

## Introduction

Leyshon WS is law firm and provides legal advice and assistance to its clients. It is regulated by the Law Society of Scotland.

The personal data that Leyshon WS processes to provide these services relates to its clients and other individuals as necessary, such as our own staff.

This policy sets out the commitment of Leyshon WS to ensuring that any personal data (including special category personal data) which Leyshon WS processes, is processed by us in compliance with data protection law. Leyshon WS processes the personal data of clients who are UK-based or based in other parts of Europe (European Union and non-European Union countries) and further afield in other parts of the world, but we are committed to ensuring that all the personal data that is processed by Leyshon WS is done in accordance with all data protection law which is operational in the United Kingdom from time to time. Leyshon WS ensures that good data protection practice is imbedded throughout the administration of our legal business.

Our other data protection policies and procedures are:-

- privacy notices (see our website and as emailed to each client)
- personal data breach reporting process and a breach register
- data subject rights procedure

'Data Protection Law' includes the **General Data Protection Regulation 2016/679**; the **Data Protection Act 2018** (a UK Act) and all relevant European Union and UK data protection legislation.

## Scope

This policy applies to all personal data processed by Leyshon WS and is part of our approach to compliance with data protection law. All Leyshon WS partners and employees are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including automatic resignation/dismissal.

## Data protection principles

Leyshon WS complies with the data protection principles set out below. When processing personal data, we ensure that:-

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject ('**lawfulness, fairness and transparency**')
- it is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('**purpose limitation**')
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('**data minimisation**')
- it is all accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('**accuracy**')

- it is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (**'storage limitation'**)
- it is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**'integrity and confidentiality'**)

Leyshon WS will facilitate any request from a data subject who wishes to exercise their rights under data protection law as appropriate, always communicating in a concise, transparent, intelligible and easily accessible form and without undue delay.

### **Process/procedures/guidance**

Leyshon WS will:-

- ensure that the legal basis for processing personal data is identified in advance and that all processing complies with the law
- not do anything with your data that you would not expect given the content of this policy and the fair processing or privacy notice
- ensure that appropriate privacy notices are in place advising clients and others how and why their data is being processed, and, in particular, advising data subjects of their rights
- only collect and process the personal data that Leyshon WS needs for purposes we have identified in advance
- ensure that, as far as possible, the personal data Leyshon WS holds is accurate, or a system is in place for ensuring that it is kept up to date as far as possible
- only hold onto your personal data for as long as it is needed by Leyshon WS, after which time Leyshon WS will securely erase or delete the personal data.  
**Leyshon WS is required by Law Society of Scotland rules to retain client files for a minimum of 10 years commencing at completion of the relevant client file.**
- ensure that appropriate security measures are in place to ensure that personal data can only be accessed by those who need to access it and that it is held and transferred securely

Leyshon WS will ensure that all partners and staff who handle personal data on our behalf are aware of their responsibilities under this policy and that they are adequately trained and supervised.

Breaching this policy may result in disciplinary action for misconduct, including automatic resignation or dismissal. Obtaining (including accessing) or disclosing personal data in breach of our data protection policies may also be a criminal offence.

### **Data Subject Rights**

Leyshon WS has processes in place to ensure that it can facilitate any request made by an individual to exercise his/her rights under data protection law. All partners and staff have received training and are aware of the rights of data subjects. All partners and staff can identify such a request and know who to send it to.

All requests will be considered without undue delay and **within one month** of receipt as far as possible.

**Subject access:** the right to request information about how personal data is being processed by Leyshon WS, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:-

- the purpose of the processing
- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office
- the source of the information if not collected direct from the subject, and
- the existence of any automated decision making

**Rectification:** the right to rectify inaccurate personal data concerning them.

**Erasure:** the right to have data erased and to have confirmation of erasure, but only where:-

- the data is no longer necessary in relation to the purpose for which it was collected, or
- where consent is withdrawn, or
- where there is no legal basis for the processing, or
- there is a legal obligation to delete data

**Restriction of processing:** the right to ask for certain processing to be restricted in the following circumstances:-

- if the accuracy of the personal data is being contested, or
- if our processing is unlawful but the data subject does not want it erased, or
- if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims, or
- if the data subject has objected to the processing, pending verification of that objection

**Data portability:** the right to receive a copy of personal data which has been provided by the data subject and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller. This would only apply if Leyshon WS was processing the data using consent or on the basis of a contract.

**Object to processing:** the right to object to the processing of personal data relying on the legitimate interests processing condition unless Leyshon WS can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

### **Special category personal data**

This includes the following personal data revealing:-

- racial or ethnic origin

- political opinions
- religious or philosophical beliefs
- trade union membership
- the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- an individual's health
- a natural person's sex life or sexual orientation
- criminal convictions or offences

Leyshon WS in general **does not** process special category data of clients. Where such processing is required this will be dealt with on a case by case basis **with prior consent** of the relevant client.

Leyshon WS does process special category data of our staff as is necessary to comply with employment and social security law. This policy sets out the safeguards we believe are appropriate to ensure that we comply with the data protection principles set out above. **Leyshon WS will retain special category data of our staff for a period of 5 years** commencing on the date that the relevant staff member leaves our employment.

### **Responsibility for the processing of personal data**

The partners of Leyshon WS take ultimate responsibility for data protection.

If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact the data protection Partner in the following ways:-

Name: **John Leyshon**

Address: **Leyshon WS, Portbrae House, Peebles EH45 8AW**

Email: ***john.leyshon@leyshonws.co.uk***

Telephone: **01721 724 764**

### **Monitoring and review**

This policy was last updated on 25 May 2018 and shall be regularly monitored and reviewed, at least every two years.