

Data Protection Policy



DREVER & HEDDLE

Solicitors Notaries and Estate Agents

56A Albert Street
Kirkwall
Orkney
KW15 1HQ
Tel: 01856 872216
Fax: 01856 872 483



INVESTOR IN PEOPLE

enquiries@dreverandheddle.co.uk
www.dreverandheddle.co.uk
Freephone: 0800 90 20 309

7/9 Princes Street
Thurso
Caithness
KW14 7BQ
Tel: 01847 894379
Fax: 01847 893655

Introduction

By law Drever & Heddle are required to have a defined policy to regulate how it obtains, handles, processes, transports and stores personal and private client information. As a beginning, this policy document fulfils that requirement.

Above and beyond that however, Drever & Heddle recognise that without the trust of our clients, our organisation will not continue to exist. Our client's trust us in many ways: to maintain their confidentiality; to safeguard their privacy; to advocate on their behalf to the best of our ability; to protect their interests from prejudice and to deal with them honestly and with integrity.

It is impossible for us to do any of the above without access to our client's personal and private information. In order to carry out our work in an expeditious and efficient manner, it is necessary for us to store that personal and private information in our computer systems. This policy has been designed with two goals:

- a) to ensure that Drever & Heddle as an organisation, and each member of that organisation, understands their responsibilities to our clients when dealing with their personal information, and
- b) to show our clients that we take the protection of their personal and private information seriously, in order that we can build their trust in us.

As a minimum, our client's personal and private data, whether it is held on paper, on computer or other media, will be subject to the appropriate legal safeguards as specified in the Data Protection Act 1998. Drever & Heddle fully endorses and adheres to the eight principles of the Data Protection Act. These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation and storage of personal

data. Employees and any others who obtain, handle, process, transport and store personal data for Drever & Heddle must adhere to these principles.

Above and beyond that, Drever & Heddle will take proactive steps to ensure that our security systems and business processes reflect best-practice in gathering, processing and storing personal and private information.

Data Protection Principles

The principles require that personal information shall:

1. Be processed fairly and lawfully and shall not be processed unless certain conditions are met;
2. Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
3. Be adequate, relevant and not excessive for those purposes;
4. Be accurate and, where necessary, kept up to date;
5. Not be kept for longer than is necessary for that purpose;
6. Be processed in accordance with the data subject's rights;
7. Be kept secure from unauthorised or unlawful processing and protected against accidental loss, destruction or damage by using the appropriate technical and organisational measures;
8. Not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Satisfaction of the Principles

In order to meet the requirements of the principles, Drever & Heddle will:

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

Drever & Heddle's Designated Data Controller

Drever & Heddle's has appointed Ms Serena Sutherland to be responsible for ensuring compliance with the Data Protection Act and implementation of this policy on behalf of the Partners of Drever & Heddle. Ms Sutherland's contact details are: telephone 01856 872216, e-mail: sks@dreverandheddle.co.uk. Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with Ms Sutherland.

Subject Access

All individuals who are the subject of personal data held by Drever & Heddle are entitled to:

- Ask what information Drever & Heddle holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed what Drever & Heddle is doing to comply with its obligations under the 1998 Data Protection Act.

Client Responsibilities

To ensure the integrity of the personal and private data held by Drever and Heddle, clients are responsible for:

- Checking that any personal data that provide to Drever & Heddle is accurate and up to date.
- Informing Drever & Heddle of any changes to information which they have

Staff Responsibilities

All of Drever & Heddle's staff are responsible for ensuring the protection of our clients personal and private information. As a minimum, they are each charged with the responsibility for:

- Checking that any personal data that they obtain, handle, process, transport and store for Drever & Heddle is accurate and up to date.
- Updating Drever and Heddle's records upon receipt of any changes a client wishes to make to the information stored by Drever & Heddle e.g. changes of address.
- Checking any information that Drever & Heddle may send out from time to time, giving details of information that is being kept and processed.
- Dealing with our client's personal and private information in a manner consistent with which they would like to have their own personal and private information treated.

Data Security

The need to ensure that information is kept securely means that precautions will be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Rights to Access Information

Clients of Drever and Heddle have the right to access any personal data that is being kept about them on computer and also have access to paper-based data held in certain manual filing systems. This right is subject to certain exemptions which are set out in the Data Protection Act. Any person who wishes to exercise this right should make the request in writing to Drever & Heddle's Designated Data Controller. Drever & Heddle reserves the right to charge the maximum fee payable for each subject access request. If personal and private information are inaccurate, they can be amended upon request.

Drever & Heddle aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days of receipt of a written request unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the individual making the request.

Publication of Personal and Private Information

Information that is already in the public domain is exempt from the 1998 Act. Drever & Heddle may wish to publicise our relationship with a client for the purposes of marketing. Such publication will not take place without the client having been informed of such a wish, and their full consent to such publication being obtained in writing.

Client Consent

The need to process data for normal purposes has been communicated to all data subjects in our Terms of Engagement letter. In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data must be obtained. Such express consent will be outlined in the Terms of Engagement letter, and the acceptance of which will be deemed to be express consent to processing.

Retention of Data

Drever & Heddle is under a legal duty to retain its client files for at least seven years from the date of completion of the matter. Some files are required to be kept for longer periods, up to twenty years in the case of matters involving the dealing with a deceased person's estate. Drever & Heddle will keep some forms of information for longer than others. In any case, Drever & Heddle, as an organisation, and each of its staff, will ensure that our client's personal and private information is not kept for longer than necessary.

This leaflet has been designed to comply with the Royal National Institute of Blind People's 'See it Right' Guidelines.

If you have any suggestions for improving it further, please let us know.