

PRIVACY NOTICE

WHO WE ARE

Gillespie Macandrew LLP (**we/us**) is a limited liability partnership registered in Scotland under company registration number SO300743 and having its registered office address at 5 Atholl Crescent, Edinburgh, Midlothian, EH3 8EJ.

We do not have a Data Protection Officer.

INTERPRETATION

The following definitions apply in this document:

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data

Data Subject a person who is identified by or identifiable from Personal Data

GDPR the General Data Protection Regulation (2016/679), which is available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32016R0679>

Personal Data means any information relating to an identified or identifiable natural person

Processor means a person, company, public authority, agency or other body which processes personal data on behalf of the Controller.

Special Categories of Personal Data Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation

THIS DOCUMENT

This Privacy Notice takes effect from 25 May 2018. It is directed to all natural persons whose Personal Data we process other than our employees, workers, volunteers and members (but it does apply to candidates for any of these roles). It applies to Personal Data collected by whatever means including without limit through our websites. It sets out information about how we collect Personal Data, the categories of Personal Data we collect, the purpose for which we process Personal Data, the legal basis for this processing, our legitimate interests in processing, how we share Personal Data and the rights of Data Subjects whose Personal Data we process.

On occasion we may also provide more detailed processing information to a Data Subject in a separate privacy notice. Where we do so, that information will prevail over the information in this document.

This Privacy Notice may be updated from time to time. The latest version is published at <https://www.gillespiemacandrew.co.uk/privacy-notice/>. Please check this page for the latest version of our Privacy Notice.

Nothing in this Privacy Notice restricts our professional obligation to keep the affairs of our clients confidential.

OUR STATUS

We are the Controller in relation to all Personal Data which we collect.

HOW WE COLLECT PERSONAL DATA

We collect Personal Data in the following main ways:

- When receiving referrals of business
- Through website contact forms and direct emails from people making enquiries with us
- When communicating with clients by telephone, in person or by email
- When undertaking 'know your client' checks
- From other professionals (and third parties) who provide Personal Data to us in connection with the matters in respect of which we have been instructed
- When viewing or downloading information available from public registries, such as the register maintained by the Registrar of Companies for Scotland and the Registers of Scotland as well as other publically available sources
- By taking up external references
- Automatically using cookies on our website (see our cookie policy at www.gillespiemacandrew.co.uk for more information about how we use cookies) or through automated features of virtual data rooms which we make available

CATEGORIES OF DATA SUBJECT

We process Personal Data in relation to the following categories of Data Subject:

- Our clients and prospective clients and their representatives
- Shareholders, directors and beneficial owners of legal persons who are our clients
- Family members of our clients

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- Users of helplines we offer
- Third parties whose data we process in connection with our legal services or when verifying the source of funds for a transaction
- Other professionals and business contacts
- Candidates for traineeships, professional, technical and support roles (whether employed or self-employed) and for partnership positions (**Candidates**)
- Suppliers and representatives of our suppliers
- Visitors to our website
- Visitors to our premises
- Delegates at events we are organising

TYPES OF PERSONAL DATA WE PROCESS

We process the following main types of Personal Data:

Career Data	Work history, experience, qualifications, job title, information about disabilities and health conditions if this is disclosed by Candidates
Client Due Diligence Data	Information collected specifically for the purpose of complying with the client due diligence requirements in The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, such as copies of personal identity documents, the results of screening checks relating to anti-money laundering, anti-terrorism and sanctions and Personal Data which is gathered when verifying the source of funding for transactions
Contact Data	Names, addresses, email addresses, telephone numbers, facsimile numbers, job title, organisation
Financial Data	Payment card information, bank account and sort code numbers, records of our financial transactions with you
Identity Data	Contact Data, dates of birth, passport, driving licence and identity card numbers, copies of personal identification documents, copies of

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	utility bills, bank statements and other documents supplying evidence of address, organisation memberships and membership numbers, signatures, excluding Client Due Diligence Data
Incident Data	Personal Data (including Identity Data) relating to injuries occurring at our premises involving visitors
Matter Data	Information we process in connection with professional matters we are requested to assess, undertake or refer, including without limit Personal Data contained in communications, file notes, due diligence documents, evidence in connection with legal proceedings or which is collected automatically using a virtual data room, not included in other categories
Marketing Data	Records of marketing preferences and requests not to process Personal Data for marketing purposes
Supplier Data	Personal Data (including Identity Data) relating to our suppliers and/or their representatives

We process the following Special Categories of Personal Data:

- Incident Data
- Special Categories of Personal Data included in Identity Data, Matter Data or in Client Due Diligence Data
- Special Categories of Personal Data included in Candidate Data

We may process Personal Data relating to criminal convictions which is collected as Matter Data or Client Due Diligence Data.

We collect online identifiers at our website at www.gillespiemacandrew.co.uk which may be considered to be Personal Data such as IP addresses for the purpose of analysing the use of our website (**Website Technical Data**). We do not use this information to identify individuals, e.g. by combining it with other identifiers such as names or email address and do not use the information to build profiles.

When the provision of Personal Data is a statutory requirement or a requirement necessary to enter into a contract

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It is a legal requirement for us to verify the identity of natural persons who are our clients and the beneficial owners of our corporate clients. We will require production of personal identification documents, evidence of address and may require production of evidence of source of funding.

It is a requirement before entering into any contract with us to provide us with your name and address. You must also provide us with the Personal Data (if any) which is required for us to perform our services.

If you do not provide us with your Personal Data in the above circumstances, we will be unable to provide our services to you.

PURPOSE OF PROCESSING

We process or may process Personal Data for the following main purposes:

Purpose	Categories of Personal Data affected
To provide legal and other professional services	Identity Data, Matter Data, Financial Data
For the purpose of preventing money laundering or terrorist financing	Client Due Diligence Data; Matter Data
To provide information to users of helplines and prospective clients	Contact Data, Matter Data
To provide third parties with usage information in relation to legal helplines we operate on their behalf	Identity Data (limited to Contact Data and organisation membership number)
To procure services, receive the benefit of those services, monitor and enforce supplier agreements	Supplier Data
For credit control, time-recording, accounting, record keeping, complaints management, improving our systems and processes and other administrative purposes	Matter Data, Identity Data, Supplier Data, Financial Data
For credit control, time-recording, accounting, record keeping, complaints management, improving our systems and processes and other administrative purposes	Matter Data, Identity Data, Supplier Data, Financial Data
To defend against legal claims which may be	Career Data, Identity Data, Financial Data, Matter Data, Supplier Data
To perform conflict of interest checks	Identity Data

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To comply with legal obligations generally	Career Data, Identity Data, Financial Data, Matter Data, Supplier Data
To comply with our professional obligations under the Law Society of Scotland's Code of Conduct	Identity Data, Financial Data, Matter Data, Supplier Data
For relationship management and direct marketing purposes	Contact Data, Marketing Data
To ensure the continuity of our business following a reorganisation or transfer to a successor	Career Data, Identity Data, Financial Data, Matter Data, Supplier Data
To introduce business to other professionals and suppliers	Contact Data, Matter
To establish, exercise or defend legal claims made by or against our clients	Identity Data, Matter Data
To keep a record of your consent or request not to receive marketing information from us	Contact Data, Marketing Data
To process payments	Identity Data, Financial Data
To assess a Candidate's suitability for a position within our business	Identity Data, Career Data

We use Google Analytics and website tools for collecting analytical information about use of our websites and to facilitate social media engagement, respectively. This involves the automated collection of Website Technical Data by Google, who process the information for the purposes set out in their privacy notices available at the following URL:

<https://policies.google.com/privacy/partners?hl=en-GB&gl=uk>

We are not responsible for processing of Personal Data by Google.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us using the contact information at the end of this document.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

LAWFUL BASIS FOR PROCESSING

We only process Personal Data where we have a lawful basis for doing so.

Personal Data other than Special Categories of Personal Data and Personal Data relating to criminal convictions

We will process Client Due Diligence Data to which this section applies where this is necessary for the prevention of money laundering or terrorist financing as a task which is carried out in the public interest. We will process other Personal Data where processing is necessary for compliance with a legal obligation.

We will process Identity Data, Matter Data and Financial Data to perform our contracts with you and/or to take steps at your request prior to entering into a contract.

We may request your consent to certain forms of marketing communications and where we do so, consent is the basis upon which we will process your Personal Data for that purpose. We may ask you to consent to other forms of processing from time to time and where we do, consent will be the legal basis for that processing.

Unless we are processing Personal Data for the prevention of money laundering or terrorist financing or on the basis of consent, we rely or also rely upon our legitimate interests in processing as set out below.

Legitimate interest	Categories of Personal Data affected (in each case excluding Special Categories of Personal Data and Personal Data relating to criminal convictions)
Providing legal and other professional services	Identity Data, Matter Data, Financial Data
Providing information to users of helplines and prospective clients	Contact Data, Matter Data
Providing third parties with usage information in relation to legal helplines we operate on their behalf	Identity Data (limited to Contact Data and organisation membership number)
Procuring services, receiving the benefit of those services, monitoring and enforcing supplier agreements	Supplier Data
Carrying out credit control, time-recording, accounting, record keeping, complaints management and other administrative actions, improving our systems and processes	Matter Data, Identity Data, Supplier Data, Financial Data
Defending against legal claims which may be made against us or our officers, employees or	Identity Data, Financial Data, Matter Data, Supplier Data

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workers	
Complying with our professional obligations under the Law Society of Scotland's Code of Conduct	Career Data, Identity Data, Financial Data, Matter Data, Supplier Data
Relationship management and direct marketing purposes	Contact Data, Marketing Data
Ensuring the continuity of our business following a reorganisation or transfer to a successor	Career Data, Identity Data, Financial Data, Matter Data, Supplier Data
Introducing business to other professionals and suppliers	Contact Data, Matter Data
Establishing, exercising or defending legal claims made by or against our clients	Identity Data, Matter Data
Processing payments from our client account and office accounts	Identity Data, Financial Data
Recruitment	Identity Data, Career Data

We process Website Technical Data for the purpose of monitoring website usage patterns.

Special Categories of Personal Data and Personal Data relating to Criminal Convictions

We will process Special Categories of Personal Data and Personal Data relating to criminal convictions on the basis of your explicit consent where no other legal basis for the processing is available. Other legal bases for this processing are as follows:

Lawful basis	Personal Data affected
Processing is necessary to comply with obligations arising under social security law; processing is necessary to defend legal claims which may be made against us or our officers, employees or workers	Incident Data
Processing is necessary to comply with obligations arising under employment law; processing is necessary to defend legal claims which may be made against us or our officers, employees or workers	Special Categories of Personal Data or Personal Data relating to criminal convictions included within Candidate Data

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Processing is necessary to establish, exercise or defend legal claims made by or against our clients or whenever courts are acting in their judicial capacity; processing is necessary to defend legal claims which may be made against us or our officers, employees or workers; processing relates to Personal Data which are manifestly made public by the Data Subject	Special Categories of Personal Data or Personal Data relating to criminal convictions included within Identity Data and/or Matter Data
Processing is necessary for reasons of substantial public interest	Special Categories of Personal Data or Personal Data relating to criminal convictions included within Client Due Diligence Data

RETENTION PERIODS

We will retain your Personal Data only for as long as is necessary to achieve the purposes (or any compatible purposes) for which it is processed unless you have asked us to retain the Personal Data for a longer period. The retention period applying to Personal Data will depend upon the applicable legal and regulatory requirements, which may change over time, and also upon events occurring after the time of collection, such as the occurrence of a legal claim or the exercise of a data subject right (such as the right to request that we do not use your Personal Data for marketing purposes).

AUTOMATED DECISION MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not envisage that any decisions will be taken about you using solely automated means. We will notify you in writing if this position changes.

TRANSFERS OUTSIDE OF THE EUROPEAN ECONOMIC AREA (EEA)

We transfer or may transfer Personal Data outwith the EEA where this is necessary for the performance of our professional services, is part of our secure business processes or if the Personal Data is Website Technical Data, where any of the following apply:

- The transfer is made to a country which has been determined by the European Commission to provide appropriate safeguards for the rights of Data Subjects
- The transfer is made to a company or group of companies which have implemented 'binding corporate rules' approved by the relevant regulator
- The transfer is made on the basis of standard contractual clauses approved by the European Commission

We may additionally transfer Personal Data to countries outside of the EEA where this is necessary for the performance of our professional services where any of the following apply:

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- Our action is outside the scope of the GDPR or does not constitute a transfer within the meaning of the GDPR
- The transfer is necessary for the performance of our contract with you or is a step preparatory to entering into a contract with you and is taken at your request
- The transfer is necessary for the conclusion or performance of a contract with a third party which is in your interest
- The transfer is necessary for the establishment, exercise or defence of legal claims
- The transfer is necessary to protect your vital interests
- The transfer is made from a register which is open to the public or to those with a legitimate interest
- With the explicit consent of the Data Subject

RECIPIENTS OF PERSONAL DATA

We transfer or may transfer Personal Data to the following recipients:

Recipient or category of recipient	Categories of Personal Data affected
Our employees, officers, members and workers	All of the Personal Data we process
Our clients	Identity Data, Matter Data, Financial Data
Third parties on whose behalf we are operating a helpline	Identity Data (limited to Contact Data and organisation membership number)
Providers of services to us, including our IT service providers, self-employed consultants, translators, insurers and our professional advisers including without limit advocates, insurance brokers, auditors and accountants	All of the Personal Data we process
Third parties with whom we are co-organising events	Identity Data (limited to name and organisation)
The Law Society of Scotland as our regulator	All of the Personal Data we process
Other parties to a transaction or court case and their agents	Identity Data, Matter Data, Financial Data
Courts and tribunals	All of the Personal Data we process

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Advocates, expert witnesses and other professional advisers acting on the client's behalf	Career Data, Client Due Diligence Data, Identity Data, Matter Data
Business contacts	Contact Data
Companies House, HMRC and other public authorities and bodies	Identity Data, Matter Data
Law Enforcement Agencies	All of the Personal Data we process
Awards bodies and publishers of professional directories (only with your authority)	Contact Data, Matter Data (only where confidentiality has been waived)
Media organisations and/or the public	Contact Data (limited to name, job title and organisation), Matter Data (only where confidentiality has been waived)
Successors in title to our business(es)	All of the Personal Data we process

We transfer or may transfer Website Technical Data to Google in connection with our use of Google Analytics.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your Personal Data (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.

Request correction of your Personal Data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Object to processing of your Personal Data 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Personal Data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of your Personal Data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you

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need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your Personal Data to you or to a third party. We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your Personal Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Complain to the supervisory authority in connection with our processing of your personal data. You can exercise this right by contacting the Information Commissioner's Office at <https://ico.org.uk/>

SECURITY

We have put in place appropriate security measures to prevent your Personal Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Data to those employees, agents, contractors and other third parties who have a business need to know.

Our websites may contain links to other websites of interest. However, once you have used one of these links to leave our website, you should note that we do not have any control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this Privacy Notice. You should exercise caution and look at the privacy notice applicable to the website in question.

CONTACT US

If you have any questions about our processing of Personal Data or would like to exercise one of your legal rights, please contact Chris Gibson at our Edinburgh office address or send him an email to chris.gibson@gillespiemacandrew.co.uk

Guidance on data protection law is available from the Information Commissioner's Office at <https://ico.org.uk/>

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