

## Ross Rogers & Co

### **Data Retention Policy**

Ross Rogers & Co Limited , a company incorporated under the Companies Acts (Company Number:- SC320014) and having its Registered Office at 221 Main Street, Rutherglen, Glasgow G73 2HH trading as Ross Rogers & Co Solicitors (“Ross Rogers & Co”) will be a "controller" of the personal information that clients and some third parties (“clients”) provide to us. Under GDPR we require to have a Data Retention Policy suitable for us and for clients and any third parties for whom we hold and control data/personal information.

This policy has been created and last updated on 18 May 2018. It will be updated and reviewed from time to time.

#### **How long must we store data?**

1. We as a law firm acting on behalf of clients in a range of work for them need to store data for as long as we act for clients, and in many cases so that when they instruct us as repeat/returning clients (which the overwhelming majority do) we can recall previous work for them, including but not limited to knowing what property they own, their personal information, the nature of their employment or business, their ownership, tenancy or other holding of property and assets, the existence and content of their will (we require to hold wills for an indefinite period during the life of a client and for a period after their death), having possession on behalf of clients other documents including power of attorney, contracts, financial documents, and also data on previous work which will be useful and/or necessary in carrying out further work;
2. We will store data as long as clients actively instruct us to do so.
3. In order to be accountable to regulatory, law enforcement, statutory and government authorities for our contractual actings for clients we require to retain data for various periods of up to 20 years (long negative prescription period under Scots law) in the event that a client or regulatory organisation enquires about and/or challenges our work. See also the said Data Protection Policy section 9 \*. The regulatory bodies to whom we are responsible include, but are not limited to: Law Society of Scotland, Scottish Legal Complaints

Commission, HMRC, Revenue Scotland, Police Scotland, law courts – civil and criminal.

## **Clients' rights**

See Ross Rogers & Co 's Data Protection Policy at [www.rossrogers.com](http://www.rossrogers.com)

Clients can exercise any of the following rights and, enquire about the retention of their personal information or require us to amend/correct or delete personal information by writing to us at [chris@rossrogers.co.uk](mailto:chris@rossrogers.co.uk) or telephone 0141 647 9771 or write to Ross Rogers & Co Solicitors 221 Main Street, Rutherglen. Glasgow

Clients' rights in relation to their personal information are set out in the said Data Protection Policy. Specifically in terms of data retention:

- clients have a right to request access to the personal information that we hold about them by making a "subject access request";
- if clients believe that any of their personal information is inaccurate or incomplete, they have a right to request that we correct or complete the personal information;
- clients have a right to request that we restrict the processing of their personal information for specific purposes; and
- if clients wish us to delete their personal information and no longer retain it, they may request that we do so.

Any requests, instructions or requirements received by Ross Rogers & Co will be considered under applicable data protection legislation. If clients remain dissatisfied, they have a right to raise a complaint with the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk).

**End**

## **Appendix**

*\*from our Data Protection Policy:*

### **9. Retention of personal data**

*We will keep clients' personal data for as long as they are using our services. Once they cease using our services, the personal data will be securely destroyed if it is no longer required for the purpose for which it was obtained or used. For the avoidance of doubt, the period we retain your data will be affected by one or more of the following considerations:*

- *Our expectation that clients will instruct us again in future in circumstances in which we need to have their data already on hand.*
- *Any statutory period of prescription or limitation of action by or against clients as a party to a case or transaction (including as an executor of a deceased person's estate and/or as trustee of a trust), and/or against Ross Rogers & Co as their solicitor.*
- *Any period until a Law Society of Scotland regulated inspection of Ross Rogers & Co under the Solicitors (Scotland) Act 1980 and related legislation.*
- *Any periods during which Scottish Legal Complaints Commission are investigating and/or adjudicating a complaint against us by a client or third party.*
- *Any period over and during which HMRC and/or Revenue Scotland and/or Police Scotland may carry out investigation of the client and/or Ross Rogers & Co as a firm/ business (including any of its directors)*
- *The long negative prescription period of 20 years.*

*If clients have consented to receive marketing information from us, we will retain any personal data used for marketing purposes for two years or until clients notify us that they no longer wish to receive this information.*