

Davidson Chalmers Stewart LLP

Client Privacy Policy

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Purpose of this privacy policy

In order to provide you and/or your organisation with legal advice Davidson Chalmers Stewart LLP must process personal data and is the data controller in relation to that personal data.

This privacy policy contains important information on who we are and how and why we collect, store, use and share your personal data. It also explains your rights in relation to your personal data.

As a law firm we maintain client confidentiality in relation to information provided to us by our clients. When we use any personal data we are also regulated under the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). Therefore our use of any personal data is subject to your instructions, the GDPR, the DPA and other relevant data protection legislation along with our professional duty of confidentiality.

Contact details

Please contact our Data Security Officer us by post, email or telephone if you have any questions about your personal data:

m: Davidson Chalmers Stewart LLP, 12 Hope Street, Edinburgh EH2 4DB
t: 0131 625 9191
e: datasecurity@dcslegal.com

Key terms

We think it would be helpful to start by explaining some key terms used in this policy:

We, us, our	Davidson Chalmers Stewart, a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 with registered number SO300143 and having its registered office at 12 Hope Street, Edinburgh, EH2 4DB.
Personal data	Any information relating to an identified or identifiable individual held in digital or on paper.
Special category personal data	Personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs or trade union membership; genetic and biometric data; and data concerning health, sex life or sexual orientation
Criminal conviction data	Personal data relating to (a) the alleged commission of offences by the data subject; or (b) proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings, including sentencing.

Personal data we collect about you

The table below sets out the personal data we will or may collect in the course of advising and/or acting for you.

Personal data we will collect	Personal data we may collect depending on why you have instructed us
Contact information, such as your name, job title, postal address (including your residential address if relevant).	Your National Insurance and tax details Your bank and/or building society details
Information to enable us to check and verify your identity, such as your date of birth, a copy of your passport, driving licence and utility bills	Details of your professional online presence, such as your LinkedIn profile Details of your spouse/partner and dependants or other family members, if you instruct us on a matter involving these family members
Electronic contact details, including your email address and mobile phone number	Your employment status and details including salary and benefits, for example if you instruct us on matter related to your employment or in which your employment status or income is relevant
Information to enable us to undertake a credit or other financial checks on you	Your nationality and immigration status and information from related documents, for example where we need this information to complete Companies House forms
Payment data, such as data necessary for processing payments and fraud prevention, including credit/debit card numbers, security code numbers and other related billing information	

<p>Basic information about your use of our IT, communication, data rooms and other systems, and other monitoring information, for example if using our secure online client portal</p> <p>Information relating to the matter in which you are seeking our advice or representation including which will vary depending on the matter – see column 2</p>	<p>Your employment records including, where relevant, records relating to sickness and attendance, performance, disciplinary, conduct and grievances (including relevant special category personal data), for example if you instruct us on matter related to your employment or in which your employment records are relevant</p> <p>Your racial or ethnic origin, gender and sexual orientation, religious or similar beliefs, for example if you instruct us on discrimination claim</p> <p>Your trade union membership, for example if you instruct us on discrimination claim or your matter is funded by a trade union</p> <p>Personal identifying information, such as personal characteristics or your parents' names, which can be required if you instruct us to incorporate a company for you</p> <p>Your medical records, for example if we are acting for you in a claim relating to your health</p>
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This personal data is required to enable us to provide our service to you. If you do not provide personal data we ask for, it may delay or prevent us from providing services to you.

How your personal data is collected

We collect most of this information from you directly by filing in forms or by corresponding with us by post, phone, email or otherwise. However, we also collect information from publicly available sources such as Companies House, the Land Register of Scotland and the Electoral Register.

We also obtain data from third parties such as credit reference agencies and client due diligence providers.

With your consent, we will also obtain data from banks and other financial institutions; consultants and other professionals; your employer, trade union, professional body or pensions administrator.

How and why we use your personal data

We can only use your personal data if we have a lawful basis for doing so.

If you are a client as an individual then we will process your personal data only as required to provide you with the legal services you have instructed us to provide under our contract with you. We also require to process personal data in order to comply with our legal and regulatory obligations, for example to carry out anti-money laundering checks.

If we are processing your data because you are a director/employee of our client then we do so on the basis that in order to provide our legal services it is necessary for us to process that information and any impact on you is minimal and/or justified. We also require to process your personal data in order to comply with our legal and regulatory obligations, for example to carry out anti-money laundering checks on your company.

Sometimes we will seek your consent to process personal data and you will be informed about that processing as required.

Marketing communications

We may use your personal data to send you updates (by email, post) about legal developments that might be of interest to you and/or information about our services, including exclusive offers, promotions or new services.

However, you have the right to opt out of receiving marketing communications at any time by:

- contacting us by email at mailbox@dcslegal.com
- using the 'unsubscribe' link in emails

Where consent is required before we sent you messages, we will ensure that is in place and you can withdraw that consent at any time by using the methods described above.

We will never share your personal data it with other organisations for marketing purposes.

Who we share your personal data with

In order to provide you with our legal services, and depending on the advice being sought, we share personal data with other organisations who will use it for their own purposes. You will generally be aware of this transfer through the instructions that you provide to us. For example:

- professional advisers who we instruct on your behalf or refer you to, such as other solicitors, advocates, accountants, tax advisors or other experts;
- other third parties where necessary to carry out your instructions, for example your mortgage/loan provider or the Land Register of Scotland in the case of a property transaction or Companies House;
- our group companies: Davidson Chalmers Stewart (Secretarial Services Limited) and Davidson Chalmers Stewart (Nominees) Limited
- our insurers and brokers;
- external auditors, for example in relation to ISO accreditation and the audit carried out by our accountants;
- our banks.

We will ensure that these organisations are reputable and that they will look after your data to the same standard that we will. They will have their own privacy policy which we can guide you to.

We use a company called Amicus to carry out due diligence checks in relation to clients, including assessing proof of identity documentation and PEP, sanction and adverse media checks. We are required to carry out these checks by law to comply with anti-money laundering legislation. Amicus are a strategic partner of the Law Society of Scotland and are accredited in terms of security standards. More information can be found here:

<https://amigus.co/privacy> We have a contract with Amigus to ensure that security and confidentiality standards are met under Data Protection legislation.

We also use the services of the TransUnion Information Group who are a credit reference agency. Further information about their processing can be found here: <https://www.transunion.co.uk/legal-information/bureau-privacy-notice>

We share personal data with third parties who we require to assist us to provide our legal services. They will be provided with personal data but will only do what we ask them to do with it, such as:

- External IT server and software providers;
- Document collation/copying/analysis companies;
- External typing services.

We impose contractual obligations on these service providers to ensure they can only use your personal data to provide services to us and to you.

We may disclose and exchange information with law enforcement agencies and regulatory bodies to comply with our legal and regulatory obligations but only where the appropriate legal authority has been provided.

We may also need to share some personal data with other parties, such as potential buyers of some or all of our business or during a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations.

Where your personal data is held

Information may be held at our offices and those of our third party agencies, service providers, representatives and agents as described above (see '[Who we share your personal data with](#)').

Paper documents and digital information stored securely on our IT systems which cannot be accessed other than by Davidson Chalmers Stewart staff, and in relation to sensitive cases access will be restricted further. In the event that third party IT support is required, personal data will generally not be accessible and if it is, those accessing the data will be bound by an obligation of confidentiality.

How long your personal data will be kept

We will keep your personal data after we have finished advising or acting for you. We will do so for one of these reasons:

- to comply with legal and regulatory obligations;
- to respond to any questions, complaints or claims made by you or on your behalf;
- To show that we treated you fairly; and
- to keep you up to date with legal developments that may be of interest to you.

We will not retain your data for longer than necessary for the purposes set out in this Policy. Different retention periods apply for different types of data. 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 datasecurity@dcslegal.com

When it is no longer necessary to retain your personal data, we will delete or anonymise it.

Your rights

As a data subject, you have a number of rights in relation to your personal data. A fee will not generally be charged for exercising any of these rights unless your requests are manifestly unfounded or manifestly excessive.

- Provide a copy of your personal data and information about how it is being processed;
- Correct any mistakes in your personal data;
- Delete your personal data - in certain situations; and
- Restrict processing of your personal data - in certain circumstances, e.g. if you contest the accuracy of the data.

You can object:

- At any time to your personal data being processed for providing you with information and updates about our services; and
- In certain other situations to our continued processing of your personal data, e.g. processing we are carrying out where we claim it is for the purpose of our legitimate interests and your rights outweigh our interests.

If you would like to exercise any of these rights, or if you have any concerns about how your personal data is being processed, please contact us using the Data Security Officer [Contact details](#) above.

If you are still unhappy with the way that we have dealt with your personal data, then you can contact the Information Commissioner. Contact details are available at www.ico.org.uk/concerns

We aim to respond to all 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.

Keeping your personal data secure

We have appropriate security measures to prevent personal data from being accidentally lost, or used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with incidents involving personal data where we suspect there has been a personal data breach. We will notify you of any such incident where we believe that it is likely to have an impact on you as we are legally required to do. The ICO will also be notified.

If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

Changes to this privacy policy

This privacy policy was published on 25 May 2018 and was last updated on 18 January 2021. We reserve the right to update and change this Privacy Policy from time to time in order to reflect any changes to the way in which we process your personal data or changing legal requirements. In case of any significant changes we will provide you with a copy of it.