

## **WEBSITE PRIVACY NOTICE**

We are The Wilkes Partnership LLP. We are a Limited Liability Partnership registered in England and Wales with registered number **OC364479** whose registered address is at 41 Church Street, Birmingham, West Midlands, B3 2RT. In this privacy notice we will refer to ourselves as ‘the **Firm**’, ‘**we**’, ‘**us**’ or ‘**our**’. We are the Data Controller (see section 1 below for a definition) of the personal information collected via our website.

If you have any questions about this privacy notice or how we handle your personal information, you can get hold of us in any of the following ways:

- (a) by phoning us on 0121 233 4333 and asking to speak to Andrew Garland;
- (b) by emailing [dataprotection@wilkes.co.uk](mailto:dataprotection@wilkes.co.uk);
- (c) by writing to us at F.A.O. Andrew Garland, The Wilkes Partnership LLP, 41 Church Street, Birmingham, West Midlands, B3 2RT.

We take the privacy, including the security, of personal information we hold about you seriously. This privacy notice is designed to inform you about how we collect personal information about you when you visit our website (regardless of where you visit it from) and how we use that personal information. You should read this privacy notice carefully so that you know and can understand why and how we use the personal information we collect and hold about you.

We do not have a Data Protection Officer, but if you have any questions about this privacy notice or issues arising from it then you should contact Andrew Garland, who is our GDPR Partner and who is responsible for matters relating to data protection at our Firm, including any matters in this privacy notice. You can contact them using the details set out above.

In addition, Aaron Keene, our Compliance Officer for Legal Practice (COLP) oversees compliance with our professional responsibilities and the reporting of any failures with legislative requirements, including in respect of data protection.

We may issue you with other privacy notices from time to time, including when we collect personal information from you via other methods. This privacy notice is intended to supplement these and does not override them. This privacy notice is aimed at visitors to our website (and does not for example apply to personal information collected in a client-lawyer relationship). We have a separate general privacy notice which you can access at <https://www.wilkes.co.uk/links/> and by clicking on the link entitled ‘General Privacy Notice’.

For job applicants we have a separate candidate privacy notice which you can also access at <https://www.wilkes.co.uk/links/> and by clicking on the link entitled 'Candidate Privacy Notice'.

We may update this privacy notice from time to time. This version was last updated on 1 June 2018.

In addition, you should also refer to our Terms of Use which explain other rights and obligations you have whilst using our website. You can access our Terms of Use at <https://www.wilkes.co.uk/links/> and by clicking on the link entitled 'Terms of Use'.

### **THIRD PARTY LINKS**

Our website may include links to third party websites. Clicking on those links may allow third parties to collect and share your personal information. We do not have control over these websites. When you leave our website, you should check those third party websites privacy notices to understand what personal information they collect and what they may do with it.

#### **1. KEY DEFINITIONS**

We have explained some terms which are used in this privacy notice below in order to help your understanding:

**Data Controller:** under data protection law this is the organisation or person which is responsible for deciding how personal information is collected and stored and how it is used.

**Data Processor:** under data protection law this is an organisation or person appointed by the Data Controller to carry out certain tasks in relation to the personal information on behalf of, and on the written instructions of, the Data Controller.

**Personal Information:** in this privacy notice we refer to your personal data as personal information. Personal information means any information from which a living individual can be identified. It does not apply to information which has been anonymised.

**Special Information:** certain very sensitive personal information requires extra protection under data protection law. Sensitive information includes information relating to health, racial and ethnic origin, political opinions, religious and similar beliefs, trade union membership, sex life and sexual orientation and also includes genetic information and biometric information.

**2. DETAILS OF PERSONAL INFORMATION WHICH WE COLLECT AND HOLD ABOUT YOU**

2.1 Set out below are the general categories of personal information which we may collect via our website and in each case examples of the types of personal information which we collect, use and hold:

| <b>General Category</b>      | <b>Types of Personal Information in that category</b>  |
|------------------------------|--|
| <b>Identity Information</b>  | This is information relating to your identity such as your name (including any previous names), any titles which you use, gender, marital status, job title and employer.  |
| <b>Contact Information</b>   | This is information relating to your contact details such as e-mail addresses, addresses, and telephone numbers.   |
| <b>Survey Information</b>    | This is information which we have collected from you or which you have provided to us in respect of surveys and feedback.  |
| <b>Marketing Information</b> | This is information relating to your marketing and communications preferences.   |
| <b>Usage Information</b>     | This is information about how you interact with our website and our marketing communications.  |
| <b>Technical Information</b> | This is information which we collect from your device and includes internet protocol (IP) address, 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 our website. |

2.2 We also collect, use and share **Aggregated Information** such as statistical or demographic data for any purpose. Aggregated Information may be derived from your personal information but is not considered personal information in law as this information does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Information to calculate the percentage of users accessing a specific feature of our website or a marketing communication. However, if we combine or connect Aggregated Information with your personal information so that it can directly or indirectly identify you, we treat the combined information as personal information which will be used in accordance with this privacy notice.

**3. DETAILS OF SPECIAL INFORMATION WHICH WE COLLECT AND HOLD ABOUT YOU**

3.1 Special information is explained in section 1 above. In relation to the use of our website, we do not usually collect or hold any types of special information. However,

we may collect details of health conditions, disability information or dietary requirements in relation to events.

- 3.2 We do not collect any information relating to criminal convictions or offences via our website.

#### **4. DATA SECURITY**

- 4.1 We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only use your personal information on our instructions and they are subject to a duty of confidentiality.

- 4.2 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.

#### **5. DETAILS OF HOW AND WHY WE USE PERSONAL INFORMATION**

- 5.1 We are only able to use your personal information for certain legal reasons set out in data protection law. There are legal reasons under data protection law other than those listed below, but in most cases we will use your personal information for the following legal reasons:

- (a) **Contract Reason:** this is in order to perform our obligations to you under a contract we have entered into with you;
- (b) **Legitimate Interests Reason:** this is where it is necessary for our (or a third party's) legitimate interests so long as those interests do not override your fundamental rights, freedoms or interests;
- (c) **Legal Obligation Reason:** this is in order to perform a legal obligation by which we are bound; and
- (d) **Consent Reason:** this is where you have given us your consent to use your personal information for a specific reason or specific reasons (however, see section 5.4 for details of how you may withdraw your consent).

- 5.2 As explained in section 3 above, there are more sensitive types of personal information which require higher levels of protection. Where we process special information we will usually do this in one of the following circumstances:

- (a) where we have your explicit consent (however, see section 5.4 for details of how you may withdraw consent);
  - (b) where it is necessary for the purposes of carrying out your or the Data Controller's obligations and exercising your or its specific rights in the fields of employment and social security and social protection law;
  - (c) where it is necessary in relation to legal claims;
  - (d) where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of an employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services (provided appropriate safeguards are in place);
  - (e) where you have made the personal data public, or
  - (f) where it is necessary to protect vital interests and the relevant individual cannot give consent.
- 5.3 In order to provide certain features via our website we will need your personal information. If you fail to provide us with the required personal information then we may be prevented from providing certain features (for example, if you are requesting for us to send marketing communications to you and you do not supply us with Identity or Contact Information requested then we will not be able to send those marketing communications to you).
- 5.4 It is important that you keep your personal information up to date. If any of your personal information changes please contact us as soon as possible to let us know.
- 5.5 In the limited circumstances where we rely on consent for a specific purpose as the legal reason for processing your personal information, then you have the right under data protection law to withdraw your consent at any time. If you do wish to withdraw your consent then please contact us using the details set out at the beginning of this notice. If we receive a request from you withdrawing your consent to a specific purpose then we will stop processing your personal information for that purpose unless we have another legal reason for processing your personal information.
- 5.6 We have explained below the different purposes as to why we use your personal information and in each case the legal reason(s) on which we can use your personal information. Please also note the following:
- (a) if we use the Legitimate Interests Reason as the legal reason for which we can use your personal information then we have also explained what that legitimate interest is; and

- (b) for some of the purposes we may have listed more than one legal reason on which we can use your personal information because the legal reason may be different in different circumstances. If you need confirmation of the specific legal reason that we are relying on to use your personal information for that purpose then please contact us using the contact details set out at the beginning of this privacy notice.

| <b>Purpose</b>  | <b>Legal Reason(s) for using the personal information</b>   |
|---|---|
| To receive, review and respond to queries received via our website                      | Legitimate Interests Reason (so that we can respond to queries from individuals and to grow our business).  |
| To manage our contract with our client and to notify our client of any changes          | Contract Reason.<br>Legal Obligation Reason.<br>Legitimate Interests Reason (in order to provide legal services to our clients and to fulfil our contract with our client).   |
| To comply with regulatory, audit and accounting matters.                                | Legal Obligation Reason.  |
| To investigate claim, defend and deal with legal claims brought against us.             | Legitimate Interests Reason (in order to protect and defend our business).  |
| To improve the legal services which we supply.  | Legitimate Interests Reason (in order to improve the legal services we provide for future clients and to grow our business).  |
| To ask you to leave a review or take a survey   | Legitimate Interests Reason (to keep our records updated and to study how clients/visitors use and rate our services and our website, to develop them and grow our business). |
| To enable you to partake in a prize draw, competition or complete a survey              | Legitimate Interests Reason (to keep our records updated and to study how clients/visitors use our services and website, to develop them and grow our business).              |
| To administer and protect our business and our website (including troubleshooting, data | Legitimate Interests Reason (for running our business, provision of administration and IT services, network security, to prevent fraud  |

|  |   |
|--|---|
| analysis, testing, system maintenance, support, reporting and hosting of data)   | and in the context of a business reorganisation or group restructuring exercise).<br><br>Legal Obligation Reason.   |
| To deliver relevant website content to you and measure or understand the effectiveness of the advertising we serve you | Legitimate Interests Reason (to study how our clients/visitors use our services and website, to develop them, to grow our business and to inform our marketing strategy).                         |
| To use data analytics to improve our website, services, marketing, client relationships and experiences                | Legitimate Interests Reason (to define types of clients for our services and our website, to keep our website updated and relevant, to develop our business and to inform our marketing strategy) |
| To recommend and send communications to you about our legal services that you may be interested in.                    | Legitimate Interests Reason (in order to grow our business).<br><br>Consent Reason.   |
| The prevention of fraud, money laundering and other compliance matters.  | Legal Obligation Reason.  |

## Marketing

- 5.7 We may use your Identity, Contact and Usage Information 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 services and offers may be relevant for you (we call this marketing).
- 5.8 You will receive marketing communications from us if you have requested information from us or we have provided legal services to you and, in each case, you have not opted out of receiving that marketing. You will also receive marketing communications from us if you have requested to join our mailing lists to receive information about our newsletters and/or events and in doing so you provide your consent to receiving these communications.

## Third-party marketing

- 5.9 We will get your express opt-in consent before we share your personal information with any third party for marketing purposes.

### **Opting out/Unsubscribing**

- 5.10 You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out/unsubscribe links on any marketing message sent to you or by contacting us (on the details listed above) at any time.
- 5.11 Where you opt out of or unsubscribe from receiving these marketing messages, this will not apply to personal information provided to us as a result of legal services provided to our client or other transactions with you/our client.

### **Cookies**

- 5.12 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 our website may become inaccessible or not function properly. For more information about the cookies we use, please see our cookie policy which you can access at <https://www.wilkes.co.uk/links/> and by clicking on the link entitled 'Cookie Policy'.

### **Change of purpose**

- 5.13 We will only use your personal information 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 (using the details set out at the beginning of this privacy notice).
- 5.14 If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 5.15 Please note that we may use your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **6. DETAILS OF HOW WE COLLECT PERSONAL INFORMATION AND SPECIAL INFORMATION**

- 6.1 We may collect Identity Information, Contact Information, Survey Information and Marketing Information directly from you when you fill out a form, survey or questionnaire, or contact us via our website. This includes the personal information which you provide to us when you subscribe to our mailing list(s), enter a competition or survey and/or give us feedback.

- 6.2 We may also receive some of your personal information (such as Technical Data) from third parties. This includes analytics providers such as Google based outside of EU.
- 6.3 We may also receive some personal information (such as Technical and Usage Information) from automated technologies. For example, these will tell us about your devices and browsing patterns or if you have opened a marketing communication e-mail from us and whether you have clicked on any links in it. These automated technologies include cookies. You can find out more about cookies used on our website in our cookies policy which you can access at <https://www.wilkes.co.uk/links/> and by clicking on the link entitled 'Cookie Policy'.

## 7. DETAILS ABOUT WHO PERSONAL INFORMATION MAY BE SHARED WITH

- 7.1 We may need to share your personal information with other organisations or people. These organisations include:
- (a) Third parties, including:
    - (i) Suppliers: such as IT support services, administration providers and marketing agencies, who may be based inside or outside of the European Economic Area (EEA);
    - (ii) Government bodies and regulatory bodies: such as the Solicitors Regulation Authority, the Legal Ombudsmen and fraud prevention agencies who are based in the United Kingdom;
    - (iii) Our advisors: such as solicitors, counsel (barristers), accountants, auditors, insolvency practitioners and insurance companies who are based in the United Kingdom;
    - (iv) Email marketing platforms who are based outside of the EEA.
  - (b) any organisations which propose to purchase our business and assets in which case we may disclose your personal information to the potential purchaser. Alternatively we may seek to acquire other businesses or merge with them and we may disclose your personal information to those parties.
- 7.2 Depending on the circumstances, the organisations or people who we share your personal information with will be acting as either Data Processors or Data Controllers. Where we share your personal information with a Data Processor we will ensure that we have in place contracts, which set out the responsibilities and obligations of us and them, including in respect of security of personal information.
- 7.3 We do not sell or trade any of the personal information which you have provided to us.

## **8. DETAILS ABOUT TRANSFERS TO COUNTRIES OUTSIDE OF THE EEA**

- 8.1 If any transfer of personal information by us will mean that your personal information is transferred outside of the EEA then we will ensure that safeguards are in place to ensure that a similar degree of protection is given to your personal information, as is given to it within the EEA and that the transfer is made in compliance with data protection laws (including where relevant any exceptions to the general rules on transferring personal information outside of the EEA which are available to us – these are known as ‘derogations’ under the data protection laws). We may need to transfer personal information outside of the EEA to the third parties listed above in section 7 who may be located outside of the EEA.
- 8.2 The safeguards set out in data protection laws for transferring personal information outside of the EEA include:
- (a) where the transfer is to a country or territory which the EU Commission has approved as ensuring an adequate level of protection;
  - (b) having in place a standard set of clauses which have been approved by the EU Commission;
  - (c) compliance with an approved code of conduct by a relevant data protection supervisory authority (in the UK, this is the Information Commissioner’s Office (**ICO**));
  - (d) certification with an approved certification mechanism; or
  - (e) where the EU Commission has approved specific arrangements in respect of certain countries, such as the US Privacy Shield in relation to organisations which have signed up to it in the USA.

## **9. DETAILS ABOUT HOW LONG WE WILL HOLD YOUR PERSONAL INFORMATION**

- 9.1 We will only hold your personal information for as long as is necessary. How long is necessary will depend upon the purposes for which we collected the personal information (see section 5 above) and whether we are under any legal or regulatory obligation to keep the personal information (such as in relation to accounting or auditing records, for tax reasons or due to obligations set by our regulator, the Solicitors Regulation Authority). We may also need to keep personal information in case of any legal claims.
- 9.2 You can contact us (using the details at the beginning of this notice) to request a copy of our retention policy which sets out how long different types of personal information will be kept for.

## **10. AUTOMATED DECISION MAKING**

- 10.1 Automated decision making is where a decision is automatically made without any human involvement. Under data protection law this includes profiling. Profiling is the automated processing of personal information in order to evaluate or analyse certain personal aspects of a person (such as their behaviour, characteristics, interests and preferences).
- 10.2 Data protection laws place restrictions upon us if we carry out automated decision making (including profiling) which produces a legal effect or similarly significant effect on you.
- 10.3 We do not carry out automated decision making (including profiling) which produces a legal effect or similarly significant effect on you. If we do decide to do this then we will notify you and we will inform you of the legal reason we are able to do this.

## **11. YOUR RIGHTS UNDER DATA PROTECTION LAW**

- 11.1 Under data protection laws you have certain rights in relation to your personal information, as follows:
- (a) **Right to request access:** (this is often called ‘subject access’). This is the right to obtain from us a copy of the personal information which we hold about you. We must also provide you with certain other information in response to these requests to help you understand how your personal information is being used.
  - (b) **Right to correction:** this is the right to request that any incorrect personal information is corrected and that any incomplete personal information is completed.
  - (c) **Right to erasure:** (this is often called the “right to be forgotten”). This right only applies in certain circumstances. Where it does apply, you have the right to request us to erase all of your personal information.
  - (d) **Right to restrict processing:** this right only applies in certain circumstances. Where it does apply, you have the right to request us to restrict the processing of your personal information.
  - (e) **Right to data portability:** this right allows you to request us to transfer your personal information to someone else.
  - (f) **Right to object:** you have the right to object to us processing your personal information for direct marketing purposes. You also have the right to object to us processing personal information where our legal reason for doing so is the Legitimate Interests Reason (see section 5 above) and there is something

about your particular situation which means that you want to object to us processing your personal information.

11.2 If you want to exercise any of the above rights in relation to your personal information then please contact us using the details set out at the beginning of this notice. If you do make a request then please note:

- (a) we may need certain information from you so that we can verify your identity;
- (b) we do not charge a fee for exercising your rights unless your request is unfounded or excessive; and
- (c) if your request is unfounded or excessive then we may refuse to deal with your request.

11.3 In addition to the rights set out in section 11.1, where we rely on consent as the legal reason for using your personal information then you have **the right to withdraw your consent**. Further details about this are set out in section 5.5.

11.4 The ICO website has more detailed information about your rights under data protection law. For more details, see <https://ico.org.uk>.

## 12. COMPLAINTS

If you have a complaint in relation to the way that we have handled or used your personal information then you have the right to complain to the UK supervisory authority for data protection, which is the Information Commissioner's Office (**ICO**). However, we would appreciate if you contact us in the first instance if you wish to raise any queries or make a complaint in respect of our handling or use of your personal information. You can contact us using the details set out at the beginning of this privacy notice.