

DATA PRIVACY NOTICE

1. The Practice of **BURTON AND DYSON LTD** of 22 Market Place Gainsborough, Lincolnshire DN21 2BZ trading as **BURTON AND DYSON** (“Practice”, “we”, “us”, “our”). The Practice is registered with the Information Commissioner’s Office (“ICO”) under number **ZA183467**.
2. This Privacy Notice should be read in conjunction with our Terms of Business, available on our website www.burtondyson.com. A Hardcopy is available upon request.
3. If you have any questions about this privacy notice (“Notice”), please contact us by email at info@burtondyson.com.
4. The Practice will process your and third parties’ personal data, as further explained below, in the course of providing you with legal and associated services including access to our website and online features (“Services”).
5. We will let you know, by posting on our website or otherwise, if we make any changes to this Notice from time to time. Your continued use of the Services after notifying such changes will amount to your acknowledgement of the amended Notice.
6. **PLEASE NOTE:** You shall and you hereby agree to indemnify the Practice and its affiliates and their officers, employees, agents and subcontractors (each an “Indemnified Party”) from and against any claims, losses, demands, actions, liabilities, fines, penalties, reasonable expenses, damages and settlement amounts (including reasonable legal fees and costs) incurred by any Indemnified Party arising out of or in connection with any breach by you of the warranties included in paragraph 9.

What is Personal Data?

7. “**Personal data**” means any information relating to an identified or identifiable natural person, known as ‘**data subject**’, who can be identified directly or indirectly; it may include name, address, email address, phone number, IP address, location data, cookies and similar information. It may also include “**special categories of personal data**” such as racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a data subject, data concerning health or data concerning a natural person’s sex life or sexual orientation.
8. The Practice may process personal data and special categories of personal data which you provide in connection with the Services about yourself and other data subjects, e.g. individuals whose details are included in any materials provided by you to the Practice. The Practice may obtain information about you and other data subjects from third party service providers, such as due diligence platforms. If you use our online Services, the Practice may collect information about your devices including clickstream data.
9. The provision of certain personal data is mandatory in order for the Practice to comply with mandatory client due diligence requirements and consequently to provide the Services. You warrant on a continuous basis that such personal data is accurate, complete and up to date. Failure to comply may result in delay or difficulty in successfully completing the Services.
10. In relation to personal data of data subjects you warrant to the Practice on a continuous basis that:
 - (a) where applicable, you are authorised to share such personal data with the Practice in connection with the Services and that wherever another data subject is referred to, you have obtained the explicit and demonstrable consent from all relevant data subjects to the inclusion and use of any personal data concerning them;
 - (b) to the extent this is required in connection with the Services, such personal data is accurate, complete and up to date; and
 - (c) Where appropriate either you provide your explicit consent and warrant that each data subject has provided explicit consent for the transfer of personal data to foreign organisations in connection with the Services as set out at paragraph 19, or that an alternative legal gateway for such transfer (such as transfer necessary for the conclusion or performance of a contract concluded in the interest of the data subject) has been satisfied.

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How do we use your personal data?

11. The Practice will only process personal data, in accordance with applicable law, for the following purposes:

- (a) **responding to your queries, requests and other communications;**
- (b) **providing the Services**, including, where applicable, procuring acts from foreign organisations;
- (c) **enabling suppliers and service providers to carry out certain functions on behalf of the Practice in order to provide the Services**, including webhosting, data storage, identity verification, technical, logistical, courier or other functions, as applicable;
- (d) **allowing you to use features on our website**, when you choose to do so;
- (e) **sending you personalised marketing communications** requested by you, as well as **serving personalised advertising to your devices**, based on your interests in accordance with our Cookie Statement below. You have the right to disable cookies as set out above or to unsubscribe by clicking [here](#);
- (f) **ensuring the security of the Practice and preventing or detecting fraud;**
- (g) **administering our Practice**, including complaints resolution, troubleshooting of our website, data analysis, testing of new features, research, statistical and survey purposes;
- (h) **developing and improving our Services;**
- (i) **complying with applicable law**, including requirements guidelines and rules of the Solicitor's Regulatory Authority, Court directions or processes, any requirements of the Legal Aid Authority or in response to a lawful request from a court or other regulatory body.

The legal basis for our processing of personal data for the purposes described above will typically include:

- processing necessary to fulfil a **contract** that we have in place with you or other data subjects, such as processing for the purposes set out in paragraphs (a), (b), (b) and (d);
- your **consent**, such as processing for the purposes set out in paragraph (e);
- processing necessary for our or a third party's **legitimate interests**, such as processing for the purposes set out in paragraphs (a), (b), (b), (f), (g) and (h), which is carried out on the basis of the legitimate interests of the Practice to ensure that Services are properly provided, the security of the Practice and its clients and the proper administration of the Practice; and
- processing necessary for compliance with a **legal obligation** to which we are subject, such as processing for the purposes set out in paragraph (i).and
- any other applicable legal grounds for processing from time to time.

Cookie statementWhat exactly are cookies?

12. In order to collect the information including personal data as described in this Notice, we may use cookies and similar technology on our website. A cookie is a small piece of information which is sent to your browser and stored on your computer's hard drive, mobile phone or other device. You can set your browser to notify you when you receive a cookie. This enables you to decide if you want to accept it or not. However, some of the Services offered through our website may not function properly if your cookies are disabled.

13. Cookies can be first party or third-party cookies.

- First party cookies – cookies that the website you are visiting places on your device.
- Third party cookies – cookies placed on your device through the website but by third parties, such as, Google.

The cookies placed on our website

14. We use the following cookies on our website:

- Strictly necessary cookies. These cookies are essential in order to enable you to move around our website and use its features. Without these cookies, Services you have asked for cannot be provided. They are deleted when you close the browser. These are first party cookies.
- Performance cookies. These cookies collect information in an anonymous form about how visitors use our website. They allow us to recognise and count the number of visitors and to see how visitors move around the website when they are using it and the approximate regions that they are visiting from. These are first party cookies.

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- Functionality cookies. These cookies allow our website to remember choices you make (such as your user name, language or the region you are in, if applicable) and provide enhanced, more personal features. These cookies can also be used to remember changes you have made to text size, fonts and other parts of web pages that you can customise. The information these cookies collect may be anonymised and they cannot track your browsing activity on other websites. These are first party cookies.
- Targeting or advertising cookies. These cookies allow us and our advertisers to deliver information more relevant to you and your interests. They are also used to limit the number of times you see an advertisement as well as to help measure the effectiveness of advertising campaigns. They remember that you have visited our website and may help us in compiling your profile. These are persistent cookies which will be kept on your device until their expiration or earlier manual deletion.
- Social Media cookies. These cookies allow you to connect with social media networks such as LinkedIn and twitter. These are persistent cookies which will be kept on your device until their expiration or earlier manual deletion.

15. We may combine information from these types of cookies and technologies with information about you from other sources.

Cookie consent and opting out

16. When you arrive on our website a pop-up message will appear asking for your consent to place cookies on your device. In order to provide your consent, please click 'Accept Cookies'. If you do not wish to allow cookies, please click "Disable Cookies".
17. Once your consent has been provided, this message will not appear again when you revisit. You can alter your browser settings to accept or decline cookies. If you choose to decline cookies, you may not be able to fully experience the interactive features of our website, our platforms and Services. For more information please visit www.allaboutcookies.org and <http://www.youronlinechoices.com/uk/>.

Disclosure of personal data

18. There are circumstances where the Practice may wish to disclose or is compelled to disclose your personal data to third parties. These scenarios include disclosure to:
- our **suppliers** and **service providers** to facilitate the provision of the Services, including couriers, translators, IT consultants, webhosting providers, consultants, for example, in order to protect the security or integrity of our Practice, including our databases and systems and for Practice continuity reasons,
 - **Online Anti-Money Laundering Verification.** We use a Credit Reference Agency (CRA) to carry out our statutory obligated checks against all new prospective clients. Our current service provider is Thirdfort. You can view their own Privacy Notice following this link <https://www.thirdfort.com/privacy/>,
 - **public authorities** to carry out acts which are necessary in connection with the Services and where we are required by law to do so,
 - **Other professional organisations such as** barristers, accountants, estate agents in connection with the Services,
 - **successor or partner legal entities**, on a temporary or permanent basis, for the purposes of a joint venture, collaboration, financing, sale, merger, reorganisation, change of legal form, dissolution or similar event relating to a Practice. In the case of a merger or sale, your personal data will be permanently transferred to a successor company; and
 - **any other third party** where you have provided your consent.

International transfer of your personal data

19. In some circumstances in providing the Services it may be necessary to transfer your personal data to a third party in countries outside the country in which it was originally collected for further processing in accordance with the purposes set out above. Such organisations will process personal data in accordance with the laws to which they are subject and international treaties over which the Practice has no control.
20. If the Practice transfers personal data to private organisations abroad, such as subcontractors, it will, as required by applicable law, ensure that your privacy rights are adequately protected by appropriate technical, organisation, contractual or other lawful means. You may contact us for a copy of such safeguards in these circumstances.

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Retention of personal data

21. Your personal data will be retained for as long as is reasonably necessary for the purposes listed above or as required by the law. Please contact us for further details of applicable retention periods. Personal data may for reasons of security and convenience be stored on remote data facilities but in an encrypted form.
22. We may keep an anonymized form of your personal data, which will no longer refer to you, for statistical purposes without time limits, to the extent that we have a legitimate and lawful interest in doing so.

Security of personal data

23. The Practice will implement technical and organisational security measures in order to prevent unauthorised access to your personal data.
24. However, please be aware that the transmission of information via the internet is never completely secure. Whilst we can do our best to keep our own systems secure, we do not have full control over all processes involved in, for example, your use of our website or sending confidential materials to us via email, and we cannot therefore guarantee the security of your information transmitted to us on the web.

Data subject rights

25. Data subjects have numerous rights in relation to their personal data. The person responsible for data protection at this practice is Steven Hardy. For further information about your data protection rights please visit the ICO [website](#).
- **Right to make a subject access request (SAR).** Data subjects may request in writing copies of their personal data. However, compliance with such requests is subject to certain limitations and exemptions and the rights of other data subjects. Each request should make clear that a SAR is being made. You may also be required to submit a proof of your identity and payment, where applicable.
 - **Right to rectification.** Data subjects may request that we rectify any inaccurate or incomplete personal data.
 - **Right to withdraw consent.** Data subjects may at any time withdraw their consent to the processing of their personal data carried out by the Practice on the basis of previous consent. Such withdrawal will not affect the lawfulness of processing based on previous consent.
 - **Right to object to processing, including automated processing and profiling.** The Practice does not make automated decisions. The Practice may use third party due diligence platforms which provide recommendations about data subjects by automated means. We will comply with any data subject's objection to processing unless we have a compelling overriding legitimate ground for the processing, the processing is for the establishment, exercise or defence of legal claims or we have another lawful reason to refuse such request. We will comply with each valid opt-out request in relation to marketing communications.
 - **Right to erasure.** Data subjects may request that we erase their personal data. We will comply, unless there is a lawful reason for not doing so. For example, there may be an overriding legitimate ground for keeping the personal data, such as, our archiving obligations that we have to comply with.
 - **Restriction.** Data subjects may request that we restrict our processing of their personal data in various circumstances. We will comply, unless there is a lawful reason for not doing so, such as, a legal obligation to continue processing your personal data in a certain way.
 - **Right to data portability.** In certain circumstances, data subjects may request the controller to provide a copy of their personal data in a structured, commonly used and machine-readable format and have it transferred to another provider of the same or similar services. To the extent such right applies to the Services, we will comply with such transfer request. Please note that a transfer to another provider does not imply erasure of the data subject's personal data which may still be required for legitimate and lawful purposes.
- Right to lodge a complaint with the supervisory authority.** We suggest that data subjects contact us about any questions or complaints in relation to how we process personal data. However, each data subject has the right to contact the relevant supervisory authority directly.