

O'Neill Richmonds Law Firm Ltd

1. Confidentiality, Privacy & Data Protection

- 1.1 We use the information you provide primarily for the provision of legal services to you and for related purposes including updating and enhancing client records, analysis to help us manage our practice, statutory returns, legal and regulatory compliance. We may process personal data and in limited circumstances (where relevant to our instruction) sensitive classes of information. We do not use automated decision making techniques. Our use of that information is subject to your instructions, data protection law and our duty of confidentiality.
- 1.2 Please note our work for you may require us to pass on such information to third parties such as expert witnesses and other professional advisors, including sometimes advisors appointed by another party to your matter. We may also give such information to others who perform services for us, such as typing or photocopying. Our practice may be audited or checked by our accountants, our regulator, or by other organisations. All such third parties are required to maintain confidentiality in relation to your matters.
- 1.3 In certain circumstances the law requires us to disclose information relating to you (for example, but not limited to, registration of trusts, anomalies in Companies House published data, cross border transactions and ongoing obligations under EU Directives post Brexit). If on your authority we are working with other professional advisers or lawyers, we will assume that we may disclose any relevant aspect of your affairs to them. You have the right to withdraw or limit that consent but that may affect our ability to continue to act on your behalf and you should discuss any concerns with your advisor.
- 1.4 We may in some cases consult credit reference agencies in order to assess your creditworthiness. If you are an individual, we require your consent before we do this. Your continuing instructions to us will constitute your consent to us carrying out such a search. Details of the credit agency we use are available on request. We have procedures designed to ensure that personal data is used only by appropriately authorised and trained personnel and to safeguard such information against accidental loss or unauthorised disclosure. We will keep that information strictly confidential unless otherwise required by law or court order.
- 1.5 Where we act for you and your lender we have a duty to fully reveal to your lender or HM Revenue and Customs all relevant facts about your purchase, your mortgage and what makes up the purchase price. Your continuing instructions amount to your consent to us to disclose all relevant information to your lender and to HM Revenue and Customs. This includes any difference between your mortgage application and information you or we receive during the transaction including any cash back payments or discount schemes or other incentives that the seller is providing or allowing or giving to you.
- 1.6 You must disclose all information which may affect your liability for stamp duty land tax or other stamp duty (duty) as we can then ensure you pay the correct duty. If you fail to disclose all information (and if in doubt please disclose it as it can be discounted if it is not relevant) you must accept full liability for any penalties or action or other proceedings that any authority may take against you for failing to disclose information which resulted in a duty or greater liability to pay such duty.
- 1.7 Where you provide us with fax or computer network addresses for sending material to, we will assume, unless you tell us otherwise, that your arrangements are sufficiently secure and confidential to protect your interests.
- 1.8 We outsource our IT functions and this means that electronic data is cloud hosted. The data will not leave the EU (unless we are corresponding with a client based outside of the EU) and is held in encrypted form. Acceptance of these terms of business will be deemed acknowledgement of the arrangement. However if a matter is an usually sensitive or high profile one we will obtain your further informed consent to the hosting of your data in this manner.

- 1.9 The Internet is not secure and there are risks if you send sensitive information in this manner or you ask us to do so. Data we send by email is not routinely encrypted, so please tell us if you do not want us to use email as a form of communication with you or if you require data to be encrypted.
- 1.10 We will take reasonable steps to protect the integrity of our computer systems by screening for viruses on email sent or received. We expect you to do the same for your computer systems.
- 1.11 All information that we hold concerning you as an individual will be held and processed by us strictly in accordance with the provisions of the General Data Protection Regulation. Data may be stored on paper at our offices, in paper form away from office premises, and electronically.
- 1.12 The firm may become subject to periodic checks by Law Society approved Consultants and/or Assessors. This could mean that your file is selected for checking, in which case we would need your consent for the checking to occur. All such checks are conducted by individuals who have provided the firm with a Confidentiality Agreement. Your acceptance of these Terms of Business amounts to your consent to make your file available for checking. If you do not want us to make your file available for checking you must notify us immediately and we will mark your file accordingly. If you refuse to give us consent to checks, your refusal will not affect the way your case is handled in any way.
- 1.13 If you are an individual, you have a right under the General Data Protection Regulation to obtain information from us, including a description of the data that we hold on you. We seek to keep that personal data correct and up to date. You should let us know if you believe the information we hold about you needs to be corrected or updated. Should you have any queries concerning this right, please contact our head office. We may charge you £10.00 for providing you with any such information but there will be no charge for correcting any information held. VAT will not be added to the charge.
- 1.14 We may correspond with you by email unless you advise us in writing that you do not wish us to do so. You acknowledge that email may not be secure. Email will be treated as written correspondence and we are entitled to assume that the purported sender of an email is the actual sender and that any express or implied approval or authority referred to in an email has been validly given. You consent to us monitoring and reading any email correspondence travelling between you and any mail recipient at O'Neill Richmonds Law Firm Ltd.
- 1.15 We will aim to communicate with you by such method as you request. More often than not this will be in writing, but may be by telephone if it is appropriate. We may need to virus check disks or e-mails, but unless you withdraw consent we may communicate with others when appropriate by e-mail or fax but we cannot be responsible for the security of correspondence and documents sent by e-mail or fax.
- 1.16 If you send us personal data about anyone other than yourself you will ensure you have any appropriate consents and notices in place to enable you to transfer that personal data to us, and that we may use it for the purpose for which you provide it to us.
- 1.17 We will receive personal data from you in respect of anti money laundering checks which we will verify electronically using SmartSearch ID verification or Property Information Exchange verification. This personal data will only be processed for the purposes of preventing money laundering and terrorist financing, or as otherwise permitted by law or with your express consent.
- 1.18 You consent to us retaining your personal data for longer than the five year statutory period.
- 1.19 We have attempted to explain our obligations and your rights in a manner that is easy to understand. We welcome any queries, questions or concerns you may have. Our data protection officer is Karen Potts at 1-2 Lansdowne Terrace East, Gosforth, Newcastle upon Tyne NE3 1HL (0191 240 4000) or further information can be found at The Information Commissioner's Office (including information about your right to complain if you are unhappy with the way in which you think we are dealing with your data), at <https://ico.org.uk/> The address is Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and their helpline number is 0303 123 1113.