

## Anderson Strathern LLP - Privacy & Fair Processing Notice

### Introduction and purpose

Anderson Strathern LLP ('we', 'our', 'us', 'the Firm') is committed to protecting the privacy and security of personal information. This policy describes how we collect and use personal information about you.

Anderson Strathern LLP is a 'data controller'. This means that we are responsible for deciding how we hold and use personal information. We are required under data protection laws to notify you of the information contained in this policy.

### For the purposes of this policy:

- 'Individual clients' includes natural persons who have engaged us to provide legal advice to them in their personal capacity;
- 'Business clients' includes natural persons who have instructed us on behalf of a company, partnership, trust, estate, agency, department, corporate body of any description or any other group or organisation; and
- 'Subscribers' includes natural persons that have signed up to one of our newsletters, Ezines or bulletins, have attended or registered to attend one of our events or follow us on social media.

This policy applies to the personal information of past and present Individual clients, Business clients and subscribers. Please note that you may fall in to more than one of these categories so we may hold your personal information in a number of capacities.

If you are a past or present employee, member or consultant of the firm, we will hold further personal information about you. For further details please contact our [Data Protection Officer \(DPO\)](#) or speak to your line manager or supervisor.

This policy does not form part of any contract that you may have with the Firm. It is provided for information purposes only.

For information about the cookies that we use on our website and in our communications, please see our [Cookie Policy](#).

1. The Data Protection Principles
2. Information that we hold about Individual clients and Business clients
3. Sensitive personal information we hold about Individual clients and Business clients
4. Collection of Individual clients' and Business clients' personal information
5. Use of Individual clients' and Business clients' personal information
6. Use of Individual clients' and Business clients' sensitive personal information
7. Information that we hold about subscribers

8. Sensitive personal information we hold about subscribers
9. Collection of subscribers' personal information
10. Use of subscribers' personal information
11. Use of subscribers' sensitive personal information
12. Failure to provide personal information
13. Change of purpose
14. Automated decision-making
15. Data sharing
16. Data security
17. Data retention
18. Changes to your data
19. Your rights
20. Complaints

### Changes to this policy

We retain the right to update this policy at any time and we will provide you with a new policy when we make substantial updates.

#### 1. The Data Protection Principles

We will comply with data protection law. The law says that the personal information that we hold must be:

1. Used in a lawful, fair and transparent way.
2. Collected only for valid purposes that we have clearly explained and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes for which it was collected and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes for which it was collected.
6. Kept securely.

#### 2. The kind of information that we hold about Individual clients and Business clients

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (such as anonymous data).

There are some 'special categories' of more sensitive personal data which require a higher level of protection.

We collect, store and use some or all of the following categories of personal information about Individual clients and Business clients:

(A) Client engagement information: name, title, job title, address, telephone number, email address, photographic identification, date of birth, credit check, copies of council tax and utility bills.

(B) Client file information: name, title, job title, address, telephone number, email address, bank account details.

(C) Matter file information: The categories of personal information that we hold about you for the purposes of specific matters that we are providing advice on will vary according to the type of matter. Where we have collected this information other than from you, we will always ask you to confirm its accuracy. By way of example this category may include, amongst other things: tax details, marriage details, employment details, directorships, shareholding details or personal correspondence.

(D) Relationship information: name, title, job title, address, telephone number, email address, client relationship details (length of relationship, Firm contacts engaged with)

(E) Marketing information: name, title, job title, address, telephone number, email address, company, engagement details (click-throughs, open rates, bounce rates, return to sender notifications) event attendance history, payment details and marketing preferences.

(F) Social media information: username, company details and engagement details (likes, retweets, shares, reactions, comments).

(G) Monitoring: CCTV footage, vehicle details, swipe/fob records, PC login details, use of our IT and communications systems.

3. We may also collect, store and use the following 'special categories' of more sensitive personal information about Individual clients and Business clients:

(H) Relationship information (sensitive): special access requirements.

(I) Matter information (sensitive): The categories of personal information that we hold about you for the purposes of specific matters that we are providing advice on will vary according to the type of matter. Where we have collected this information other than from you, we will always ask you to confirm its accuracy. By way of example this category may include, amongst other things: race or ethnicity, political opinions, philosophical or religious beliefs, trade union membership, biometric data, medical conditions, prescriptions, surgeries, therapies, medical history, disabilities and sexual orientation.

(J) Criminal records: criminal convictions and offences.

4. How we collect Individual clients' and Business clients' personal information

We collect personal information in categories A and B directly from Individual clients and Business clients as part of our file opening process.

We collect personal information in categories C, I and J directly from Individual clients and Business clients as we take instructions in relation to specific matters. We may also obtain further information about specific matters from other sources including publicly available registers, court transcripts, credit searches and private investigators.

We collect personal information in categories D and E directly from Individual clients and Business clients over the course of our relationship. We may also collect further information from other sources such as Companies House or market information providers.

We collect personal information in category F either from Individual clients and Business clients directly or from social media platforms when Individual clients or Business clients engage with our social media accounts on Facebook, Youtube, Google, Twitter and LinkedIn.

We collect personal information falling within category G when Individual clients or Business clients visit our premises or use our IT or communications systems.

#### 5. How we use Individual clients' and Business clients' personal information

We will only use personal information lawfully. The law says that we must identify a lawful basis for each use of personal data. We rely on a number of lawful bases, including:

1. Where we have obtained freely given, specific, informed and unambiguous consent from you to use your personal information in certain ways.
2. Where we need to perform a contract that we have entered into.
3. Where we need to comply with a legal obligation.
4. Where it is necessary for us to use personal information to pursue our legitimate interests (or those of a third party) and we believe that using personal information in that way is not overridden by the interests or fundamental rights of the person to whom the information relates.

Below, we have set out the purposes for which we use each category of personal data and the lawful bases which are relevant to those purposes.

We use your client engagement information to conduct certain compliance checks that we are required to carry out by law, these include conflict of interest and anti-money laundering searches. Our lawful basis for this is that we have a legal obligation to conduct these checks.

We use your client file information for communicating with you in the course of our engagement, this includes taking your instructions, providing legal advice and invoicing our fees and disbursements. For Individual clients, our lawful basis for this is that it is necessary in order to perform the contract for legal services that we have with you. For Business clients, our lawful basis for this is that it is necessary in order to pursue the legitimate interest of the entity you represent in seeking legal advice.

We use your matter file information to provide legal advice to you. For Individual clients, our lawful basis for this is that it is necessary in order to perform the contract for legal services that we have with you. For Business clients, our lawful basis for this is that it is necessary in order to pursue the legitimate interest of the entity you represent in seeking legal advice.

We use your relationship information to manage and strengthen our relationship with you, this includes linking the work that we do across different practice areas and offices to ensure that you receive a seamless, streamlined service at all times. Our lawful basis for this is necessary in order to pursue our legitimate interests in creating close and enduring relationships with our Individual clients and with Business clients.

We use your marketing information for marketing purposes, this includes contacting you with relevant newsletters, eZines, briefings, bulletins and other information about our services, inviting you to events and

measuring engagement with our communications to ensure that the content that we create is relevant and useful. Our lawful basis for this is your consent. You have the right to withdraw this consent or amend your marketing preferences at any time by contacting [Marketing](#).

We hold your social media information in the course of operating our social media accounts on Twitter, Facebook, LinkedIn, Youtube, and Google. Our lawful basis for this is that it is necessary in order to pursue our legitimate interest in maintaining a visible, engaging and relevant social media presence.

We use monitoring to ensure network and information security, including preventing unauthorised access to our systems and preventing malware distribution and to ensure compliance with our IT and communications policies. Our lawful basis for this is our legitimate interests in securing our information and systems.

Meetings using video software platforms and telephone calls may be recorded in some instances. This may be for training and compliance purposes such as identification or the taking of witness statements or to allow us to type an accurate record of a discussion so that we can provide legal advice or related service which forms part of a contract. Where we intend to use any such video recording software, we will request permission to do so. Any such recordings will not be passed to third parties (unless there is a legal requirement to do so) and will not be used for any other purpose without the prior agreement of those being recorded. We adhere to all relevant statutory requirements relating to the recording of video and telephone calls set out in this notice. All files of video recordings will be retained securely within our document management system.

6. 'Special categories' of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. Below we have identified the further justification on which we are relying to process Individual clients' and Business clients' special category personal data. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

We use relationship information (sensitive) to ensure that our offices and events are inclusive and accessible to all our Individual clients. Our lawful basis for this is our legitimate interest in ensuring that Individual clients and Business clients can access and make use of our offices and events. Our further justification is that any information that we use to ensure accessibility is information that you have manifestly made public.

We use matter information (sensitive) to provide legal advice to you. For Individual clients, our lawful basis for this is that it is necessary in order to perform the contract for legal services that we have with you. For Business clients, our lawful basis for this is that it is necessary in order to pursue the legitimate interest of the entity you represent in seeking legal advice. Our further justification is that it is necessary for the establishment, exercise or defence of legal claims.

We use criminal records to provide legal advice to you. For Individual clients, our lawful basis for this is that it is necessary in order to perform the contract for legal services that we have with you. For Business clients, our lawful basis for this is that it is necessary in order to pursue the legitimate interest of the entity you represent in seeking legal advice. Our further justification is that it is necessary for the purpose of obtaining legal advice.

7. The kind of information that we hold about subscribers

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (such as anonymous data).

There are some 'special categories' of more sensitive personal data which require a higher level of protection.

We collect, store and use some or all of the following categories of personal information about Individual clients and Business clients:

(K) Relationship information: name, title, job title, address, telephone number, email address, client relationship details (length of relationship, Firm contacts engaged with)

(L) Marketing information: name, title, job title, address, telephone number, email address, company, engagement details (click-through rates, open rates, bounce rates, return to sender notifications) event attendance history, payment details, reviews, case studies, testimonials and marketing preferences.

(M) Social media information: username, company details and engagement details (likes, retweets, shares, reactions, comments).

(N) Monitoring: CCTV footage, vehicle details, swipe/fob records, PC login details, use of our IT and communications systems.

8. We may also collect, store and use the following 'special categories' of more sensitive personal information about subscribers:

(O) Relationship information (sensitive): special access requirements/allergies.

#### 9. How we collect subscribers' personal information

We collect personal information in categories A, B and E directly from you over the course of our relationship, this may be when you sign up to a newsletter, when you instruct us on a matter, when you attend one of our events, or some other time when you engage with us directly. We may also source some of this information from other sources such as Companies House or market information providers.

We collect personal information in category C either from you directly or from social media platforms when you engage with our social media accounts on Facebook, Youtube, Google, Twitter and LinkedIn.

We collect personal information falling within category D when you visit our premises or use our IT or communications systems.

#### 10. How we use subscribers' personal information

We will only use personal information when the law allows us to. The law says that we must identify a lawful basis for each use of personal data. We rely on a number of lawful bases, including:

5. Where we have obtained freely given, specific, informed and unambiguous consent from you to use your personal information in certain ways.

6. Where we need to perform a contract that we have entered into.

7. Where we need to comply with a legal obligation.

8. Where it is necessary for us to use personal information to pursue our legitimate interests (or those of a third party) and we believe that using personal information in that way is not overridden by the interests or fundamental rights of the person to whom the information relates.

Below, we have set out the purposes for which we use each category of personal data and the lawful bases which are relevant to those purposes.

We use your relationship information to manage and strengthen our relationship with you, this includes linking the work that we do across different practice areas and offices to ensure that you receive a seamless, streamlined service at all times. Our lawful basis for this is necessary in order to pursue our legitimate interests in creating and maintaining deep and lasting relationships with our contacts.

We use your marketing information for marketing purposes, this includes contacting you with relevant newsletters, bulletins and other information about our services, inviting you to events and measuring engagement with our communications to ensure that the content that we create is relevant and useful. Our lawful basis for this is your consent. You have the right to withdraw this consent or amend your marketing preferences at any time by contacting [Marketing](#).

We hold your social media information in the course of operating our social media accounts on Twitter, Facebook, LinkedIn, Youtube, Google. Our lawful basis for this is that it is necessary in order to pursue our legitimate interest in maintaining a visible, engaging and relevant social media presence.

We use monitoring to ensure network and information security, including preventing unauthorised access to our systems and preventing malware distribution and to ensure compliance with our IT and communications policies. Our lawful basis for this is our legitimate interests in securing our information and systems.

11. 'Special categories' of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. Below we have identified the further justification on which we are relying to process subscribers' special category personal data. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

We use relationship information (sensitive) to ensure that our offices and events are inclusive and accessible to all our Individual clients. Our lawful basis for this is our legitimate interest in ensuring that Individual clients and Business clients can access and make use of our offices and events. Our further justification is that any information that we use to ensure accessibility is information that you have manifestly made public.

#### 12. If you fail to provide personal information

If you fail to provide certain personal information when we request it, we may not be able to perform our contract with you properly (such as providing you with legal advice) or we may be prevented from achieving our legitimate interests (such as engaging with you on social media).

We have a statutory obligation to conduct the checks that we use the client on-boarding information of Individual clients and Business clients for. If you choose not to provide that information, we will not be able to engage you as a client of the Firm.

#### 13. Change of purpose

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 purpose and that purpose is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the lawful basis which allows us to do so.

#### 14. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making where we have notified you of the decision and given you 21 days to request a reconsideration, where it is necessary to perform a contract with you or with your explicit written consent.

Below we have set out the automated decisions that we make about you.

We may make automated marketing decisions. We have an electronic system that will automatically select certain Individual clients for certain marketing communications, for example, invites to an event organised seminar taking place in an office of ours in a particular location.

Other than those detailed above, you will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

#### 15. Data sharing

We share your data with third parties, including third-party service providers, such as insurers, surveyors, valuers, risk assessors, searchers, auditors, accountants, ID checking agencies, credit reference agencies including TransUnion (click [here](#) to view TransUnion's Privacy Notice) and other professional consultants, the courts and other lawyers. We require all third parties to respect the security of your data and to treat it in accordance with the law.

Third-party service providers require access to your personal data in the course of providing their services to us. We engage third parties to provide the following services: public relations and marketing, IT support, dictation services, practice management systems, document management systems, case management systems, printing and reprographics support, event hosting services, email marketing management systems, survey and market insight services, payroll administration, insurers, pension administration, occupational health advisers, employment agencies and consultants, training providers and mentoring providers.

All third parties are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow third parties to use your personal data for their own purposes. We only permit them to access your personal data for specific purposes and in accordance with our instructions.

We may share your personal information with other third parties, for example with a potential purchaser in the context of a potential sale or restructuring of the business. We may also need to share your personal information with a regulator to comply with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Transfers will always be subject to adequate safeguards.

To ensure that your personal information does receive an adequate level of protection in the absence of an adequacy decision, we will put in place binding corporate rules or standard contractual clauses approved by the European Commission or the ICO to ensure that your personal information is treated by those third parties in a way that is consistent with and respects the EU and UK laws on data protection. If you require further information about these protective measures, please contact our [DPO](#).

#### 16. Data security



We have put in place appropriate security measures to protect 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 people who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put procedures in place to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

#### 17. Data retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal accounting, or reporting requirements.

We retain client engagement information in category A for 5 years from the date that we take you on as a client or open a client file on your instructions.

We retain relationship information in categories D, H, K and O for the period of our relationship with you and for 2 years afterwards.

We retain marketing information in categories E and L for the period of our relationship with you and for 5 years afterwards.

We retain social media information in categories F and M for the period during which we are connected on any given social media platform only.

For details on how long we retain client file, matter file, criminal records and monitoring information in categories B – D, G – K, N and O, please request our [Retention Policy](#).

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Where you have chosen to unsubscribe from marketing communications, we will retain your contact details to ensure that you are not sent any further communications. This information will be held indefinitely.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

#### 18. Changes to your data

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes during your working relationship with us. If your personal information changes, please let us know by emailing our [Marketing Department](#).

#### 19. Your rights

Under certain circumstances, by law you have the right to:

Request access to your personal information. This is commonly known as a subject access request. This enables you to receive a copy of the personal information we hold about you and to check that we are processing it lawfully.

Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

Request the transfer of your personal information to another party.

Request the reconsideration of an automated decision. This enables you to ask us to reconsider a decision that was made solely by automated means or to ask for human intervention.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, request that we transfer a copy of your personal information to another party or request the reconsideration of an automated decision, please contact our [DPO](#).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Where you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please use this form or contact our [DPO](#). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to.

## 20. Complaints

If you have any concerns over how we use your data, please contact our [DPO](#) in the first instance.

If you are not satisfied that we have addressed your concerns adequately, you have the right to lodge a complaint with the ICO. Their contact details are below:

*The Information Commissioner's Office – Scotland*  
45 Melville Street  
Edinburgh  
EH3 7HL  
Telephone: 0303 123 1115

Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

## Data Protection Contact

We have appointed a Data Protection Officer (DPO) to oversee compliance with this policy. If you have any questions about this policy or how we handle personal information, please contact the DPO in writing using the details below.

*Email address:* [stephen.mcdonagh@andersonstrathern.co.uk](mailto:stephen.mcdonagh@andersonstrathern.co.uk)

*Postal address:* 1 Rutland Court, Edinburgh, EH3 8EY

Registrations:

*Our limited liability partnership registration number is:* SO301485

*Our ICO registration number is:* Z617115X