

DATA SUBJECT RIGHTS

SUMMARY

We do not communicate with data subjects who are predominantly defendants who are interviewed under caution at a police station. The instructing solicitors do that. We only communicate routinely with those firms, agencies and police station representatives. We have no online services directed at children or members of the public.

For the avoidance of doubt we do have a policy for communication with non-professional individuals even though such requests would be rare and in any event referred to the instructing firm. We have no clients other than our instructing solicitors. All the material we hold is legally privileged and therefore part of the UK opt-out. The material is properly covered by the Data Protection Bill not GDPR.

INDIVIDUALS

Individuals need to know that we are collecting their data, why we are processing it and who we are sharing it with.

We publish this privacy information on our website and on our forms and letters where they are sent to individuals. The information is:

1. concise, transparent, intelligible and easily accessible
2. written in clear and plain language, particularly when addressed to a child
3. free of charge.

The information we supply depends on whether we obtained the personal data directly from the individual or a third party.

CHILDREN

We provide children with the same privacy information as we give adults. It is good practice to also explain the risks involved in the processing and the safeguards we have put in place.

Any information we direct at the child is concise, clear, and written in plain language so that they are able to understand what will happen to their personal data, and what rights they have. It is age-appropriate and presented in a way that appeals to a young audience.

ACCESS

Individuals have the right to obtain the following:

1. confirmation that we are processing their data
2. access to their personal data and
3. other supplementary information (which is in the privacy notice)

Individuals can request information verbally or in writing. We provide a copy of the information free of charge. However, we can charge a 'reasonable fee' when a request is:

1. manifestly unfounded or excessive, particularly if it is repetitive, unless we refuse to respond or
2. for further copies of the same information (that's previously been provided).

We do not charge for all subsequent access requests.

We base the fee on the administrative cost of providing the information.

We provide information without delay and at least within one calendar month of receiving it. We can extend this by a further two months for complex or

numerous requests (in which case we will inform the individual and give an explanation).

We calculate the time limit from the day after we receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

A calendar month ends on the corresponding date of the next month (eg 2 January to 2 February), unless that date does not exist in which case it is the last day of the next month (eg 31 January to 28 February).

If the corresponding date falls on a weekend or a public holiday, we have until the next working day to respond (eg we receive a request on 30 March and the time limit starts from the next day (31 March). As there is no equivalent date in April, we have until 30 April to respond. However, if 30 April falls on a weekend, or is a public holiday, we have until the end of the next working day to respond).

This means that the legal deadline will vary from 28 days to 31 days depending on the month.

We verify the identity of the person making the request, using “reasonable means”.

If the request is made electronically, we provide the information in a commonly used electronic format.

RECTIFICATION

Individuals have the right to have personal data rectified if it is inaccurate or completed if it is incomplete.

An individual can make a request for rectification verbally or in writing.

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We will respond to a request without delay and at least within one month of receipt.

We calculate the time limit from the day after we receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

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We can extend this period by a further two months for complex or numerous requests (in which case we will inform the individual and explain the delay). It is our practice to make a note on the record showing that it is under dispute and why.

We will verify the identity of the person making the request, using “reasonable means”.

If we have shared the personal data with other organisations (for example other controllers or processors) we will inform them of the rectification where possible.

We will regularly review the information we process or store to identify when we need to take action, eg correct inaccurate records. Records management policies, with rules for creating and keeping records (including emails) can help.

We will conduct regular data quality reviews of systems and manual records we hold as it will help to ensure the information continues to be adequate for the purposes we are processing it for.

We will also ensure that we complete regular data quality checks to provide assurances on the accuracy of the data being inputted by our staff.

If we identify any data accuracy issues, we will communicate lessons learned to staff through ongoing awareness campaigns and internal training.

RETENTION & DISPOSAL

Individuals have the right to be forgotten and can request the erasure of personal data when:

1. it is no longer necessary for the purpose we originally collected or processed it for
2. the individual withdraws consent
3. we are relying on legitimate interests as our basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing
4. we are processing the personal data for direct marketing purposes and the individual objects to that processing
5. it was unlawfully processed (ie otherwise in breach of the GDPR)
6. it has to be erased in order to comply with a legal obligation
7. it is processed for information society services to a child

Individuals can make a request for erasure verbally or in writing.

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We can refuse to comply with a request for erasure if we are processing the personal data for the following reasons:

1. to exercise the right of freedom of expression and information
2. to comply with a legal obligation
3. to perform a public interest task or exercise official authority
4. for archiving purposes in the public interest, scientific research historical research or statistical purposes
5. to exercise or defence of legal claims

6. for public health purposes in the public interest
7. for processing that is necessary for the purposes of preventive or occupational medicine, if we are processing the data by or under the supervision of a health professional.

We have a written retention policy which reminds us when to dispose of various categories of data, and help us plan for its secure disposal.

We will regularly review our retention schedule to make sure it continues to meet business and statutory requirements and agree any amendments with managers and incorporate them into the new schedule.

We have designated responsibility for retention and disposal to the appropriate person.

RESTRICTION OF PROCESSING

Individuals have a right to block or restrict the processing of their personal data.

Individuals can make a request verbally or in writing. We will verify the identity of the person making the request, using “reasonable means”.

We will respond to a request without delay and at least within one month of receipt.

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When processing is restricted, we are permitted to store the personal data, but not further process it.

We can retain just enough information about the individual to ensure that the restriction is respected in the future.

As a matter of good practice, we will consider restricting the processing of personal data if:

1. an individual contests the accuracy of the personal data, we will restrict the processing until we have verified the accuracy of the personal data.
2. an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our businesses legitimate grounds override those of the individual.
3. processing is unlawful and the individual opposes erasure and requests restriction instead.
4. we no longer need the personal data but the individual requires the data to be retained to allow them to establish, exercise or defend a legal claim.

We may need to review procedures to ensure we are able to determine if we need to restrict the processing of personal data.

If we have disclosed the personal data to other organisations (controllers or processors), we will inform them about the restriction, unless it is impossible or involves disproportionate effort to do so.

We will inform individuals when we decide to lift a restriction on processing.

DATA PORTABILITY

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.

They can receive personal data or easily move, copy or transfer that data from one business to another in a safe and secure way.

The right to data portability only applies:

1. to personal data an individual has provided to a controller
2. where the processing is based on the individual's consent or for the performance of a contract
3. where the processing is carried out by automated means

Individuals can make a request verbally or in writing.

We will verify the identity of the person making the request, using "reasonable means".

We will respond to a request without delay and at least within one month of receipt.

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We will provide the personal data in a structured, commonly used and machine readable format. Examples of appropriate formats include CSV and XML files.

We will provide the information free of charge.

If the individual requests it, we may be required to transmit the data directly to another business where this is technically feasible.

OBJECTIONS

Individuals have a right to object to the processing of their personal data in certain circumstances. Whether it applies depends on our purposes for processing and our lawful basis for processing.

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We will inform individuals of their right to object “at the point of first communication” and present it separately from other information on rights clearly laid out in our privacy notice.

Individuals can object verbally or in writing.

We will verify the identity of the person making the request, using “reasonable means”.

We will respond to a request without delay and at least within one month of receipt. We will calculate the time limit from the day after we receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month. A calendar month ends on the corresponding date of the next month (eg 2 January to 2 February), unless that date does not exist in which case it is the last day of the next month (eg 31 January to 28 February).

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If the right to object does apply, it is not always absolute. Whether it is an absolute right depends on our purposes for processing the data.

Individuals have an absolute right to object to any processing (including profiling) undertaken for the purposes of direct marketing.

We will stop processing for direct marketing as soon as we receive an objection. There are no exemptions or grounds to refuse.

Individuals can object, on 'grounds relating to his or her particular situation' to processing (including profiling) based on:

1. our legitimate interests;
2. the performance of a task in the public interest; or
3. exercise of official authority.

In these circumstances the right to object is not absolute. We will stop processing the personal data unless:

1. we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
2. the processing is for the establishment, exercise or defence of legal claims.

If we are processing personal data for the purposes of scientific/historical research purposes or statistical purposes the right to object is more restricted and does not apply if the processing is necessary for the performance of a task carried out for reasons of public interest.

PROFILING

GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention. These are set out in Article 22.

Individuals have the right not to be subject to a decision when it is based solely on automated processing, including profiling; and it produces a legal effect or similarly significant effect on the individual. We can only carry out this type of processing if the decision is:

1. necessary for entering into or performance of a contract between we and the individual
2. authorised by law (eg for the purposes of fraud or tax evasion prevention)
3. based on the individual's explicit consent

If one of these exceptions applies we will put in place suitable measures to safeguard the individual's rights, freedoms and legitimate interests.

These measures will include at least the right for individuals to:

1. obtain human intervention
2. express their point of view
3. obtain an explanation of the decision and challenge it

Individuals can exercise these rights verbally or in writing.

We will verify the identity of the person making the request, using "reasonable means".

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GDPR defines profiling as any form of automated processing intended to evaluate certain personal aspects of an individual, in particular to analyse or predict their:

1. performance at work;
2. economic situation;
3. health;
4. personal preferences;
5. reliability;
6. behaviour;
7. location; or
8. movements.

If the decision involves the processing of special categories of personal data then the exceptions available to justify the processing are more limited. Processing can only take place if:

1. we have the individual's explicit consent; or



2. the processing is necessary for reasons of substantial public interest.

We will exercise particular caution if we are making an automated decision about a child.