

DATA PROTECTION POLICY

Introduction

The business is required to comply with the law governing the management and storage of personal data, which is set out in the General Data Protection Regulation 2016 (GDPR).

For this reason, protection of personal data and respect for individual privacy is fundamental to the day-to-day operations of the business.

Compliance with the GDPR is overseen by the UK data protection regulator which is the Information Commissioner's Office (ICO). This business is accountable to the ICO for its data protection compliance.

Purpose

This policy aims to protect and promote the data protection rights of individuals and of the business, by informing everyone working for the business, of their data protection obligations and of the business procedures that must be followed in order to ensure compliance with the GDPR.

Scope

This policy applies to all staff (including managers), consultants and any third party that this policy has been communicated to.

This policy covers all personal data and special categories of personal data, processed on computers or stored in manual (paper based) files.

Responsibility

Nasser S. Reed, who is the business's Managing Partner, is responsible for monitoring the business's compliance with this policy.

Everyone in the business (and any third party to whom this policy applies to) is responsible for ensuring that they comply with this policy. Failure to do so may result in disciplinary action.

Data Protection Officer (DPO)

The business has appointed Nasser S. Reed as its Data Protection Officer (DPO). Nasser S. Reed's responsibilities within this role include:

- Developing and implementing data protection policies and procedures;
- Arranging periodic data protection training for all staff which is appropriate to their role;
- Acting as a point of contact for all colleagues on data protection matters;
- Monitoring the business's compliance with its data protection policy and procedures;
- Promoting a culture of data protection awareness;
- Assisting with investigations into data protection breaches and helping the business to learn from them;
- Advising on Data Protection Impact Assessments; and
- Liaising with the relevant supervisory authorities as necessary (i.e. the Information Commissioner's Office in the UK).

GDPR

The GDPR is designed to protect individuals and personal data which is held and processed about them by organisations or other individuals.

The GDPR uses some key terms to refer to individuals, those processing personal data about individuals and types of data covered by the Regulation. These key terms are:

Personal data

Means any information relating to an identified and identifiable natural person ('data subject')

E.g. information from which a person can be identified, directly or indirectly, by reference to an identifier i.e. name; ID number; location data; online identifiers etc. It also includes information that identified the physical, physiological, genetic, mental, economic, cultural or social identity of a person.
For the business's purposes, our clients are data subjects (other individual third parties that we hold personal data about are also likely to be data subjects).

Controller

Means the natural or legal person, public authority, agency or other body who alone or jointly with others, determines the purposes and means of processing the personal data.

I.e. the controller is the individual, organisation or other body that decides how personal data will be collected and used.
For the business's purposes, this business is a data controller.

Processing

Means any operation which is performed on personal data such as: collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
For the business's purposes, everything that we do with client information (and personal information of third parties) is 'processing' as defined by the GDPR.

Special categories of personal data

Means personal data revealing:
a) racial or ethnic origin;
b) political opinions;
c) religious or philosophical beliefs;
d) trade-union membership;
e) the processing of genetic data or biometric data for the purpose of uniquely identifying a natural person;
f) data concerning health or data concerning a natural person's sex life or sexual orientation

N.B. data relating to criminal convictions and offences is not included within the special categories however there are additional provisions for processing this type of data (see Regulation 10 of GDPR)

How will we use your Data

We will only use Your Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please email info@morganreed.co.uk

If we need to use Your Data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process Your Data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we will use your data

We will only use Your Data when the law allows us to and in accordance with our obligations to our clients. Most commonly, we will use Your Data in the following circumstances:

- In anticipation of and in connection with the Performance of the Contract.
- 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 need to comply with a legal or regulatory obligation.

See *"Purposes for which we will use your data"* to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing Your Data other than in relation to sending direct marketing communications to you most commonly via email. You have the right to withdraw consent to marketing at any time by using the unsubscribe button in any email communication or emailing info@morganreed.co.uk

Disclosure of Data

We may have to share Your Data with the parties set out below for the purposes set out in *"Purposes for which we will use your data"* above.

- Information sent using the contact entry forms on the team and contact page of our website are received by partners and staff of the Firm and a partner of our affiliated office in Dubai.
- Internal Third Parties as set out in the Glossary.
- External Third Parties as set out in the Glossary.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use Your Data in the same way as set out in this notice.

We require all third parties to respect the security of Your Data and to treat it in accordance with the law. We do not allow our third-party service providers to use Your Data for their own purposes and only permit them to process Your Data for specified purposes and in accordance with our instructions

Data Security

We have put in place appropriate security measures to prevent Your Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to Your Data to those employees, agents, contractors and other third parties who have a business need to know. They will only process Your Data on our instructions and they are subject to a duty of confidentiality.

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

How long will you use my personal data for?

We will only retain Your Data 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.

To determine the appropriate retention period for Your Data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of Your Data, the purposes for which we process Your Data and whether we can achieve those purposes through other means, and the applicable legal requirements.

During the provision of our legal services to you we will retain Your Data to perform the contract. We are required by law to retain specific categories of Your Data for certain periods after you cancel your contract with us. The data retention periods vary depending on the type of legal services we provide to you and complying at all times with anti-money laundering regulations. Please refer to our Data Retention Policy for the periods in which we will retain your data.

Your Data will be kept for certain periods after your retainer with us has terminated. The periods for which we will retain Your Data depends on the practice area under which we provided our services to you.

The periods are as follows:

Practice area	Retention period
Corporate Commercial	12 years or longer if it involves complex issues.
Construction Law	6 years
Leasehold and Tenancy	7 years or length of term of tenancy/lease plus 3 years.
Litigation	12 years or longer if necessary (for example, if you are disabled).
Private Client (non-litigious)	7 years.
Property Purchase/Mortgage	12 years.
Property Sales	6 years.
Trusts	For the duration of the trust and then an additional 6 years.

Any data held to comply with our obligations under anti-money laundering regulations as may be in force will be held for 5 years from the date of the last active matter's file closure, with the long stop date of 10 years. Please note that we may keep Your Data for longer than the periods stated above if it is necessary. However, this will be assessed on a case by case basis. If we determine that it is necessary to keep Your Data for longer than the periods listed above, we will confirm this to you in writing at the end of our retainer with you and explain why it is necessary

Your legal Rights

In certain circumstances, you have the following rights under data protection laws in relation to Your Data. You have the right to:

Request access to Your Data (commonly known as a "data subject access request"). This enables you to receive a copy of the Your Data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you.

This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of Your Data.

This enables you to ask us to delete or remove Your Data 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 Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase Your Data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of Your Data

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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing Your Data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of Your Data.

This enables you to ask us to suspend the processing of Your Data in the following scenarios:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
- you have objected to our use of Your Data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of Your Data to you or to a third party.

We will provide to you, or a third party you have chosen, Your Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent

At any time where we are relying on consent to process Your Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Time limits to respond to your request

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

If you wish to exercise any of the rights set out above, please email info@morganreed.co.uk.