



Privacy Policy

If you need this information in another format (for example, in a larger font or in another language) to understand it, please let our Data Protection Manager know.

Purpose

We are required to manage the way we hold personal data about actual persons in order to meet our legal, regulatory and operational obligations. Silk Family Law is a data controller regulated by the Information Commissioner's Office, which is the UK's independent body set up to uphold information rights. As a data controller we are responsible for ensuring that when we process personal information we comply with EU and UK data protection law and use it in accordance with our client's instructions and our professional duty of confidentiality.

We want to reassure all our clients and contacts that we take our responsibilities seriously.

What Data/Personal Information do we hold?

We hold personal data about our clients, staff, suppliers and others. The type of personal information we collect and process, depends on our relationship with you and the context in which we obtain and use it. This personal data, whether it is held on paper, on computer or other media, is subject to certain legal safeguards as specified in the Data Protection Act 2018 which gives effect to the General Data Protection Regulation ("GDPR"). The Act contains some important rights and obligations to protect the integrity, storage, confidentiality and ultimately, appropriate disposal, of personal data.

Obtaining a copy of this Policy

Copies of this policy can be supplied by email, on paper, on our website www.silkfamilylaw.co.uk and in person at our offices.

Our Data Protection Manager

This policy tells you what to expect when we collect personal information (personal data). Our Data Protection Manager is Kim Fellowes who can be contacted by email at kim.fellowes@silkfamilylaw.co.uk and by telephone on 0191 406 5001. She is the contact point in the practice for any concerns or questions about data protection. If you do not understand this document, please contact our Data Protection Manager, who will deal with any questions raised.

Who is affected by this policy?

This policy applies to information we collect about:

- Clients and former clients
- Job applicants and our current and former employees, contractors, work experience personnel and providers of outsourced services
- People who make enquiries or requests under the Data Protection Act 2018
- People who subscribe to our newsletter
- Visitors to our website
- People enquiring about our services

The Data Protection Principles

The Data Protection Act 2018 regulates the use of personal information held by us. This means we must comply with six data protection principles which say that personal data needs to be:

- Processed fairly, lawfully and transparently
- Processed only for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary
- Accurate and, where necessary, kept up to date
- Not kept longer than necessary
- Processed using appropriate security

Meeting these Requirements

In order to meet these requirements we will:

- Observe fully the conditions regarding the fair collection and use of personal data;
- Meet its obligations to specify the purposes for which personal data is used;
- Collect and process appropriate personal data only to the extent that it is needed to fulfil operational or any legal requirements;
- Ensure the quality of personal data used;
- Apply strict checks to determine the length of time personal data is held;
- Ensure that the rights of individuals about whom the personal data is held, can be fully exercised under the act;
- Take the appropriate technical and organisational security measures to safeguard personal data and ensure that personal data is not transferred abroad without suitable safeguards

Keeping our Data up to Date

It helps us to keep our data up to date if you:

- Check that any personal data you provide to us is accurate and up to date when you give it to us.
- Tell us if anything changes e.g. a change of address.
- Check that any information we send you is accurate. If something is inaccurate, please inform us immediately so we can correct it.

Legal Basis for Processing and why we Process Data/Personal Information

We ensure that the data we collect is processed on a specific legal basis, as set out below. If you have any questions on the legal basis below, please contact our Data Protection Manager.

Type of data subject	Basis of processing	Whether this is shared and with whom	When it is destroyed
Clients and former clients	Consent (to enable us to progress their legal work)	We may be requested or obliged to share personal data with government agencies regulatory bodies and other third parties acting in a supervisory capacity, for example the Solicitors Regulation Authority, the Law Society, police and HM Revenue and Customs	We keep some data longer than others. We have a Data Retention Policy which enables us to identify which data must be preserved and which data must be erased, to comply with the storage limitation requirements of GDPR. We will keep your personal data only for as long as is necessary to ensure we can fulfil our business requirements and to comply with our regulatory requirements and will then confidentially destroy that data in line with our Data Retention Policy. We can retain personal data if we need it to meet our legal, regulatory and operational requirements in accordance with our Data Retention Policy, a copy of which we are happy to send or post to you: just ask our Data Protection Manager
People who subscribe to our newsletter	Consent (to keep people informed of our services and legal updates)	No	As above
Our current and former employees, contractors, work experience personnel	Contract (to administer payroll pensions and other staff benefits and policies)	We may be requested or obliged to share personal data with government agencies regulatory bodies and other third parties acting in a supervisory capacity, for example the Solicitors Regulation Authority, the Law Society, police, the Legal Ombudsman and HM Revenue and Customs	As above

Job applicants and people who send us speculative employment letters and CV's	Our legitimate business interests (to establish the suitability of the candidate or enquirer) but for no other purpose	No	As above
People who make enquiries or requests under the Data Protection Act 2018	Our legitimate business interests (to comply with legislation)	We may be requested or obliged to share personal data with government agencies regulatory bodies and other third parties acting in a supervisory capacity, for example the Solicitors Regulation Authority, the Law Society, police the Legal Ombudsman and HM Revenue and Customs	As above
Visitors to our website	We do not process this data in any way that could identify the data subject	The website does not/ automatically stores information In order that we can monitor and improve the Site, we may gather certain information about you when you use it, including details about your domain name and IP address (this is your computer's individual identification number assigned to your computer when	The website does not/ automatically stores information

		connecting to the Internet), operating systems, browser, version and the website that you visited prior to our Site. We may do this by way of a cookie as described below	
People for whom we hold or process data but which has not been obtained from the data subject themselves (Please also refer to the section: Holding data about others when we did not obtain it from them)	Our legitimate business interests (to progress our clients' legal work)	Some data may be subject to "privilege", a complex legal concept that means certain information must stay confidential between a solicitor and their client, Subject to that, we may be requested or obliged to share personal data with government agencies regulatory bodies and other third parties acting in a supervisory capacity, for example the Solicitors Regulation Authority, the Law Society, police the Legal Ombudsman and HM Revenue and Customs	We keep some data longer than others. We have a Data Retention Policy which enables us to identify which data must be preserved and which data must be erased, to comply with the storage limitation requirements of GDPR. We will keep your personal data only for as long as is necessary to ensure we can fulfil our business requirements and to comply with our regulatory requirements and will then confidentially destroy that data in line with our Data Retention Policy. We can retain personal data if we need it to meet our legal, regulatory and operational requirements in accordance with our Data Retention Policy, . a copy of which we are happy to send or post to you: just ask our Data Protection Manager

How we store and review data

We operate a central database, Envision, which stores all our client, financial, and contact list data. Our marketing contacts are held in a database called ACT! Our Data Protection Manager is responsible for ensuring all data entry is accurate, that the database is secure, confidential and that back-ups are made and appropriately secured. He/she will also regularly complete data cleansing exercises to check our contacts are up to date e.g. when we are notified of a death, change of address, change of name, withdrawals of consents and opt outs of mailings.

What information do we collect?

The type of information we may collect and process about you depends on the work we do for you. We will need different data if you are a client/employee. Typically we need:

- Your name
- Details of who you are (a client, employee or a member of the public) and sometimes (for conflict and professional reasons) how/whether you are related to another client or person
- Documents to verify your ID and your bank details for both ID purposes and to make or receive payments
- Your e-mail address and contact numbers
- Your gender (to enable us to address you correctly)
- Next of kin, bank details and GP's address if you are a member of staff
- Your current (and occasionally) previous home addresses
- CV, if you are a job candidate
- Case-related information, such as information forms we ask you to fill in
- Lifestyle and social circumstances data for certain types of legal work e.g. Divorce. Some of this data is classified as "special categories of personal data". To process this type of data we need your explicit consent and we will discuss this with you when appropriate.

In addition, because of the wide ranging nature of our legal work, we may collect other information and data about you and any business you run.

Some information is defined in the Data Protection Act 2018 as special categories of personal data. This is information about you which relates to racial or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade union, genetic and biometric data processing, health data, data about sex life or sexual orientation. We can only process this type of data with your explicit consent.

How and Why Do We Process Data/Personal Information?

Under data protection law, we can only use your Personal Information if we have a proper reason for doing so, for example:

- To comply with our legal and regulatory obligations
- For the performance of our contract with you, or to take steps at your request before entering into a contract
- For our legitimate interests (see below) or those of a third party
- You have given consent.

A legitimate interest is when we have a business or commercial reason to use your Personal Information, so long as this is not overridden by your own rights and interests. We make sure we

consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Information for our legitimate interests. We do not use your Personal Information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

For our clients and former clients

We collect personal information about people who ask us to act for them, because we need to use that information to progress their work. We will always ask you for consent to use your personal data when we begin our work for you. We will only ask for the details we need and nothing extra.

For job applicants and our current and former employees, contractors and work experience personnel

We collect personal information about people who work with us (or want to work with us) because we need to use that information to run our business. For example, the type of personal data we normally need might be a person's name, address, email address, identity documents, family members' details, and bank details for processing payments. We will use this personal data to administer the contract we have with the people who work with us.

When individuals apply to work with us, we will only use the information they supply to us to process their application, and would process it on the basis of our legitimate business interests.. Where we want to disclose information to a third party, for example where we want to take up a reference or obtain a 'disclosure' from the Criminal Records Bureau we will normally not do so without informing them beforehand unless the disclosure is required by law.

Personal information about unsuccessful candidates will be held for 12 months after the recruitment exercise has been completed. It will then be destroyed or deleted.

Once a person has joined us, we will compile a file relating to their employment. The information contained in this will be kept secure and will only be processed for purposes directly relevant to that person's employment contract. Once their employment has ended, we will retain the file in accordance with the requirements of our Data Retention Policy and then destroy it.

For people who make enquiries or requests under the Data Protection Act 2018

We may be asked by any person (including clients and former clients) what personal information we hold about them and about their rights under Data Protection Act 2018. In order to respond to such enquiries we will normally ask for some personal data (and we may have to establish the person's ID) for example their name, address and email address. We process this data on the basis of our legitimate business interests.

For visitors to our website

When someone visits our website we may use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We may do this for example, to show the number of visitors to the various parts of the site. We may use this information to maintain and improve our Website and the services we provide and to analyse and understand what is of interest to our Website visitors so we can improve and tailor the content. This data will not directly or indirectly reveal your identity. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website.

For people who use our services, e.g. those who subscribe to our newsletter

We like to keep in touch with our clients and contacts in order to tell them about news and events. We need your consent to use your data for this purpose, so you will always be asked first, if you would find this useful and you can opt out any time you wish. The table below explains what we use your Personal Information for:

What we use your Personal Information for

- To provide legal services to you.
- Conducting checks to identify our clients and verify their identity.
- Screening for financial and other sanctions or embargoes to help detect and prevent financial crime.
- Other processing necessary to comply with professional, legal and regulatory obligations that apply to our business, e.g. under health and safety regulation or rules issued by our professional regulator, the Solicitors Regulation Authority.
- Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies.
- Ensuring our business policies (and client requirements) are adhered to, e.g. policies covering IT security and internet use.
- Operational reasons, such as improving our business and services by undertaking analysis and research and assessing your satisfaction with our services, efficiency, training and quality control.
- Ensuring the confidentiality of commercially sensitive information.
- To respond to any complaint or allegation of negligence made against us.
- Statistical analysis to help us manage our business or to provide information required by our clients, e.g. in relation to our financial performance, client base, work type or other efficiency measures or key performance indicators.
- Preventing unauthorised access and modifications to our internal IT systems.
- Updating and maintaining client records.
- Ensuring safe working practices, staff administration and assessments and to enforce or protect any of our rights, property or safety (or those of our members, employees or clients).
- To contact you about our services and events which we think may be of interest to you, and to provide you with legal updates and briefings.
- Compliance, auditing and external file reviews.
- With your consent, external audits and quality checks.
- Our professional indemnity insurers.
- Payroll.
- External HR function.
- External archiving and secure data destruction.

Who We Share Your Personal Information With

We share Personal Information with:

- Professional advisers who we instruct on your behalf or refer you to, e.g. Barristers, medical professionals, accountants, tax advisors or other experts
- Other third parties where necessary to carry out your instructions, e.g. Court, barristers, third party solicitors, HM Land Registry, companies house or your mortgage provider

- Our insurers and brokers
- Our Accountants (to audit our business accounts)
- Our banks
- External service suppliers, representatives and agents that we use to make our business more efficient, e.g. Typing services, marketing agencies, compliance services, document collation or analysis services (like pension experts and forensic accountants) suppliers

Our IT support and service providers may also access the IT systems we have (which hold your Personal Information) as a consequence of them providing support to us.

How we protect your Personal Information

Keeping information secure is a key part of data protection compliance. 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 and they are subject to a duty of confidentiality.

We only allow our service providers to handle your Personal Information if we are satisfied they take appropriate measures to protect your Personal Information. We also impose contractual obligations on service providers to ensure they can only use your Personal Information to provide services to us and to you.

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

We may have to disclose and exchange information with law enforcement agencies and regulatory bodies to comply with our legal and regulatory obligations. We may also need to share some Personal Information with other parties. For example, if we, in the course of our own business operations, sell or buy any business or assets we may disclose Personal Information held by us to the prospective seller or buyer of those businesses or assets.

Where possible, information will be anonymised but the recipient of the information will be bound by confidentiality obligations. If we are acquired, or substantially all of our assets are acquired, by a third party (or are subject to a reorganisation), Personal Information held by us will be one of the assets which is transferred.

Where your Personal Information is held

Information may be held at our offices, third party agencies, service providers, representatives and agents as described above.

We also hold your Personal Information in a secure data centre in the UK and in our client relationship management system, with all reasonable technological and operational measures put in place to safeguard it from unauthorised access.

How long your Personal Information will be kept

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.

When it is no longer necessary to retain your Personal Information, we will delete or anonymise it. In some circumstances we may anonymise your Personal Information (so that it can no longer be associated with you) if our IT systems do not permit it to be fully deleted.

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 it, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal and regulatory requirements. The data retention periods identified as a result are set out in our Data Retention Policy

As a client, we only keep your Personal Information about your Matter for as long as is necessary to:

- Carry out our services for your matter
- Respond to any questions, complaints or claims made by you or on your behalf
- Show that we treated you fairly
- Keep records required by law to comply with our legal obligations and our duties to our regulator. For example, anti-money laundering legislation requires us to retain records, documents and information relating to a matter, including a copy of your identity documentation, for five years from conclusion of your matter or when our business relationship with you ends.

For most types of matters we retain your matter file, which will include your Personal Information, for up to seven years from the date of your final bill although this may vary depending on the nature of your matter. Further information about the likely retention period will be provided to you when your matter concludes.

Knowing your rights under data protection

As an individual, you have these rights:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

There is more information on these rights on the Information Commissioner's website at <https://ico.org.uk/>. Briefly:

Your right to be informed

You have a right to be informed as a data subject of the data we hold and process about you. This policy document is intended to do that. If you have any questions or if you feel that this Policy does not deal with your concerns or questions, please contact our Data Protection Manager on the contact details below.

Your right of access to personal information

You are entitled at any time to ask us for a copy of personal information we hold about you, known as a Data Subject Access Request. If we do hold information about you we will:

- Give you a description of it;
- Tell you why we are holding it;
- Tell you who it could be disclosed to and
- Let you have a copy of the information

To make a request to us for any personal information we may hold you need to put the request in writing addressing it to our Data Protection Manager. We will verify your identity prior to releasing any information. Please therefore send us proof of who you are so that we know we are sending the information to the right person. We accept the following as proof:

- A copy of your birth certificate
- A copy of your passport
- A copy of your driving licence

Please do not send original documents.

You will also need to let us have a postal or email address so that we can send you the information. We ask that you mark the covering envelope or email as 'Confidential'.

Your right to rectification

This is a right to ask us to correct any wrong data we hold about you. You can ask us to correct any mistakes by contacting the Data Protection Manager.

Your right to erasure

This is a right to ask us to delete any data we hold about you. You can ask us to do this by contacting the Data Protection Manager. We will not be able to delete data in situations where there is a legal or regulatory need to retain it and we will explain this if it happens. We may also be unable to fully delete computer-held data because of system design restrictions and again we will explain this if it happens.

Your right to restrict processing

This is a right to ask us to restrict the processing of any data we hold about you. You can ask us to do this by contacting the Data Protection Manager.

Your right to data portability

You have a right to ask us to transfer certain data to another organisation. You can ask us to do this by contacting the Data Protection Manager

Your right to object

When and if we process your data based on our legitimate interests, you have a right to object to that processing. You can ask us to do this by contacting the Data Protection Manager.

Your rights in relation to automated decision-making and profiling

You have rights where your data is involved in automated decision making and profiling. As we do not collect or process your data for that purpose, the right will generally not apply to data we hold on you. If it does, then you can ask us to do this by contacting the Data Protection Manager.

Holding data about people when we did not obtain it from them

If we hold personal data about you (for example it has been given to us by someone else, rather than by you directly), we have to provide you with some information, unless you hold that information already. That data will be stored in accordance with our Data Retention Policy. It is processed on the basis of our legitimate interest: normally that will be for the purposes of progressing our legal work for the client concerned.

You have the right to lodge a complaint with the Information Commissioners Office at <https://ico.org.uk/>

How we use cookies, search engines, blogs and E-newsletters

Cookies

Cookies are small text files stored on your computer while you are visiting a website. Cookies help make websites work. They also provide us with aggregated information about how users interact with our site. We may use this information to try to improve your experience on our website and the quality of service we provide. Cookies help us do this by allowing us to remember personal settings you have chosen at our website. We do not use cookies in any other way to collect information that identifies you personally. Most of the cookies we set are automatically deleted from your computer when you leave our website or shortly afterwards.

E-newsletters

We send out a newsletter by email and we have to hold the details of the people who have requested the service in order to provide it. However, we only use these details to provide the service where the person has consented. When people do subscribe to our services, they can cancel their subscription at any time and are given an easy way of doing this.

People who email us

Any email sent to us, including any attachments, may be monitored and used by us for reasons including IT security, appropriate use and for monitoring compliance with our office email policy. Email monitoring, system security and blocking software may be used.

Changes to this privacy policy

This Privacy Policy may change from time to time and in response to guidance and best practice advice issued by the Information Commissioners Office. The Policy is subject to change without notice so please refer to the website for the most up to date version or ask us for it. This Privacy Policy was last updated on 2 May 2018.

Contact Information

Please contact us or our Data Protection Manager by post, email or telephone if you have any questions about this privacy policy or the information we hold about you.

Our contact details	Our Data Protection Officer's contact details
Email: kim.fellows@silkfamilylaw.co.uk Telephone: 0191 406 5001	Kim Fellowes, Partner Silk Family Law One Trinity Broad Chare Newcastle upon Tyne NE1 2HF Email address and telephone number are the same as for our general contact details opposite.

Ver 1 May 2018