, such as providing your business card. This includes personal data you provide when you:
  - contact us for information or our services or events;
  - subscribe to a service or publication we provide;
  - request marketing material to be sent to you;
  - give us feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using server logs and other similar technologies, such as Google Analytics.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources such as Technical Data from analytics providers, including Google based outside the EEA, and Identity and Contact Data from publicly available sources, including Companies House and the Electoral Register based inside the EEA.

### **4. HOW WE USE YOUR PERSONAL DATA**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform a contract (a retainer) we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data. You have the right to withdraw consent to marketing at any time by [contacting us](#).

### **Purposes for which We May Use Your Personal Data**

We have set out below, in a table format, a description of the ways we may use your personal data and the legal bases we rely on to do so. We have also identified what our legitimate interests are where

appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal data, where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including legitimate interest basis</b>
To register you as a (potential) client	(a) Identity (b) Contact	<ul style="list-style-type: none"> <li>• Performance of a contract with you</li> <li>• Necessary to comply with a legal obligation</li> <li>• Necessary for our legitimate interests (to study how our clients and web visitors use our website and services, to develop them and grow our business)</li> </ul>
To process and respond to your enquiries	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	<ul style="list-style-type: none"> <li>• Performance of a contract with you</li> <li>• Necessary for our legitimate interests (to study how our clients and web visitors use our website and services, to develop them and grow our business)</li> </ul>
To manage any business relationship with you which will include: <ul style="list-style-type: none"> <li>▪ Notifying you about changes to our terms of retainer or our Privacy Notice</li> <li>▪ Notifying you of any business changes</li> <li>▪ Providing you with updates and information</li> </ul>	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	<ul style="list-style-type: none"> <li>• Performance of a contract with you</li> <li>• Necessary to comply with a legal obligation</li> <li>• Necessary for our legitimate interests (to keep our records updated and to study how our clients and web visitors use our website and services)</li> </ul>
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	<ul style="list-style-type: none"> <li>• Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, and to prevent fraud)</li> <li>• Necessary to comply with a legal obligation</li> </ul>
To deliver relevant website content to you and measure or understand the effectiveness of	(a) Identity (b) Contact	<ul style="list-style-type: none"> <li>• Necessary for our legitimate interests (to study how our clients and web visitors use our website and services,</li> </ul>

what we provide to you	(c) Usage (d) Marketing and Communications (e) Technical	to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/services, marketing, client relationships and experiences	(a) Technical (b) Usage	<ul style="list-style-type: none"> <li>Necessary for our legitimate interests (to define types of our clients and web visitors for our services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)</li> </ul>
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	<ul style="list-style-type: none"> <li>Necessary for our legitimate interests (to develop our products/services and grow our business)</li> </ul>

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

We may use your Identity, Contact, Technical, and Usage Data to form a view on what may be of interest to you including invitations to certain events, such as lectures, and to maintain our list of business contacts. You will receive marketing communications from us if you have requested information from us and if, in each case, you have not opted out of receiving that marketing.

You can ask us to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by [contacting us](#).

Where you opt out of receiving these marketing messages, the opt-out will not apply to our retaining personal data provided to us as a result of a service enquiry, service experience or other transactions.

## Third-Party Marketing

We will get your express opt-in consent before we share your personal data with another organisation for marketing purposes.

## Cookies

We do not use cookies on our website.

## Change of Purpose

We will only use your personal data for the purposes for which we collect it including delivering our

contractual services to you or maintaining our business, unless we are legally obliged to use it for another reason or we reasonably consider that we need to use it for another reason which is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please *contact us*.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above, where this is required or permitted by law.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your personal data with the parties set out below for the purposes set out in the table in section 4 above.

- Our service providers and suppliers acting as processors based in the UK who provide IT and system administration services and anti-money laundering services.
- Professional advisers acting as processors or joint controllers including experts, solicitors, barristers, bankers, insurers and auditors based in the UK who provide consultancy, legal, insurance, banking and accounting services.
- HM Revenue & Customs, our regulators and other relevant authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then new owners may use your personal data in the same way as set out in this Privacy Notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **6. INTERNATIONAL TRANSFERS**

We do not usually transfer personal data outside the European Economic Area (EEA).

If a transfer of your personal data outside of the EEA were required, we would ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that the European Commission has deemed to provide an adequate level of protection for personal data.
- Where we use certain service providers, we may use specific contracts approved by the European

Commission which give personal data the same protection it has in the EEA.

- Where we use providers based in the USA, we may transfer data to them if they are part of the Privacy Shield which requires them to provide a similar protection of personal data to the EEA.

Please [contact us](#) if you require further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. DATA SECURITY

We have put in place security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to access them. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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

## 8. DATA RETENTION

### **How long will you use my personal data for?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collect it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

By law we have to keep basic information about our clients (including Contact, Identity, and Transaction Data) for five years after they cease being clients.

In some circumstances you can ask us to delete your data. See *Request erasure* below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

You have the right to:

**Request access** to your personal data (commonly known as a “data subject access request”). This

enables you to receive a copy of the personal data we hold about you.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of any new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which, if applicable, will be notified to you at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data, even if we no longer require it, as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please [contact us](#).

### **No Fee Usually Required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What We May Need from You**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time Limit to Respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a

month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## 10. GLOSSARY

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by [contacting us](#).

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

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