

Kenneth Elliott & Rowe Limited Privacy Policy

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Introduction

Welcome to our privacy notice. This is primarily aimed at potential clients as well as past and current clients of the firm either interacting with us directly or via our website.

Kenneth Elliott & Rowe Limited respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you engage us to act for you in a legal capacity, visit our website or otherwise interact with us and tell you about your privacy rights and how the law protects you.

Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice.

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2. THE DATA WE COLLECT ABOUT YOU

3. HOW IS YOUR PERSONAL DATA COLLECTED

4. HOW WE USE YOUR PERSONAL DATA

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1. Important information and who we are

Purpose of this privacy notice

This privacy notice aims to give you information on how Kenneth Elliott & Rowe Limited collects and processes your personal data. You can do this by providing us with personal information usually as a client of this firm (such as your name and address or documents such as identity documents). You may interact with us through your use of our websites, including any data you may provide through this website when you enter your details for an online quotation and any on line forms and when interacting with us directly.

We do not act for children directly. We may act for children in our legal capacity however generally this will be through and with the consent of their parents or other responsible person. Our websites are not intended for children and we do not knowingly collect data relating to children on our websites.

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. This privacy notice supplements the other notices and is not intended to override them.

Controller

Kenneth Elliott & Rowe Limited is the controller and responsible for your personal data referred to as “we”, “us” or “our” in this privacy notice.

The directors of Kenneth Elliott & Rowe Limited take ultimate responsibility for data protection.

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

Contact details

Our full details are:

Kenneth Elliott & Rowe Limited

Matthew Skidmore

matthew.skidmore@ker.co.uk

Enterprise House

18 Eastern Road

Romford

Essex RM1 3PJ

01708 757575

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 (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to the privacy notice and your duty to inform us of changes

This version was last updated on 25 May 2018 and historic versions can be obtained by contacting us.

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

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. It does not include data where the identity has been removed (anonymous data).

- Information relating to you and individuals connected to your business that you provide to us, or which others provided to us on your behalf e.g.:

- contact details (e.g. address, email address, position in company, landline and mobile numbers);
- information concerning your identity including where you're an individual and, in the case of individuals connected to our business, photo ID, passport information, National Insurance number, National ID card and nationality;
- market research (e.g. information and opinions expressed when participating in market research);
- user login and subscription data (e.g. login credentials online);
- other information about you and individuals connected to your business that you've provided to us by filling in forms or by communicating with us, whether face-to-face, by phone, email, online, or otherwise.

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

- **Identity Data** includes first name, maiden name, last name, date of birth, gender, username or similar identifier, marital status and title.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **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.

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.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with legal services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

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 Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
 - Instruct us to use our services or obtain quotations for those services;
 - complete forms or create an account on our website;
 - subscribe to our service or publications;
 - request marketing information to be sent to you;
 - complete a survey or give us some 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 may collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below.
- **Technical Data** from the following parties:
 - (a) analytics providers such as Google and Facebook based both inside and outside the EU; and
 - (b) search information providers such as Google and Facebook based both inside and outside the EU.
- Identity, Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Credit Safe or Smart Search or similar Anti Money Launderings providers usually based inside the EU.
- Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

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 the contract we are about to enter into or have entered into with you i.e. when we provide legal services to you. We will need to store data so that we can contact you about your

matter both during and after our retainer is completed. This may be stored in the paper file and the electronic file we hold for you.

- We will store information included in your file (e.g. documents relating to your matter and a record of advice that we may have given you) both during and after our retainer is completed.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests for example we will not normally destroy your file for at least 6 years so that we can comply with continuing anti money laundering requirements and / or to deal with any queries you may have concerning your file after the matter has been concluded. In some cases, a third party may require us to keep a file for much longer, for example if you have a mortgage in a conveyancing matter the mortgage lender may instruct us to act jointly with you. In such circumstances the lender may require a copy of the file at any time during the mortgage – this could potentially be 25-30 years. (It is likely you will have consented to this in the mortgage lenders terms and conditions in the mortgage application). We may hold documents such as wills and title deeds for longer – to identify you in the future we will need to link your personal deeds to those documents.
- Where we need to comply with a legal or regulatory obligation for example we may collect financial information from you to comply with due diligence checks, sanctions and anti-money laundering checks.
- Where we need to comply with legal and regulatory requirements we will use your identity information to authenticate you and the individuals connected to your business via third party suppliers of such services and we will store that information for compliance purposes.
- We will store information that we need to support our regulatory obligations (e.g. information about transaction details, detection of any suspicious and unusual activity and information about parties connected to you or these activities).
- We may use your data for marketing and sales information by this firm (e.g. details of the services you receive and your preferences). We do not however share this data with third party marketing companies or organisations which may use that data for their own marketing purposes;
- Even if you do not engage us to act for you we will keep records of correspondence and other communications between you and us and any third party we interact with including post, fax, email, live chat, instant messages and social media communications. This is because we may have provided you advice or provided you with information even though you have not formally engaged us. In such circumstances if a claim were made against this firm or you complain to any regulator about our conduct we need to show that we have acted in an appropriate manner.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of 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.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
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To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your instructions including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To enable you to complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
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	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and marketing communications to you and measure or understand the effectiveness of the marketing communications we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated

and experiences		and relevant, to develop our business and to inform our marketing strategy)
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	Necessary for our legitimate interests (to develop our products/services and grow our business)

Marketing

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

Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased services from us and have not opted out of receiving that marketing.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service or other transactions.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason 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 rules, where this is required or permitted by law.

Third-party links

Our website may include links to third-party websites, plug-ins and applications. 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 privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

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 paragraph 4 above.

- External Third Parties as set out in the *Glossary*.
- 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 the 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 transfer your personal data outside the European Economic Area (**EEA**).

It may be that the External Third Parties listed in the Glossary use or store data in various places around the world as part of their cloud based data service to us.

7. Data security

We have put in place appropriate 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 know. 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.

We check that our External Third Parties have appropriate policies in place to cover Data Security and we only deal with such providers. We have no effective way to audit or manage those providers.

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 collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

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

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

However we also have a legal duty to you to keep relevant papers for much longer – this depends on the terms of our instructions for example if you have purchase a property with a mortgage the mortgage lender as a condition of your mortgage lending may require us to keep your data (your file) for the lifetime of the mortgage which is typically 25 years.

There are other circumstances when it would be in your interest to retain files for a much longer period such as a will or conveyancing file were issues could arise much later for example if a will was challenged on death

which may be decades after the date we acted for you then the information from the file may resolve the dispute more easily.

Similarly, if we retain original documents for you such as wills or title deeds we would not normally delete your data to link your ownership of those documents for security purposes unless those wills or deeds were returned to you at your request. This means there would be no end date on the retention of such data.

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. Please see below to find out more about these rights:

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 and to check that we are lawfully processing it.

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 the 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 will be notified to you, if applicable, 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.

Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that

this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

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

LAWFUL BASIS

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.

THIRD PARTIES

External Third Parties

- Service providers acting as processors based both inside and outside the EU who provide IT case management form processing and system administration services such as Leap (<https://www.leap.co.uk>) and Microsoft (<https://www.microsoft.com/en-gb>). These providers have cloud based storage systems in which some of your data will be stored or processed. Leap and Microsoft have their own privacy and security policies on their websites.
- Professional advisers acting as processors or joint controllers including solicitors or barristers, bankers, valuers, auditors and insurers based the UK who provide consultancy, banking, legal, valuation, insurance and accounting services.

- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Anti Money Laundering (AML) and Fraud Prevention services acting as processors of personal data to verify identity and or carry out AML and fraud checks.