

PRIVACY NOTICE



Cavers & Co.
Solicitors and Estate Agents

What we need

Cavers & Co will be a "controller" of the personal information that you provide to us when you instruct us to act on your behalf, unless otherwise stated in this privacy notice.

When you become a client of Cavers & Co, we will collect, store and use the personal information that you provide to us in your instructions and during the course of our solicitor / client relationship. We may ask you for additional personal information during the course of our client / solicitor relationship, which shall be collected, stored and used in accordance with this privacy notice.

Why we need your personal information – contractual purposes

We need to collect your personal information so that we can undertake our services for you. We will use your personal information to:

- provide you with legal advice, including by communicating with you by email, letter and/or telephone, etc;
- represent you as your solicitors in connection with any matter in which you instruct us; and
- respond to and communicate with clients regarding your questions, comments, support needs or complaints or concerns.

If you do not provide us with all of the personal information that we need to collect then this may affect our ability to provide you with legal advice and / or represent you as your solicitors.

Why we need your personal information – legitimate purposes

We also process our clients' personal information in pursuit of our legitimate interests to:

- promote our services by sending clients communications with information for upcoming events and legal updates;
- recommend our services to you where considered appropriate; and
- comply with our obligations where necessary in order to carry out a task in the public interest.

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us on 01557 331217. If we comply with your objection, this may affect our ability to undertake the tasks above for the benefit of you as a client.

Why we need your personal information – legal obligations

We are under a legal obligation to process certain personal information relating to our clients for the purposes of complying with our obligations under:

- the Law Society of Scotland's requirements for solicitors;
- the Anti-Money Laundering Regulations applicable to this firm; and
- any other relevant legislation or regulatory requirements of this firm.

Other uses of your personal information

We may ask you if we can process your personal information for additional purposes. Where we do so, we will provide you with an additional privacy notice with information on how we will use your information for these additional purposes.

Who we share your personal information with

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations. Such organisations include the Law Society of Scotland, HMRC, Revenue Scotland, Registers of Scotland, the Office of the Public Guardian and the Scottish Courts and Tribunals Service for the purposes of carrying out the services you instruct us to carry out on your behalf.

We may also share personal data with (a) third party professional advisors for the purposes of taking advice and (b) third party estate agents where an Offer on your behalf has been accepted and we are requested to do so.

Cavers & Co employs third party suppliers to provide services, including IT, payroll, tax etc. These suppliers may process personal data on our behalf as "processors" and where necessary are subject to written contractual conditions to only process that personal data under our instructions and protect it.

In the event that we do share personal data with external third parties, we will only share such personal data strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal data in accordance with those purposes.

How we protect your personal information

Your personal information is stored on our electronic and paper filing system and our servers based in the UK, and is accessed by our staff for the purposes set out above. Our servers are backed up via third party cloud storage also based in the UK and protected using encryption compliant with the relevant legislation.

How long we keep your personal information

We keep our clients' personal data for the following periods in accordance with Law Society of Scotland requirements:-

Simple Debt Collection

On completion-i.e. after the time for appeal has elapsed.

Divorce and Consistorial Matters

Five years after final completion, e.g. after maintenance, residence and contact orders, etc., have ceased to have effect, or children have reached majority.

Civil Court Cases

Ten years after completion.

Criminal Cases

Murder and other cases involving life imprisonment - indefinitely.

Solemn cases- for the duration of the sentence if more than three years.

Summary cases- three years. A copy of the complaint or indictment and a copy of the legal aid certificate will be kept indefinitely.

Executries

Ten years after completion (although an executry may never be complete). Relevant documents and papers might be sent to the Executor for safekeeping since prior rights and legal rights only prescribe if not claimed in 20 years after becoming enforceable.

Continuing Trusts

Ten years after the termination of the Trust.

Conveyancing Transactions:-

(a) Purchase:

Ten years after completion - although Cavers & Co's policy is to retain the file until the property is subsequently disposed of.

(b) Sale:

One year later after completion (i.e. after implementing Letter of Obligation/Undertaking; dealing with any funds retained; and after Missives have ceased to have effect). Cavers & Co's policy to retain the file for ten years after completion.

Company Work

Ten years after completion.

Endowment and Investment Business

Practice units should retain all files in relation to endowment investment business until such time as the policy in question has matured.

Other Correspondence Files

Five years after completion of the business.

Financial Records

A period equal to the remainder of the financial year of Cavers & Co and a further six financial years of Cavers & Co.

Money Laundering - Customer Due Diligence Records

Five years after the date of completion of the transaction or the end of the business relationship whichever is relevant. In addition it should be noted that the definition of accounting records in the Law Society's practice rules includes "client due diligence documents and client financial information obtained for the purposes of compliance with the Money Laundering Regulations" and that such accounting records should be kept for the "required retention period" which is defined in Rule 6.1.1. as being the "remainder of the financial year of the practice unit and a further six financial years".

We will review and possibly delete your personal information following the periods specified above.

Your rights

You can exercise any of the following rights by writing to us at Cavers & Co, 40/42 St Mary Street, Kirkcudbright, DG6 4DN.

Your rights in relation to your personal information are:

- you have a right to request access to the personal information that we hold about you by making a "subject access request";
- if you believe that any of your personal information is inaccurate or incomplete, you have a right to request that we correct or complete your personal information;
- you have a right to request that we restrict the processing of your personal information for specific purposes; and
- if you wish us to delete your personal information, you may request that we do so.

Any requests received by Cavers & Co will be considered under applicable data protection legislation. If you remain dissatisfied, you have a 'right to raise a complaint with the Information Commissioner's Office at www.ico.org.uk