

Appendix 58 Engleharts’ Privacy Policy

Engleharts is a law firm and provides legal advice and assistance to its clients. It is authorised and regulated by the Solicitors Regulation Authority (“SRA”)

This policy sets out Engleharts’ commitment to ensuring that any personal data, including special category personal data, which Engleharts processes, is carried out in compliance with data protection law. We ensure that good data protection practice is imbedded in the culture of our staff and our organisation.

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 Data Protection Act 2018 (DPA 2018) and 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 DPA 2018 and GDPR. Our use of your personal data is subject to your instructions, the DPA 2018 and 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	Engleharts Solicitors Vallance Hall, 49 Hove Street, Hove, East Sussex BN3 2DE
Our Data Compliance Managers	Angela Englehart Penelope Kidd
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. Genetic and biometric data. 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 advising and/or acting for you.

Personal data we will collect	Personal data we may collect depending on why you have instructed us
<p>Your name, address and telephone number</p> <p>Information to enable us to check and verify your identity, eg your date of birth or passport details</p> <p>Electronic contact details, eg your email address and mobile phone number</p> <p>Information relating to the matter in which you are seeking our advice or representation</p> <p>Your financial details so far as relevant to your instructions, e.g. the source of your funds if you are instructing on a purchase transaction</p>	<p>Your National Insurance and tax details</p> <p>Your bank and/or building society details</p> <p>Details of your professional online presence.</p> <p>Details of your spouse/partner and dependants or other family members, lifestyle, financial and social circumstances.</p> <p>Your employment status and details including salary and benefits.</p> <p>Your nationality and immigration status and information from related documents, such as your passport or other identification.</p> <p>Details of your pension arrangements.</p> <p>Your employment records (including relevant special category personal data).</p> <p>Your racial or ethnic origin, gender and sexual orientation, religious or similar beliefs.</p> <p>Your trade union membership.</p> <p>Personal identifying information, such as your eye colour or your parents' names.</p> <p>Your medical records.</p>

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

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, e.g. Companies House or HM Land Registry;
- Directly from a third party, for example client due diligence providers including but not limited to Searches UK. Note the company used may differ depending on the circumstances but we can inform you at the time on request of the proposed provider.
- From a third party with your consent, e.g.: 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 .
- Via our information technology (IT) systems, e.g.: case management, document management and time recording systems; CCTV and reception logs;

How and why we use your personal data

Under data protection law, we can only use your personal data if we have a proper reason for doing so, e.g.:

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

The table below explains what we use (process) your personal data for and our reasons for doing so:

What we use your personal data for	Our reasons
To provide legal services to you	For the performance of our contract with you or to take steps at your request before entering into a contract
Conducting checks to identify our clients and verify identity Other processing necessary to comply with professional, legal and regulatory obligations that apply to our business, e.g. under health and safety regulation or rules issued by our professional regulator	To comply with our legal and regulatory obligations
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, e.g. policies covering security and internet use	For our legitimate interests, 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, 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, ie to protect our intellectual property and other commercially valuable information To comply with our legal and regulatory obligations
Statistical analysis to help us manage our practice.	For our legitimate interests, ie to be as efficient as we can so we can deliver the best service for you at the best price

What we use your personal data for	Our reasons
Preventing unauthorised access and modifications to systems	For our legitimate interests, ie to prevent and detect criminal activity that could be damaging for us and for you 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 To comply with our legal and regulatory obligations For our legitimate interests, e.g. 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
Ensuring safe working practices, staff administration and assessments	To comply with our legal and regulatory obligations
Marketing our services to: —existing and former clients;	For our legitimate interests ie to promote our business to existing and former clients
External audits and quality checks, e.g. for CQS	For our legitimate interests. To comply with our legal and regulatory obligations

The above table does not apply to special category personal data, which we will only process with your explicit consent.

We will always take all reasonable precautions to make sure that your data remains secure and is handled in accordance with this Privacy Policy.

Promotional communications

We may use your personal data to send you updates by email about legal developments that might be of interest to you and/or information about our services.

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

You have the right to opt out of receiving promotional communications at any time by sending an email to: sharon@engleharts.co.uk

Who we share your personal data with

We routinely share personal data with:

- other third parties where necessary to carry out your instructions, e.g. your mortgage provider or HM Land Registry in the case of a property transaction or Companies House;
- professional advisers who we instruct on your behalf or refer you to, e.g. barristers, medical professionals, accountants, tax advisors or other experts;
- our insurers and brokers;
- external auditors, e.g. in relation to CQS
- our banks
- external service suppliers, representatives and agents that we use to make our business more efficient, e.g. IT services/accountants

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 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.

How long your personal data will be kept

We will keep your personal data after we have finished advising or acting for you: to respond to any questions, complaints or claims made by you or on your behalf, to keep records required by law or regulation.

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. Further details are available on request and at Appendix 1 to this policy.

When it is no longer necessary to retain your personal data, we will delete or anonymise it.

Your rights

You have the following rights:

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	The right to object at any time to your personal data being processed for direct marketing ,in certain other situations to our continued processing of your personal data.

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 GDPR and DPA 2018.

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

- email our Data Compliance Managers; see below 'How to contact us'; and
- 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, damaged, 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.

Careers

If you submit a job application to Engleharts we will collect information pertaining to your job application and hold it for six months. Any personal data that you supply to us will be stored securely and we will store and use any data that you provide to us solely for the purpose of considering your application for employment with Engleharts.

Cookies.

A Cookie is a small file of letters and numbers that are sent to your computer when you visit a website. It is stored in your web browser. If you visit the same web site again, the information stored in the cookie can be retrieved to notify the web site (and only that website) of your previous activity. A cookie cannot provide access to your computer. Cookies are widely used to make websites work more efficiently, as well as to provide information to the owners of the site.

To find out more about cookies including what cookies have been set and how to manage or delete them go to www.allaboutcookies.org

How to complain

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

The GDPR and DPA 2018 also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner at the Information Commissioners Office who may be contacted at <https://ico.org.uk/concerns> or telephone: 0303 123 1113 or live chat via: www.ico.org.uk

Changes to this privacy policy

This privacy policy was published on 07/06/2018 and last updated on 3/11/2021.

We may change this privacy policy from time to time, when we do, any changes will be posted to our website and where appropriate will be notified by email.

How to contact us

Please contact us and/or our Data Compliance Managers by email or telephone if you have any questions about this privacy policy or the information we hold about you. Our contact details are:

Engleharts Solicitors
Vallance Hall
49 Hove Street
Hove
East Sussex
BN3 2DE

T: 01273 204411
F: 01273 204207

E: info@engleharts.co.uk

Our Data Compliance Managers' details:

Angela Englehart: angela@engleharts.co.uk

Penelope Kidd: penelope@engleharts.co.uk

**APPENDIX 1
RECORDS RETENTION SCHEDULE**

FILE/DATA/ELECTRONIC DESTRUCTION DATES

DEPARTMENT	CATEGORY	MINIMUM
RESIDENTIAL PROPERTY	Acting for the Purchaser on purchase	12 years
	Acting for the Vendor on sale of the whole title.	12 years
	Acting for Bank or other lender.	12 years
	Lease extension and/or re-mortgage Equity release / Transfer of Equity	12 years
COMMERCIAL PROPERTY	Sale and purchase	12 years
PROBATE/TRUST	Administration completed and assets distributed	Indefinitely
WILLS	From date of execution	Indefinitely
LPA	From date of execution	Indefinitely
LITIGATION	All. Including High Court and County Court Civil Litigation and Landlord and Tenant	12 years
	Professional Negligence	12 years
EMPLOYMENT	All	12 years
FAMILY	All	12 years
	Pre and post nuptial agreements	Indefinitely
COMPANY COMMERCIAL	Company Formation	12 years
	Licensing	12 years
GENERAL	Any document under seal	12 Years
ALL DEPARTMENTS	All electronic data documents or records	21 years
ACCOUNTS	All electronic data documents or records	21 years
AML CDD	All identifying CDD material (see AML Policy and Form 20b)	3 years unless an exception applies, or client gives consent to longer retention