1) About this notice

a) This Privacy Notice details how Forrester Sylvester Mackett LLP (FSM) collects and uses your personal information, or personal data, during and after your relationship with us, in accordance with The UK General Data Protection Regulation 2021 (GDPR).

b) FSM is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you and explaining it clearly to you.

c) This notice applies to prospective, existing and former clients of FSM (including employees and representatives of our corporate clients); individual and business contacts and prospects; referrers; individuals who request information from us; any person who provides services to FSM, either as an individual or as the employee or representative of a corporate service provider; third parties acting for our clients; parties on the other side of our client matters and lawyers acting for such parties.

d) It is important that you read this notice, together with any other privacy information or notices we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

e) We reserve the right to update this Privacy Notice at any time, and we will provide you with a new Privacy Notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

f) We have appointed a Data Protection Manager, Jonathan Frayling, who is responsible for overseeing FSM compliance with the data protection regulations. If you have any questions about this Privacy Notice or how we handle your personal information, please contact enquiries@fsmsolicitors.co.uk or 01225 755621.

g) It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the course of our engagement with you.

2) What information do we hold?

a) Personal Data means any information about an individual from which that person can be identified.

b) There are special categories of more sensitive personal data which require a higher level of protection (see further in section 5 below).

c) We collect, deal with, or process different information depending on your relationship with us. These could include
   - Individual clients
   - Individual prospects and other non-client contacts
   - Individual service providers
   - Corporate clients, suppliers and third party contacts and prospects
   - Parties on the other side in client matters.

Individual clients – what we process

- Your name, address and contact details. Such processing is necessary for performance of the contract between us.
- Anti-money Laundering and Know Your Client information (see section 7 below). We do this to comply with our legal obligations, and as necessary for our legitimate interests (provided that your interests and fundamental rights do not override our interests).
- Information relating to your legal matter and our instructions. If you are a private client this may include information about your family or other third party beneficiaries. Such processing is necessary for the purpose of providing legal advice.
- Your bank details. Such processing is necessary where we are required to pay funds to you (for example on completion of a sale of property).
- Your national insurance number for Stamp Duty Land Tax purposes. Such processing is necessary to comply with a legal requirement.
- Tax and other information from your accountant where applicable. Such processing is necessary for the purpose of providing legal advice.
- Personal information contained in documents reviewed by us as part of any due diligence and provided to us in disclosure. Such processing is necessary for the purpose of providing legal advice.
- Your marketing preferences and details of any services you have subscribed to and/or events you have attended. Such processing is necessary for the legitimate interest of promoting and growing our business (provided that your interests and fundamental rights do not override our interests).
- Background information about you and your relationship with the firm, to inform and improve the service we provide to you. This may include lifestyle information and information about your family. Such processing is necessary for the legitimate interest of informing and improving the service we provide to you (provided that your interests and fundamental rights do not override our interests).
- Feedback you provide to us on our services. Such processing is necessary for the legitimate interest of managing our business and improving our services (provided that your interests and fundamental rights do not override our interests).

- To the extent permitted by law, we may monitor electronic communications for the purposes of ensuring compliance with our legal and regulatory obligations and internal policies.
- We may, from time to time, approach you for your consent to allow us to process your personal information for other purposes. If we do so, we will provide you with details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to give your consent.

Individual prospects and other non-client contacts - what we process

- Your name, address and contact details.
- Your marketing preferences and details of any services you have subscribed to and /or events you have attended.
- Feedback you provide on events or marketing campaigns.
- Background information about you and your relationship with the firm, to inform and improve the service we provide to you.
- Such processing is necessary for the legitimate interest of promoting and growing our business and improving our services (provided that your interests and fundamental rights of do not override our interests).
- To the extent permitted by law, we may monitor electronic communications for the purposes of ensuring compliance with our legal and regulatory obligations and internal policies.
- We may, from time to time, approach you for your consent to allow us to process your personal information for other purposes. If we do so, we will provide you with details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to give your consent.

Individual service providers – what we process

- Your name, title and business contact information including addresses, telephone numbers and email addresses.
- Details relating to the performance of the contract between us, including financial information and bank details for payment. Such processing is necessary for performance of the contract between us.
- We may perform due diligence in the form of credit checks and verification of your identity including checking photographic identification and proof of address. We do this to comply with our legal obligations, and as necessary for our legitimate interests (provided that your interests and fundamental rights do not override our interests).

- To the extent permitted by law, we may monitor electronic communications for the purposes of ensuring compliance with our legal and regulatory obligations and internal policies.
- We may, from time to time, approach you for your consent to allow us to process your personal information for other purposes. If we do so, we will provide you with details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to give your consent.

Corporate clients, suppliers and third party business contacts and prospects – what we process

- Names, titles and business contact information including addresses, telephone numbers and email addresses for your employees and representatives. Such processing is necessary for performance of the contract between us.
- If you are a new or prospective client, personal information as part of our Anti-Money Laundering and Know Your Client procedures (see section 7 below). We do this to comply with our legal obligations, and as necessary for our legitimate interests (provided that the interests and fundamental rights of the individual do not override our interests).
- Due diligence in the form of credit checks on companies, including checking photographic identification and proof of address of directors and, in some cases, your shareholders, and verification of the company registration details. We do this to comply with our legal obligations, and as necessary for our legitimate interests (provided that the interests and fundamental rights of the individual do not override our interests).
- Information relating to your legal matter and our instructions.
- If you are an employer, this may include information about your staff.
- For schools, universities and higher education, this may include information about pupils and students. Processing of this information is necessary for the purpose of providing legal advice to you.
- Personal information contained in documents reviewed by us as part of any due diligence and provided to us in disclosure. Such processing is necessary for the purpose of providing legal advice.
- Your marketing preferences and details of any services you have subscribed to and any events your employees and representatives have attended. Such processing is necessary for the legitimate interest of promoting and growing our business (provided that the interests and fundamental rights of any individual employees and representatives do not override our interests).
- Any feedback you (your employees or representatives) provide to us on our services. Such processing is necessary for the legitimate interest of managing our business and improving our services (provided that the interests and fundamental rights of any individual employees and representatives do not override our interests).

- Background information about you, and your employees and representatives, and your relationship with the firm. Such processing is necessary for the legitimate interest of informing and improving the service we provide to you (provided that the interests and fundamental rights of any individual employees and representatives do not override our interests).
- To the extent permitted by law, we may monitor electronic communications for the purposes of ensuring compliance with our legal and regulatory obligations and internal policies.

Parties on the other side in client matters – what we process

- For lawyers acting on the other side of a particular matter, we will collect your contact details and such information about your clients as necessary for us to advise our clients.
- We process personal information contained in documents reviewed by us as part of our due diligence and/or as provided to us in disclosure. Such processing is necessary for the purpose of establishing, exercising or defending legal claim and for the legitimate interests of our client in receiving legal advice from us (provided that your client's interests and fundamental rights do not override our client's interests).
- You or your client's bank details. Such processing is necessary where we are required to pay funds to your client (for example on completion of a sale of property).
- To the extent permitted by law, we may monitor electronic communications for the purposes of ensuring compliance with our legal and regulatory obligations and internal policies.

Mediation matters – contacting another party

- Although the other party may not have given their consent for us to contact them, we have a responsibility to that party to ensure they have access to the mediation information and assessment process introduced by the Children and Families Act 2014, s10.

Collecting and Requesting Documents, Swears and Statutory Declarations

- Where we are instructed to assist with the provision of any legal services we may request and collect personal information and supporting documents from you, and where necessary from third parties, to verify your identity, confirm the accuracy of the information provided, comply with our legal and regulatory obligations, and properly carry out our instructions. Such processing is necessary for the purpose of providing legal services, complying with legal obligations, and, where applicable, for our legitimate interests in ensuring that documents are completed accurately and securely.

3) How do we collect information about you?

a) We may collect the following:

- Personal information direct from you when you become a client of the firm, when you complete our website enquiries form, if you register with us for an event or to receive updates and information from us or where we enter into a contract to receive services from you.
- Further information from you during the period of our retainer or for the duration of you providing services to us.
- Information about clients from parties acting on the other side in a transaction, or from lawyers or other professional advisors acting on their behalf.
- Information from other third parties, such as other professionals advising our clients on a matter, from referrers, partner organisations (if we have run a joint event), and from credit reference agencies or other background check agencies.
- Information about you from public sources, such as Companies House or the Land Registry, from an online search or from social media sites.

4) Our lawful basis for using personal information

a) We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. Where we rely on legitimate interests for our processing, we will advise you of the relevant interest.
- Where we need to comply with a legal obligation.
- Otherwise, with your consent.

b) We may also use your personal information in the following situations, which are likely to be rare:

- Where we need to protect your vital interests (or someone else's interests).
- Where it is needed in the public interest.
- Some of the above grounds for processing will overlap, and there may be several grounds which justify our use of your personal information.

c) We will only use your personal information for the purposes for which we collected it, as outlined above, unless we reasonably consider that we need to use it for another reason and that reason 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 legal basis which allows us to do so.

d) We may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5) How we use particularly sensitive personal information

a) Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using said information.
b) Depending on the nature of our instructions, we may collect, store and use any of the following special categories of information about clients and prospective clients of the firm and/or about parties on the other side of the matter:
   - Physical or mental health, including any medical condition or disability
   - Nationality, race or ethnicity
   - Political opinions
   - Religious or philosophical beliefs
   - Trade union membership
   - Sexual orientation or sex life
   - Genetic information and biometric data
   - Information relating to criminal convictions and offences.
c) We process this type of information where it is necessary to establish, exercise or defend a legal claim.
d) We may process particularly sensitive personal information if we are under a legal obligation to do so, or if it becomes necessary to protect your vital interests or those of another person, or for reasons of substantial public interest.
e) We do not process particularly sensitive personal information for non-clients as part of our usual course of business. However, we may process information:
   - relating to a health condition or disability in order to make reasonable adjustments in the provision of our services;
   - where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public; and
   - about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting. We make every effort to anonymise such information.
f) We may approach you for your written consent to allow us to process certain particularly sensitive information. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

6) Information about criminal convictions

a) We may only use information relating to criminal convictions where the law allows us to do so. Except where this is necessary in the course of the legal advice we are providing to you, we do not envisage that we will hold information about criminal convictions.
b) We may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and

you are not capable of giving your consent, or where you have already made the information public.

7) Anti-Money Laundering and Know Your Client information

a) We are required by law to verify the identity of all new clients and, in certain circumstances, existing clients. In addition, our internal requirements may require us to conduct background checks on new or existing clients. These may necessitate verification of the identity and good standing of clients. For corporate clients this will include one or more of their directors or other officers, verifying the identity of shareholders, beneficial owners, management, directors or officers and/or other relevant background information. We may require evidence of source of funds, at the outset of and possibly from time to time throughout our relationship with clients, which we may request and/or obtain from third party sources. The sources for such verification may comprise documentation which we request from the prospective client or through the use of online sources or both. We may also be required to make detailed enquiries of any unusual transactions such as the transfer of large amounts of cash.

b) In some circumstances we may decline to, or may not be permitted to, act until such procedures have been completed. We reserve the right to decline to act or, if appropriate, cease to act should these procedures not be completed to our satisfaction.

c) Where we instruct counsel or other professionals on behalf of clients, they may request us to provide them with copies of evidence of identity of clients or their representatives which we have obtained from you or from other sources. We will be entitled to send such copies to them if we so decide.

d) In the case of information which may be given to us by you as a prospective client, or as an existing client in respect of a prospective transaction, dispute or other matter, we will assume, unless you notify us to the contrary before the relevant information is given to us and we accept the position, that (a) such information is not confidential and accordingly you will not seek to restrict us from acting for any other person or disclosing such information to any client or prospective client, whether or not in respect of any matter in which you may be concerning conflicts of interest and confidentiality will apply, (b) such information is not subject to confidentiality obligations owed to a third party or (c) if such information is subject to a confidentiality obligation owed to a third party that it is not being given to us in breach of such obligation.

8) Data sharing

a) We share personal data within FSM as necessary to ensure the smooth running of our business and to improve the service we provide to clients.

b) We may share your personal data with third-party service providers who provide services to us and to other third parties who use your information, as data controller, for their own purposes.

c) If you are a client, we share your personal information with other data controllers where required by law, for example if we are required to share information in accordance with our Anti-Money Laundering procedures or to meet our regulatory requirements or as required by our insurers.

d) We share personal information with the following:
   - Our regulator, the Solicitor's Regulation Authority (SRA), HMRC or other government or law enforcement agencies;
   - Our bankers (on a pseudonsymised basis) where large litigation is contemplated;
   - Our professional indemnity insurance broker, and insurers; and
   - Lexcel (the Law Society's legal practice accreditation service) and other auditors, for the purpose of auditing our compliance with our legal obligations (including Anti-Money Laundering requirements) and the SRA rules.

e) We may share your information if we refer you to a third party adviser for specialist advice or if we are prevented from acting for you due to a conflict of interest.

f) Where we share information with other data controllers, they are responsible to you for their use of your information and compliance with the law.

g) The following activities are carried out by third-party service providers on our behalf: Typing support services, archiving and records management; confidential waste disposal; IT support and maintenance; hosting our website (including analytics); marketing campaigns; carrying out surveys and obtaining feedback on our services.

h) All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes. We only permit them to process your personal information for specified purposes and in accordance with our instructions.

i) If you are a delegate at an event, we share names and contact details with third party event organisers and on the delegate list which is shared with other attendees, unless you ask us not to.

j) We may share your personal information with other third parties in the context of the negotiations for a sale or restructuring of our business.

9) Transferring information outside the European Economic Area (EEA)

a) All our personal information is hosted on servers located within the EEA.

b) If we are required to transfer information outside the EEA, we only do so where permitted by law, and where we have put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection.

c) If you are based outside the EEA, we may transfer personal information to the correspondence address you provide to us. We will take all reasonable steps to ensure that such transfers are secure, including use of encryption for all transfers. By instructing us from

outside the EEA, you acknowledge and agree that such transfers are necessary for us to provide services to you.

10) Data security

a) We have put in place measures to protect the security of your information. Details of these measures are available upon request.
b) Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.
c) We have put in place appropriate security measures to prevent 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 employees, agents, contractors and other third parties 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.
d) We have put in place procedures 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.

11) How long will we keep your information for?

a) 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.
b) To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.
c) Where a minimum retention period is required by law (such as retaining records for HMRC purposes or for compliance with the SRA requirements), we comply with that minimum period plus up to 12 months to allow time for us to anonymise or delete information in accordance with our internal data management processes.
d) Unless particular circumstances warrant retention for longer periods, we retain client documents in line with the Law Society's recommendations for physical information assets and guidance from the UK Finance Mortgage Lender’s Handbook and our professional indemnity insurers.
e) If we are required to retain your information longer than our standard retention periods, we will let you know (unless we are prevented by law from doing so.)
f) 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.

12) Your rights in connection with personal information

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

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- 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.
- Withdraw consent in the limited circumstances where you may 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. 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, unless we are required to continue to process your information in accordance with another lawful basis which has been notified to you.

b) To exercise any of the above rights, please contact enquiries@fsmsolicitors.co.uk or 01225 755621.

c) 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.

d) 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.

13) Your right to complain

If you have had a problem accessing your personal information from us or if you are concerned about how we have handled your information, you can complain to the Information Commission (ICO).

Website: https://ico.org.uk

Contact Details: https://ico.org.uk/global/contact-us/