

ESSENTIAL EMPLOYMENT LAW SERVICES LIMITED

FAIR PROCESSING NOTICE

Introduction

Essential Employment Law Services Ltd is committed to respecting and protecting your privacy. This Fair Processing Notice explains how we shall collect, store and use any personal data you provide via our website and when you communicate with us in the course of the legal services we provide or may provide or in connection with the running of our business.

Our details are as follows:

Data Controller: Essential Employment Law Services Ltd, 27a Dreadnought Trading Estate, Bridport, Dorset, DT6 5BU;

Information Commissioner's Office (ICO) registration number: **Z9063211**

We should be grateful if you would please read this Fair Processing Notice with some care as it contains important information about the personal data collected, stored, used and shared by Essential Employment Law Services Limited. It explains your rights in relation to personal data and how to contact us or the relevant supervisory authority should you wish to raise a complaint about our use of such data. A copy of this notice will be available on our website from the 25th May 2018.

Our use of personal data is regulated by General Data Protection Regulation (GDPR) and by other UK and EU legislation coming into force on the 25th May 2018. It is also subject to the instructions of clients, our professional duty of confidentiality and legal professional privilege.

Key terms

In this notice:-

We, us, our	refer or relate to Essential Employment Law Services Limited acting by its directors, Mrs. H.C. Cowan and Mr. H.J.D.Lewars
Our representative	is Mrs. Heather Clare Cowan
You and your	refer to you as our client or prospective client or supplier
Personal data	is the term used to describe any information relating to an identified or identifiable human being (a 'data subject')
Special category personal data	are personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs or trade union membership, genetic and biometric data and personal data concerning health, sex life or sexual orientation
Criminal Data	are personal data relating to criminal convictions, offences and alleged offences by the data subject
Data subject	is the individual to whom personal data relate
Process and processing	include obtaining, recording, organising, storing, amending, retrieving, disclosing and/or destroying information, or using or doing anything with it

Personal data we collect

The table below sets out the personal data we shall or may collect for the purposes of advising and/or acting for you or at your request or for the purpose of requisitioning services from you or otherwise operating our business.

Personal data we will collect	Personal data we may collect depending on the nature of our business relationship with you.
Your name, address, telephone number(s) and e-mail	National Insurance and tax details.

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<p>address and/or those of anyone authorised to give instructions or to receive communications from us on your behalf.</p> <p>Information to enable us to check and verify your identity and address or that of anyone authorised to give instructions on your behalf, for example information disclosed in a passport or other documentary evidence of identity.</p> <p>Personal data relating to yourself or others that we need to advise you and carry out your instructions.</p>	<p>Bank and/or building society account details.</p> <p>Nationality and immigration status and information from related documents if we are instructed in connection with an immigration or immigration-related matter</p> <p>So far as may be necessary to carrying out your instructions:-</p> <ul style="list-style-type: none"> • details of working status, terms & conditions of service and pension arrangements; • the names, contact details and other relevant personal data of third parties (such as witnesses, potential witnesses and third parties with whom you have or may have an employment-related dispute); • employment records including, where relevant, records relating to sickness and attendance, performance, disciplinary, conduct and grievances (including relevant special category personal data); • details of racial or ethnic origin, gender and sexual orientation, religious or philosophical beliefs; • details of trade union membership; • personal and special category personal data disclosed in medical records and reports; • details of your professional online presence.

The above personal data are or may be required to enable us to advise and act on your behalf or otherwise enter into contractual relations with you for the provision of services (ours or yours). If you do not provide personal data that we request this may delay or even prevent us from advising or acting for you or from entering into contractual relations with you for the provision of services.

How personal data is collected

We collect most of the personal data we require directly from our clients and suppliers but we may also obtain personal data from the following additional sources:-

- from publicly accessible sources such as Companies House, HM Courts and Tribunals Service and the Advisory, Conciliation and Arbitration Service
- directly from a third party, for example, a party or the representative of a party with whom you are in dispute
- with your consent, from third parties authorised to provide such information: examples might include:-:
 - your bank or building society, another financial institution or adviser;
 - consultants and other professionals we may engage in relation to your matter;
 - a trade union, professional association, pension administrator or insurer;
 - doctors, medical and occupational health professionals;
- via our website

The categories of person about whom we may collect personal data

- our clients (and prospective clients) and their personnel;
- third parties with whom we have contact by virtue of providing legal services (e.g. other parties to a client’s matter);
- professional advisors or others with whom we work in the context of providing our legal services;
- our contractors and suppliers ;
- those who submit enquiries about our legal services or about our business through our website, by e-mail, telephone or by personal attendance at our offices.

How and why we use personal data

Under data protection law, we can only use personal data if we have a lawful basis for doing so. A lawful basis might be one or more than one of the following:-

- the data subject has consented to our using the personal data;
- we need to use the personal data so that we may carry out our contract for legal services with you or take steps at your request before entering into such a contract;
- we need to use the personal data so that we may comply with our legal or regulatory obligations
- we need to use the data for the purposes of our legitimate interests or those of a third party and those interests are not overridden by the need to protect the fundamental rights and freedoms of the data subject.

The table below explains why we process your and others’ personal data and the lawful basis for this processing (which will often be one and the same thing).

Our reasons for processing personal data	Our lawful basis for the processing
We process personal data in order to respond to any query you may submit to us, to carry out your instructions and provide legal services for you or, if a supplier, for the purposes of obtaining supplies of goods and services and related information.	This processing is necessary for the performance of our contract to provide legal services for you or to take steps at your request before entering into such a contract and in the context of procuring goods and services, both for the performance of any contract, to take steps at the request of our suppliers and in pursuit of our legitimate interest in securing goods and services on appropriate terms.
We process personal data as we need to conduct checks to verify the identity of our clients and suppliers to screen them for financial and other sanctions or embargoes and to fulfil our legal, professional and regulatory obligations as solicitors.	We need to process this data:- <ul style="list-style-type: none"> • so that we may comply with our legal, regulatory and professional obligations; • so that our contract to provide you with legal services can be performed or steps can be taken at your request before entering into a such a contract; • so that we may achieve our legitimate interest in providing an efficient and effective legal service for our clients.
We process personal data when gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies such as the Solicitors Regulation Authority and the Information Commissioner.	We need to process these data so that we may comply with our legal, professional and regulatory obligations.

Our reasons for processing personal data	Our lawful basis for the processing
We process personal data to ensure compliance with our own internal policies & procedures, such as those relating to equal opportunities, the prevention of money laundering and the confidentiality of client data.	We need to process this data to achieve our legitimate interest in providing an efficient, effective and lawful legal service for our clients.
We process personal data so that we can monitor and promote our operational efficiency as a legal practice and train our staff.	We need to process this data so that we may we may achieve our legitimate interest in providing an efficient, effective and lawful legal service for our clients.
We process personal data so that we can ensure the confidentiality of commercially sensitive information.	<p>We need to process this data:-</p> <ul style="list-style-type: none"> • so that we may comply with our legal, regulatory and professional obligations; • so that we may achieve our legitimate interest in protecting our intellectual property and other commercially valuable information.
We process personal data so that we can undertake statistical analysis of such matters as our client base, our areas of legal practice and our overall efficiency and thereby manage our legal practice effectively.	We need to process this data so that we may we may achieve our legitimate interest in providing an efficient, effective and profitable legal service for our clients.
We process personal data to prevent unauthorised access and modifications to our computer and other systems.	<p>We need to process this data:-</p> <ul style="list-style-type: none"> • so that we may comply with our legal, regulatory and professional obligations; • so that we may achieve our legitimate interest and of those of third parties in preventing and detecting any criminal activity that could be damaging for us, them or you;
We process personal data when and in order that we may update and maintain the accuracy of client and client- related records.	<p>We need to process this data:-</p> <ul style="list-style-type: none"> • so that we may comply with our legal, regulatory and professional obligations; • so that our contract to provide you with legal services can be performed or steps can be taken at your request before entering into a such a contract; • so that we may achieve our legitimate interest in providing an efficient and effective legal service for our clients.
We process personal data so that we can file statutory returns.	We need to process this data so that we may comply with our legal and regulatory obligations.
We process personal data so that we may ensure safe working practices and carry out staff administration and assessments.	<p>We need to process these data:-</p> <ul style="list-style-type: none"> • so that we may comply with our legal, regulatory and professional obligations; • so that our contract to provide you with legal services can

Our reasons for processing personal data	Our lawful basis for the processing
	<p>be performed or steps can be taken at your request before entering into a such a contract;</p> <ul style="list-style-type: none"> so that we may achieve our legitimate interest in providing an efficient and effective legal service for our clients.
<p>We process personal data so that we can market our services to:-</p> <ul style="list-style-type: none"> existing and former clients; third parties who have previously expressed an interest in our services; third parties with whom we have had no previous dealings. 	<p>The personal data of former and existing clients will only be processed for marketing purposes with their consent.</p> <p>We may process the personal data of third parties so that we may achieve our legitimate interest in promoting our services to them</p>
<p>We process personal data for the purposes of preparing our financial accounts.</p>	<p>We need to process this data:-</p> <ul style="list-style-type: none"> so that we may comply with our legal, regulatory and professional obligations; and so that we may achieve our legitimate interest in providing an efficient, effective and financially viable legal service for our clients.
<p>We process personal data relevant to matters on which we have been instructed by storing our records of these data for 6 years once these matters or our involvement in them have or has come to an end.</p>	<p>We need to process this personal data</p> <ul style="list-style-type: none"> so that we may comply with our legal, regulatory and our professional obligations; and so that we may achieve our legitimate interests in:- <ul style="list-style-type: none"> (a) providing an efficient and effective legal service for our clients by retrieving, reviewing and answering any questions arising from these matters; (b) establishing, exercising and/or defending legal claims or complaints arising from our conduct of them.

The above table does not apply to special category personal data and criminal data, which we shall only process so far as and for so long as may be necessary where:-

- (a) the special category personal data or criminal data relate to you, the lawful basis for processing is that we need to process such data in order to perform our contract to provide you with legal services (as will be the case, for example, if we are instructed to act in connection with any complaint of unlawful discrimination or criminal process) and you have given explicit consent to our so doing; or
- (b) the special category personal data or criminal data relate to a third party and the lawful basis for processing is that we need to process such data in order to establish, exercise and/or defend legal claims on your, our own or a third party's behalf.

Those with whom we share personal data

We may share personal data with:

- professional advisers we instruct on a client’s behalf or to whom we may refer a client: these may include barristers, other legal practices, medical professionals and other experts, our accountants and information technology consultants;
- other third parties where necessary to carry out our instructions, such as HM Courts and Tribunals Service, HM Revenue and Customs, the Advisory Conciliation and Arbitration Service, witnesses and potential witnesses;
- our professional indemnity insurers and brokers;
- our own staff and our accountants;
- our bank;
- our third party service providers;
- any third party with whom you ask us to share your data.

We only allow service providers, such as our accountants and information technology consultants, to handle your personal data if we are satisfied that they take appropriate measures to protect your personal data. We also impose contractual obligations on service providers to ensure they only use personal data we control to provide services to ourselves and our clients.

We may disclose and exchange information with law enforcement agencies and regulatory bodies such as the Solicitors Regulation Authority and the Information Commissioner to comply with our legal and regulatory obligations.

It is conceivable that we might need to share personal data with other parties, such as potential buyers of our practice or during a merger or re-structuring. So far as reasonably practicable such data would be anonymised but this might not be possible in all circumstances but the recipient of such personal data would be bound by confidentiality obligations.

Where personal data is held

Personal data for which we are responsible will be held at our Bridport offices in either manual, typed and/or electronic formats and by those professional advisers and service providers described above (see ‘**Those with whom we share personal data**’).

Very occasionally, some of these third parties will be based outside the European Economic Area. For more information, including on how we safeguard your personal data when this occurs, see below: ‘**Transferring your personal data out of the EEA**’.

How long personal data will be kept

We keep personal data relevant to matters on which we are instructed for up to 6 years (or longer if our clients expressly request us to do so). We retain these data for the following reasons:

- so that we can respond to questions, complaints or claims made by clients or on their behalf;
- so that we can demonstrate our clients have been treated fairly;
- so that we can prevent conflicts of interest;
- so that we can comply with our legal, professional and regulatory obligations.

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

Transferring personal data out of the EEA

To deliver services to our clients, it may be necessary for us to share personal data outside the European Economic Area (EEA) if there is an international dimension to the matter in which we are acting.

Transferring personal data outside the EEA is subject to special rules under European and UK data protection law.

The following countries to which we might transfer personal data have been assessed by the European Commission as providing an adequate level of protection for personal data:

Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay and the US (limited to the Privacy Shield framework).

Except for those listed above, non-EEA countries do not have the same data protection laws as the United Kingdom and EEA. We will, however, ensure that any transfer of personal data for which we are responsible complies with data protection law and that all personal data will be secure.

Withdrawal of Consent

Where we process your personal data on the basis that you have provided your consent for us to do so for a specific purpose or purposes, you may withdraw that consent to that processing at any time by contacting us via the web form on our ‘contact us’ pages or by contacting our representative (see **contact us** below).

Data Subject Rights

Save where legal professional privilege applies, individual clients and other data subjects have the following rights in respect of personal data we hold and can exercise these free of charge:

Information	The right to be informed of our identity and contact details, why we process their personal data and the lawful basis or bases for doing so, whether we have (and if so what) our legitimate interests in such processing may be, with whom we share these data, how long we shall keep them, of the further rights mentioned in this section of our notice and the right to complain and to be informed in advance of any change in the reason(s) for processing their personal data.
Access	A right to be afforded access to their personal data.
Rectification	A right to require that we correct any mistakes in any of their personal data.
To be forgotten	A qualified right to require that we delete their personal data.
Restriction of processing	A qualified right to require that we restrict processing of their personal data.
Data portability	A qualified right to receive their personal data in a structured, commonly used and machine-readable format and/or to have those data transmitted to a third party.
To object	A right to object at any time to their personal data being processed:- <ul style="list-style-type: none"> • for direct marketing purposes (including profiling); • where the lawful basis for their processing is our legitimate interests.
Not to be subject to automated individual decision-making	A qualified right not to be subject to decisions based solely on automated processing (including profiling) that produce legal effects concerning them or otherwise significantly affect them.

For further information on each of the above rights, including the circumstances in which they apply, please contact us or see the Guidance from the UK Information Commissioner’s Office (ICO) on individuals’ rights under the General Data Protection Regulation, which is available on the ICO website at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

If you would like to exercise any of these rights, please:

- email, call or write to our representative (see below: ‘**How to contact us**’);
- let us have enough information to identify you - ideally, your full name, address and a brief description of the matter or matters on which you have consulted us;

- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill would be helpful); and
- let us know what right you want to exercise and the personal information to which your request relates.

Legal professional privilege

Legal professional privilege protects all communications between a solicitor and a client from being disclosed to third parties without the permission of the client. There are two main types of privilege under English law: legal advice privilege and litigation privilege.

Legal advice privilege protects confidential communications between the solicitor and the client which involve giving or receiving legal advice.

Litigation privilege protects confidential communications between the solicitor and the client and other material generated by or on behalf of the client for the purposes of pending or anticipated litigation.

Under prospective UK data protection legislation, the main provisions of the GDPR will not apply to personal data that consist of information for which a claim to legal professional privilege can be made. It follows that solicitors cannot be required to afford data subject rights to third parties (such as staff) whose personal data are supplied to them by or for their clients for the purpose of giving legal advice or in connection with pending or anticipated litigation unless, or course, their clients consent to their doing so.

Keeping personal data secure

We have appropriate security measures to prevent personal data from being accidentally lost, misused or unlawfully accessed. We limit access to personal data to those who have a genuine business need to access these. Those processing your personal data 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 any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach if we are legally required to do so.

What personal information is collected through our website and how is it used?

We collect information about our web site users in three ways: directly from the user, from our Web server logs and through cookies. We use the information primarily to provide information, resources, and services that are most relevant and helpful to you. We don't share any of the information you provide with others unless we say so in this Fair Processing Notice or we believe in good faith that the law requires it.

User-supplied information: If you fill out the contact form on our website, we shall ask you to provide some personal information (such as e-mail address, name and phone number). We only require that you provide an e-mail address on the contact form and a brief description of your enquiry.

The information we require you to give in the contact form will be used so that we may respond to your enquiry.

Web server logs: When you visit our website, we may track information about your visit and store that information in web server logs, which are records of the activities on our sites. The server automatically captures and saves the information electronically. Examples of the information we may collect include:

- your unique Internet protocol address;
- the name of your unique Internet service provider;
- the town/city, county and country from which you access our website;
- the kind of browser or computer you use;
- the number of links you click within the site;
- the date and time of your visit;
- the web page from which you arrived to our site;
- the pages you viewed on the site; and

- certain searches/queries that you conducted via our website(s).

The information we collect in web server logs helps us administer the site, analyse its usage, protect the website and its content from inappropriate use and improve the user's experience.

Cookies: In order to improve functionality, our website and applications may use cookies to store and help track information about you. Cookies are simply small pieces of data that are sent to your browser from a Web server and stored on your computer's hard drive. We use cookies to help remind us who you are and to help you navigate our site during your visits. Cookies also can tell us where visitors go on a website and allow us to save preferences for you so you won't have to re-enter them each time you visit. The use of cookies is relatively standard. Most Internet browsers are initially set up to accept cookies but you can use your browser either to notify you when you receive a cookie or to disable cookies.

If you wish to disable cookies from this site, you can do so using your browser. You should understand that some features of many sites may not function properly if you do not accept cookies. For more information about using browsers to manage cookies, please see the '[All About Cookies](#)' link on our website.

Third-party Services: We may use services hosted by third parties, including Adobe® Site Catalyst®, to assist in providing our services and to help us understand the use of our site by our visitors. These services may collect information sent by your browser as part of a web page request, including your IP address or cookies. If these third-party services collect information, they do so anonymously and in the aggregate to provide information helpful to us such as website trends, without identifying individual visitors. Please see "Cookies" in the section above for more information on how you can control the use of cookies on your computer.

How to complain

We hope that we or our representative can resolve any query or concern you may raise about our use of personal data.

The [General Data Protection Regulation](#) also gives you right to lodge a complaint with a supervisory authority, in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or by telephone on 0303 123 1113.

Changes to this Fair Processing Notice

This Fair Processing Notice was published in May 2018 and will be kept under review. We shall notify you of any changes we make to this notice while processing any of your personal data.

How to contact us

Please contact our representative, Mrs. Heather Clare Cowan, by post, email or telephone if you have any questions about this Fair Processing Notice or the personal information we hold about you. Her contact details are as follows:-

Address: 27a Dreadnought Trading Estate, Magdalen Lane, Bridport, Dorset DT6 5BU

Telephone: 01308 459743 & 01308 459459

E-mail: h.cowan@eels-law.co.uk