KITSON & TROTMAN LLP – PRIVACY NOTICE (CONVEYANCING & PROPERTY MATTERS)

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Kitson & Trotman LLP takes your privacy very seriously and is committed to collecting only the minimum information necessary and processing[1] it securely. We want you to know and be in control of how and why your personal information is used by us. If you have any queries or would like further information just ask. Please note we are not responsible for any third parties with whom your data is shared. You should receive a similar privacy notice from them which will tell you how they handle your data.

This particular Privacy Notice tells you this information, in general terms, when you contact us about a property/conveyancing matter, such as buying or selling of land/property; taking out a lease/tenancy or dealing with other property related legal issues e.g. rights of way or restrictive covenants. It also tells you about your Data Protection Rights and how you can exercise them.

As well as collecting personal information from you, we may receive information about you direct from another party, such as a credit reference agency. In such cases, and where it is lawful, appropriate, practicable, and proportionate to do so, we will make you aware that such information has been provided and give you the relevant details including the source. If you provide us with personal information about another person, in some cases, we may have to tell them we hold this information, and provide them with a Privacy Notice too. Please let us know, at the time, if informing them in this way is likely to cause you an issue.

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[1] processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

If you want more specific information about how your personal data has been processed including with whom it has been shared, then please let us know using the contact details below. Our full privacy notice will be on our website which can be found at http://kitsonandtrotman.co.uk or http://ktlaw.co.uk.

1. Our Contact Details for Data Protection Matters

Kitson & Trotman LLP is the Controller, under data protection law, for all the personal information about you that it processes, unless otherwise stated. Data protection and privacy matters are handled by our Compliance Officer for Legal Practice (**COLP**) who can be contacted in the following ways

- By post at our Beaminster office:
  The Champions
  Beaminster
  Dorset
  DT8 3AN

- By telephone on 01308 862313;

- By e-mail at: lburr@ktlaw.co.uk

- Using the website form on http://kitsonandtrotman.co.uk/ or http://ktlaw.co.uk

2. **What Personal Information We Collect and Why**

In the table, below, we set out the key types of information we collect so you get the best possible legal advice and we meet our business needs.

Type of personal information obtained	**Reason for collecting**	**Legal basis for collecting**	**Why it may be shared**	**Comment**

Your name and address and contact details	To be able to: - • contact you about the matter in hand or other matters where it is necessary to get in touch; • confirm your identity and carry out necessary checks to comply with the law such as anti-money laundering checks; • open your file and to ensure efficient office procedures, record keeping, payments tracking etc.; • establish title (ownership) to property(ies) and amend or change such titles as necessary. • Verify and check that we have your correct details or can gather/provide other important information about you and the case(s) with which we are helping	• Necessary for our contract with you or to take steps at your request before you entered a contract with us. • Legitimate interest of our business as a legal practice in ensuring accurate records, billing, to prevent fraud, auditing, good governance, marketing, research etc. • Legitimate interest of a third party such as lenders who would need this information • To meet any legal obligations placed on us as a controller of data e.g. to prevent money laundering; to counter fraud and to meet professional standards etc including meeting the requirements laid down by third parties such as HMRC, the Land Registry etc. • Where you consent	Details shared, as necessary, with the other party's legal advisers and such others – see list under section 3 - to progress your matter or to meet our legal obligations or to meet business needs e.g. when we process a payment to/ from you or need to register a document with the Land Registry.	It is your choice as to what additional contact details you provide but we will always need one of either telephone, mobile telephone or email. We will require your full name and address (sometimes previous addresses and names too) to enable us to carry out our contract with you and meet our legal obligations. Consent may be withdrawn but it will not affect the legality of the actions taken before the withdrawal
Photos or other visual or digital data or physical descriptions which might amount to personal data	As necessary for ID purposes, to meet legal obligations or to progress the matter for which we have been instructed or	As above	As above	For example, keeping a copy of your passport or driving licence as evidence of ID
Type of personal information obtained	**Reason for collecting**	**Legal basis for collecting**	**Why it may be shared**	**Comment**

Your Date of Birth (DOB) and National Insurance Number (NI No).	DOB and NI No are required by HMRC for Stamp Duty Land Tax (SDLT) returns and by the Land Registry (LR) to confirm your identification to register title, do land charge searches etc.	As above	As above	SDLT returns are required by HMRC for most property transactions whether SDLT is payable or not. The registration of most property transaction with LR is compulsory.
Details of the property(ies) and the property related issue in question	Necessary to deal with your instructions, offer appropriate legal advice; make required checks and searches; establish title to the land/ property(ies); transfer or amend such title as necessary etc and for our general business purposes/ record keeping.	As above	As above	This may also include photographs of the property(ies) in question e.g. taken from sales particulars or schedules of condition in leases
Bank Details and your financial details (so far as relevant to your instructions) e.g. the source of your funds for purchase transaction or bank details if a sale	Necessary to allow secure payments from/to you; to identify payments/receipts in our records; for audit and general business purposes; to carry out checks and screening for financial reasons; other sanctions or embargoes; to ensure that we transfer funds to the correct destinations.	As above	As above	We may be required to keep a hard copy of these details where a mortgage is involved to meet the lender's requirements
Type of personal information obtained	**Reason for collecting**	**Legal basis for collecting**	**Why it may be shared**	**Comment**

Marital status and other occupants of the land/property in question and/or the landlord tenant of the property	Necessary so we can make the required checks and searches and provide the appropriate legal advice; to deal with your instructions; establish title and deal with associated issue such as whether the other occupants have any interest in the land/property, the existence of a lease or licence over the land etc.	As above	As above	Please see the note in the introduction about where you provide us with details of other persons.,
Other personal information not listed above but relevant to the property transaction in question	The reasons will be explained at the time if necessary providing it is lawful and reasonable to do so	As above but may also be another legal basis which would be provided at the time if it is lawful to do so	As above but may also be shared with someone outside the list provided below where necessary and appropriate. Details to be provided at the time if it is lawful to do so	Information may relate to matters outside instructions e.g. matters of wider public interest.g. police investigation into people smuggling or modern day slavery which involves the property in question

We will tell you if providing some personal data is optional including if we need your consent to use it. Where the legal basis for processing your personal information is, solely, your consent then you may withdraw that consent at any time by letting us know. Where providing personal information is a statutory or contractual requirement, or essential to progress the matter in hand, then, we will explain the consequence of failing to provide the information requested, so you can make an informed decision. Please note that any actions we may have taken before your consent was withdrawn will remain valid

We will not use sensitive personal information which is classed as Special Category Data e.g. information about your racial or ethnic origin, political opinions, religious or philosophical beliefs, any trade union membership, health or sex life or sexual orientation unless it is lawful to do so and necessary to the matter with which we are dealing. We do not expect this type of information to be required in the vast majority of property/ conveyancing matters but, if it is, we will make you aware of this fact and the legal basis for its use

Please see our general privacy policy, which is on our website, for general information about our use of personal data (including that entered on our website) and why our website uses 'cookies[2].

3. Sharing your personal data

Your information may be shared, internally, as necessary, so we can manage the matter in question efficiently and for our own legitimate business purposes. We will never sell your personal data to a third party but it is often necessary to disclose your personal data to others, such as other professional, regulatory or statutory bodies, when we:

- provide a legal service or otherwise act on your instructions; and/or
- have to meet our legal obligations or maintain the professional standards for our services; and/or
- wish to address our legitimate business interests or those of another party.

Where we use another service provider to provide services to us, e.g. IT or internet providers and that involves the processing of your personal data, we take reasonable steps to ensure that such data is processed in line with the relevant law; and, where necessary, is subject to a legal agreement containing suitable security measures.

The list below should not be seen as definitive but will give a flavour of the sharing that normally occurs for property transactions.

- The legal advisers of any other party(ies) involved in the transaction;
- Other professionals such as estate or land agents, surveyors, mortgage brokers/lenders, banks and other financial institutions, independent financial advisers etc.;
- Legal bodies involved in the process such as HMRC, HM Land Registry etc.
- Others who provide services for us under contract e.g. PSG or other search agents who undertake the necessary searches for us on your behalf;
- Inspectors, assessors, auditors, accountants etc. who need to view files (usually on a random basis) as part of the quality and regulatory checks necessary to ensure good governance and for the firm to gain or retain quality or other assurance certification e.g. Lexcel (the Law Society's quality assurance scheme). These processes help ensure you receive a quality service from the firm;
- The police and other law enforcement agencies where necessary to combat fraud and other crimes;

[2] Cookies are small files which are stored on a user's computer. They are designed to hold a modest amount of data specific to a particular client and website, and can be accessed either by the web server or the client computer. This allows the server to deliver a page tailored to a particular user, or the page itself can contain some script which is aware of the data in the cookie and so is able to carry information from one visit to the website (or related site) to the next.

4. Overseas Transfers

In the normal course of business, we do not transfer your personal data overseas unless it is at your request; it is necessary to carry out your instructions; where the other party is based overseas; if we need to use experts or lawyers in other countries; for any legal reasons such as a court order; to combat crime etc; or where the internet or other IT service provider e.g. Microsoft is based or stores information overseas.

We take reasonable care to ensure that such transfers are secure. Where we become aware that any information has been or is to be transferred overseas, other than as is set out above, we will inform you and give you more details of the security measures in place to protect it, provided it is lawful and proportionate to do so.

5. Retention of your Personal Data

We will retain some of your personal data while you are our client, so we have a full picture of your legal needs and requirements and can offer you the best possible legal advice, and also can tell you about any special offers or events we may be holding (see below under Marketing).

Once we have completed a conveyancing matter for you, we will be entitled to retain all your papers and documents while there is still money outstanding on your account, otherwise, we will retain the property transaction information for 6 years after the closure of the file. We may, then, destroy, securely, such personal information unless you have asked us, in writing (including email), either to return the file to you or to keep the papers in safe custody for you.

Where you want the file returned to you, please note we may need to remove some items before returning e.g. items containing the personal data of another person or information given to us in confidence. Where you ask us to keep the file in safe custody, we will inform you in writing if we are no longer able to offer this service so you can make other arrangements.

We are required, sometimes, to keep the file, or certain papers in it, for a longer period e.g. mortgage lenders often set their own retention requirements with which we must comply if the transaction involves a mortgage.

6. Your Data Protection Rights

Your rights in law are listed below. Please let us know - see section 1 above for contact details - if you want more information or if you wish to exercise any of your rights. Please note that not all the rights apply in all circumstances. Please see www.ico.org.uk for more details.

- The right to be informed about how we process your personal data;
- The right to have your personal data corrected if its inaccurate or completed if it is incomplete;
- The right to request access to your personal data and information about how we process it;
- The right to object to our processing of your data;
- The right to restrict how we process your personal data;
- The right to have your personal data erased (the “right to be forgotten”);
- The right to move, copy or transfer your personal information (“data portability”);
- Rights in relation to automated decision making including profiling. N.B We do not use automated decision making nor do we profile our clients so this right will not be applicable;
- The right to lodge a complaint with the Information Commissioner who can investigate and deal with failures to follow the law’s requirements.

7. Marketing

If you are an existing client, we may contact you about other products, services or special events we think might be of interest to you. Please let us know if you would rather not receive such information or if you wish to express a preference as to the type of information we send or how it is sent by contacting us as shown above in Section 1.

If you register with us through our website or become a new client, then, at that point, we will invite you to ‘opt into’ such marketing and ask you about your preferences and let you know the choices available. You can change your mind about receiving any or all of such items or your preferred method of contact, at any point, by just letting us know and we will make the change as soon as possible. If you change your mind at a later date, just follow the same procedure.

8. How we protect your information

We use reasonable and proportionate measures to safeguard your personal information such as raising staff training to the risks and encryption of the information where appropriate. You should be aware, however, that the use of the Internet e.g. via email or a website, is not secure and, for this reason, although we take reasonable steps to protect the information we send you, we cannot guarantee its security. Any information you choose to send to us via the Internet is at your own risk. In addition, we have no control over the privacy practices of any of the persons, companies or bodies etc. with whom it is necessary to share your information. We will take reasonable steps, however, to ensure any transfer of data from us is reasonably secure.

In line with good practice, we back up the data that we hold electronically, to prevent its inadvertent loss e.g. through a power outage during thunder storms. The store is 'in the cloud' however the 'cloud' is based in the European Economic Area (EEA) and conforms to the required security standards or otherwise meets European Union adequacy requirements.

9. Complaints about how we handle your information

We do hope you will be happy with our service but if not please do let us know so we have a chance to investigate and put things right; we want to learn from the feedback we receive.

If you believe that we have breached your privacy rights, please tell us by contacting Compliance Officer using the details set out in section 1 above. If you are not happy with our response, you can contact the UK Information Commissioner, who regulates and enforces data protection and privacy law in the UK, you can find her details at www.ico.org.uk or ask us.

10 **Changes to this privacy notice**

We will amend this privacy notice from time to time to make sure it is up to date and accurately reflects how and why we use your personal information. Please let us know if you have any queries or spot any mistakes.