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## PRIVACY NOTICE

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### BACKGROUND:

RD Law Practice understands that your privacy is important to you and that you care about how your personal data is used. We respect and value the privacy of all of our clients and will only collect and use personal data in ways that are described here, and in a way that is consistent with our obligations and your rights under the law.

#### 1. Information About Us

Business name: RD Law Practice is the trading name of Richard Donaldson, a sole practitioner solicitor authorised and regulated by the Law Society of Scotland.

Business address: Eastbye, Exnaboe, Virkie, Shetland ZE3 9JS

Contact: T: 01950 310125; E: [info@rdlawpractice.co.uk](mailto:info@rdlawpractice.co.uk)

VAT reg no: 385 0830 85

#### 2. What Does This Notice Cover?

This Privacy Notice explains how we use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

#### 3. What Is Personal Data?

Personal data is defined by the UK GDPR and the Data Protection Act 2018 (collectively, “the Data Protection Legislation”) as ‘any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier’.

Personal data is, in simpler terms, any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers.

The personal data that we use is set out in Part 5, below.

#### 4. What Are My Rights?

Under the Data Protection Legislation, you have the following rights, which we will always work to uphold:

- a) The right to be informed about our collection and use of your personal data. This Privacy Notice should tell you everything you need to know, but you can always contact us to find out more or to ask any questions using the details in Part 11.
- b) The right to access the personal data we hold about you. Part 10 will tell you how to do this.
- c) The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete. Please contact us using the details in Part 11 to find out more.
- d) The right to be forgotten, i.e. the right to ask us to delete or otherwise dispose of any of your personal data that we hold. Please contact us using the details in Part 11 to find out more.

- e) The right to restrict (i.e. prevent) the processing of your personal data.
- f) The right to object to us using your personal data for a particular purpose or purposes.
- g) The right to withdraw consent. This means that, if we are relying on your consent as the legal basis for using your personal data, you are free to withdraw that consent at any time.
- h) The right to data portability. This means that, if you have provided personal data to us directly, we are using it with your consent or for the performance of a contract, and that data is processed using automated means, you can ask us for a copy of that personal data to re-use with another service or business in many cases.
- i) Rights relating to automated decision-making and profiling. We do not use your personal data in this way.

For more information about our use of your personal data or exercising your rights as outlined above, please contact us using the details provided in Part 11.

It is important that your personal data is kept accurate and up-to-date. If any of the personal data we hold about you changes, please keep us informed as long as we have that data.

Further information about your rights can also be obtained from the Information Commissioner's Office or your local Citizens Advice Bureau.

If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office. We would welcome the opportunity to resolve your concerns ourselves, however, so please contact us first, using the details in Part 11.

## 5. What Personal Data Do You Collect and How?

We may collect and hold some or all of the personal and non-personal data set out in the table below. In all cases, we need to use your name, address, date of birth, contact details and information to allow us to check your identity.

Contact and socio-demographic information	In all cases, we need to use your name and contact details, including your postal address, email address and phone number. We will use this data and your date of birth to allow us to check your identity to meet our legal obligations.
Health and medical information	This personal information will be used in cases where we are supporting individuals who have a vulnerability (for example arranging powers of attorney).
Criminal offence data	This information may also be used in all cases in relation to due diligence required for fraud prevention, and/or anti-money laundering to meet our legal obligations.
Information relating to financial status or position	Including salaries, pensions, dividends and other earnings, data used to make assessments of an individual's ability to meet existing or potential financial obligations, information received from credit reference agencies, information about money an individual owes or could owe, information about an individual's assets. This personal information will be used in a wide range of legal matters, including property matters, lending matters and in the preparation of wills.
Information relating to payment, credit and debits.	Funds received from or for an individual or made in relation to a client's matter (e.g. to pay for the legal service, to pay for outlays incurred by us on your behalf, to pay in settlement of a claim, property purchase/sale, other asset purchase/sale). We do not store credit or debit card details, but will use them to process payments in line with PCI-DSS standards.
Personal information	Copies of letters received by or sent to us, information relating to emails

contained in communications with individuals across different channels.	received by or sent by us, file notes, other information or logs about when communication has taken place (rather than the content of that communication), and/or information you supply when contacting us through our website.
Social relationships	Personal information relating to an individual's family and social relationships including status of spouse/partnerships, wider family including parental and caring status may be used in range of types of cases.
Open data and public records	Personal information relating to individuals that are, or can be, collected from public or open sources. These do not necessarily have to be collected from open data/public records, and may come from other sources (e.g. from you directly, or from your other advisors or solicitors on the other side of the transaction). This may include information about an individual's bankruptcy, information about a public office held by an individual, information about inhibitions, information about ownership of land held by the Land Register, Register of Inhibitions, Companies House, information from courts or tribunals, information from credit agencies to verify an individual's identity, information from Royal Mail and/or other data sources which we use to verify the accuracy of our client postal addresses.
Consents	Personal information relating to permissions, consents or preferences given to us by individuals, including marketing permissions, contact permission, marketing preferences, mandates to contact employers, other solicitors, and/or GPs and other medical specialists.
National Identifiers	Unique identifiers attributed to an individual from a government department, such as Tax ID, National Insurance Number, and/or passport number. This information may be used as part of our customer due diligence measures for identifying individuals to meet our legal obligations. The information may also be used in certain types of case, for example the use of your National Insurance Number to submit a land tax return in a property purchase transaction.
Technical	When you visit our websites and use other systems, we may collect personal information to monitor usage. This could include your IP address, operating system and browser type. This will be used to improve our websites, systems, and for research into service delivery.

We obtain personal information from a wide range of sources:

- Directly from you or your representative, for example when you submit details through our website or contact us in writing, by email, in person, by telephone, or by any other method.
- From information you or your representative have made publicly available.
- From other people you know, including family members, and people you are financially linked to, and their representatives. This also includes organisations and individuals who are our clients in circumstances where you are party to, or otherwise involved in, a matter on which we are instructed, for example as a witness, beneficiary, guarantor, buyer, seller, debtor, defender, pursuer, employee, or employer.
- From other organisations which have referred you to us, for example estate agents, accountants, financial advisers, other solicitors, insurance companies, banks.
- From open data and public records, for example from various registers (Land Register, Register of Inhibitions, Companies House, OSCR, etc.), credit agencies and from Dow Jones to verify the identity of our clients and beneficial owners to assist us in complying with our legal obligations.

## 6. **How Do You Use My Personal Data And What Is Your Legal Basis For Doing So?**

We may use your personal information in the following ways:

### To respond and communicate

We use personal information to allow us to respond to you and communicate with you regarding your instructions, questions, comments, support needs, complaints or concerns.

### Using client information

When you become our client, we will collect, store and use the personal information that you provide to us in your instructions and during the course of our solicitor/client relationship.

We need to collect personal information so that we can perform our obligations under our service agreement with clients. We will use such personal information to:

- provide clients with legal advice, including communicating with them by email, letter, video call and/or telephone, etc. in connection with the services that we provide;
- represent clients as their solicitors in connection with such services;
- provide clients with legal advice in respect of the matter(s) upon which we are instructed to provide advice; and/or
- process and make payments in connection with such matter(s).

If clients do not provide us with all of the personal information that we need to collect in order to perform our obligations under our service agreement, then this may affect our ability to provide them with legal advice and/or represent them as their solicitors.

We may also process personal information for purposes relating to the provision of services we provide including updating, reviewing and enhancing client records and undertaking analysis for management purposes.

### Business clients and other stakeholders

For business clients (including bodies corporate, public bodies and/or charities) and other stakeholders including suppliers, we will use personal information about key individuals in the business, so that we can operate and administer the services which we provide.

To comply with our legal obligations to prevent financial crime, we will complete due diligence steps by using personal information about key individuals who are either a sole trader of the business or are a proprietor, director, company secretary, shareholder, partner, member, committee/board member, trustee, charity trustee, controller, beneficial owner or authorised signatory to the account of the business.

### To comply with our legal obligations to prevent financial crime

To comply with our legal obligations to prevent financial crime including money laundering under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, we will use personal data including name, address, date of birth, country of residence/citizenship, personal identification (which may include passport number or driving licence number), information about any criminal convictions, information about roles held in public office, and information about your status as (or your relationship and association with) a politically exposed person.

We will give personal information to and receive personal information from third parties where that is necessary to meet our legal obligations, including credit reference agencies, fraud prevention agencies, the police and other law enforcement and government agencies, and

regulators.

We will use personal information including name, address, date of birth and, if available, driving licence and/or passport number, in a system supplied by Veriphy to verify the identity of individuals and to check if they are on a Financial Sanctions watch list or if they are a politically exposed person or a relative or close associate of a politically exposed person (from Dow Jones data sources). This does not affect individual's credit history or rating.

#### To comply with regulatory obligations

We may provide our regulators and statutory organisations, including the Law Society of Scotland and Scottish Legal Complaints Commission, with your personal information where required to do so.

#### Other parties

We will process personal information of individuals who are not our client, but have a relationship with our client, as described in Part 5 above.

We will obtain such personal information from the sources described in Part 5 above, which will include the same categories of information described in Part 5 above.

We will use this information to comply with our duty as a legal adviser to our client, which is a regulatory requirement on us as a firm of solicitors regulated by the Law Society of Scotland. We may have a duty to disclose information to our client where relevant to their case.

#### Financial management and debt recovery

We may give personal information to and receive personal information from third parties where that is necessary to recover debts due by you to us, for example, credit reference agencies and sheriff officer or bailiff services.

#### Automated decision making and profiling

We do not use personal information to make decisions solely by automated means without any human involvement.

We use a system to evaluate individuals to assist us in complying with our legal obligations under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

#### Other uses of your personal information

We may ask you if we can process your personal information for additional purposes. For example, when you connect your phone or other device to the Wi-Fi in our office.

Where we do so, we will provide you with an additional privacy notice with information on how we will use your personal information for these additional purposes.

If we do need to process additional health information, this will be for reasons of public interest in the area of public health, including protecting against serious cross-border threats to health, where we have a legal duty of confidentiality to our clients, or where you are not a client, with your explicit consent (if required).

#### Our legal basis for using your personal information

We only use your personal information where that is permitted by the applicable data protection legislation. We only use personal information where:

- we have your consent (if consent is needed);

- we need to use the information to comply with our legal obligations, including our regulatory obligations as solicitors;
- we need to use the information to perform a contract with you, including taking steps to enter into a contract with you;
- we need to use the information to exercise official authority or perform a specific task in the public interest that is set out in law; and/or
- it is fair to use the personal information either in our interests or someone else's interests, where there is no disadvantage to you – this can include the provision of legal services; protection of the confidentiality, availability and integrity of our systems; managing and developing our business relationships.

We may also process special categories of personal data, such as health data or data about criminal convictions and will only process such data where we have a legal basis to do so and a special condition applies under the Data Protection Legislation.

#### **7. How Long Will You Keep My Personal Data?**

We will not keep your personal data for any longer than is necessary in light of the reason(s) for which it was first collected. We will hold personal data for the period we are required to retain this information by applicable UK law.

#### **8. How and Where Do You Store or Transfer My Personal Data?**

We will only store or transfer personal data in or to countries that are deemed to provide an adequate level of protection for personal data. For further information about adequacy decisions and adequacy regulations, please refer to the [Information Commissioner's Office](#).

The security of your personal data is essential to us, and to protect your data, we take a number of important measures, including the following:

- limiting access to your personal data to those employees, agents, contractors, and other third parties with a legitimate need to know and ensuring that they are subject to duties of confidentiality; and
- procedures for dealing with data breaches (the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, your personal data) including notifying you and/or the Information Commissioner's Office where we are legally required to do so.

#### **9. Do You Share My Personal Data?**

Where necessary for the purposes of managing our working relationship with our clients or to represent our clients as their legal agents, we may share personal data with our clients where you are providing information in respect of client matters.

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations imposed both upon us and upon you in respect of the matter(s) upon which we advise. Such organisations include the Law Society of Scotland, Department of Work & Pensions, HMRC, Scottish and UK courts, Registers of Scotland and / or local authorities.

We may also share personal data with our or your other professional advisors for the purposes of taking advice and the event of any legal claims.

Where we employ third party suppliers to provide services on our behalf, these suppliers may process personal data on our behalf as "processors" and are subject to written contractual conditions to only process that personal data under our instructions and to protect it.

We may be required to share personal information with other organisations, which during the course of our providing services on a matter may be contracted to supply a service related to such matter, which we are not in a position to provide. Depending on the nature of your instruction to us, this may include sheriff officers, property search companies, Companies House, expert witnesses, translators, local agents, accountants and / or auditors.

In the event that we do share personal information with external third parties, we will only share such personal data strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal data in accordance with those purposes.

#### 10. **How Can I Access My Personal Data?**

If you want to know what personal data we have about you, you can ask us for details of that personal data and for a copy of it (where any such personal data is held). This is known as a “subject access request”.

All subject access requests should be made in writing and sent to the email or postal addresses shown in Part 11.

There is not normally any charge for a subject access request. If your request is ‘manifestly unfounded or excessive’ (for example, if you make repetitive requests), a fee may be charged to cover our administrative costs in responding.

We will respond to your subject access request within 1 month of receiving it. Normally, we aim to provide a complete response, including a copy of your personal data, within that time. In some cases, however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date we receive your request. You will be kept fully informed of our progress.

#### 11. **How Do I Contact You?**

To contact us about anything to do with your personal data and data protection, including to make a subject access request, please contact Richard Donaldson:

Email address: [info@rdlawpractice.co.uk](mailto:info@rdlawpractice.co.uk)

Telephone number: 01950 310125

Postal Address: Eastbye, Exnaboe, Virkie, Shetland ZE3 9JS

#### 12. **Changes to this Privacy Notice**

We may change this Privacy Notice from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects personal data protection. Any changes will be made available via our website: [www.rdlawpractice.co.uk](http://www.rdlawpractice.co.uk). This Privacy Notice was last updated on 20 August 2021.