

## **Ross Rogers & Co Limited**

### **Data Protection Policy**

This policy is issued to and available to all clients of Ross Rogers & Co Limited, and to other potential clients, and other appropriate and relevant persons and bodies.

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#### **1. Policy Aim**

Ross Rogers & Co , 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”) is a law firm. We are committed to ensuring that your privacy is protected and this policy sets out how we use your personal data and provides you with information on your rights in relation to that data.

Any personal data about you which is provided to us by you or by a third party shall only be used by us in accordance with this policy and data protection law.

Ross Rogers & Co is committed to good data protection practice in the culture of our staff and organisation, specifically ensuring that we comply with the GDPR data protection principles when processing any personal data, and that we meet our legal obligations as laid down in data protection law (including the GDPR and all relevant EU and UK data protection legislation).

## **2. Scope**

This policy applies to all personal data processed by Ross Rogers & Co and is part of our overall approach to compliance with data protection law. All Ross Rogers & Co staff and workers are obliged and expected to comply with this policy. Where we use the word “clients” this includes any third parties whose personal information we hold control and process lawfully and in terms of this policy document.

## **3. Data protection principles**

Ross Rogers & Co complies with the following data protection principles and undertakes to ensure that when it processes personal data:

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’)
- it is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (‘purpose limitation’)
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’)
- it is accurate and, where necessary, kept up to date, and that reasonable steps will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’)

- it is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation')
- it is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

#### **4. Process and procedures**

Ross Rogers & Co does and will do the following:

- only collect and process personal data that is necessary for the purpose or purposes that we have identified in advance;
- ensure that the legal basis for processing clients' and other data subjects' relevant data is identified in advance;
- ensure that, as far as possible, the personal data we hold is accurate;
- only process client data for as long as is it required for lawful purposes and then we will securely dispose of, or delete, client data;
- provide data subjects with information on why we are asking for that data and what we intend to do with it;
- not do anything with data that data subjects would not expect given the content of this policy, fair processing or privacy notice;
- ensure that appropriate technical and organisational measures are in place to ensure the security of personal data;
- ensure that all paper and physical items containing personal data, including letters, envelopes, draft documents, prints of emails and other communications, deeds, certificates, policies, account documents,

financial documents and others used in the processing of legal work under client instruction is retained in dedicated files which are stored and used within our offices, and once material is no longer needed, whether by it having been scanned into our case management system and/or on completion of the work associated with the material, it is securely and confidentially shredded by a professional shredding company who remove and shred the material from our offices under contract;

- ensure that staff and workers/agents who handle personal data are aware of their responsibilities under this policy and other relevant data protection and information security policies, and are adequately trained and supervised. Any employee worker or agent who breaches this policy may be subject to disciplinary proceedings. Ross Rogers & Co will issue suitable privacy notices to potential clients, clients, employees and all 3<sup>rd</sup> parties who are the subject of lawful notice of collection and/or retention of personal data by us. See immediately below for the generic style of Privacy Notice (PN) applied, under explanation that individual PNs are bespoke to the receiver according to their personal circumstances status, rights and requirements under GDPR.

Ross Rogers & Co

Template privacy notice - client

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**What we need**

Ross Rogers & Co 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 & Coy”) will be a "controller" of the personal information that you provide to us:

- a) when you instruct us to act on your behalf;
- b) in this form; and/or
- c) through this website ([www.rossrogers.co.uk](http://www.rossrogers.co.uk)),

unless otherwise stated in this privacy notice

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

When you become our client we may also collect, store and use additional personal information relating to you. We obtain this information from other persons and/or agencies which we will either list here:

LIST of Data Processors with whom we will share personal data:

*[for individual notices we will insert third party source of personal data]:*

*[insert details of personal data provided by third parties]*

OR/ we will inform you by further notice when we obtain this information.

### **Why we need your personal information – contractual purposes**

We need to collect our clients' personal information so that we can perform our service agreement with you/carry out your instructions as client to us as solicitors.

We will use our clients' personal information to:

- provide our clients with legal advice, including by communicating with you by email, letter and/or telephone, and by other electronic or personal means;
- represent our clients as their solicitors in connection with the relevant case, transaction or other legal business;
- respond to and communicate with clients regarding their questions, comments, support needs or complaints, concerns or allegations in relation to, we will use clients' personal information to investigate any complaint, take disciplinary action, communicate with our regulatory authority or law enforcement or other statutory bodies; and
- carry out clients' active and particular instructions.

NOTE: If clients do not provide us with all of the personal information that we need to collect then this may affect our ability to provide them with legal advice and/or represent them as 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;
- invite our clients as guests to our events; and
- deal with any other legitimate interests and details of uses of personal data.

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 [chris@rossrogers.co.uk](mailto:chris@rossrogers.co.uk), and/or telephone 0141 621 2212 and/or write to Chris Rogers, Ross Rogers & Co Solicitors 221 Main Street, Rutherglen, Glasgow and we will attempt to resolve any issues you have.

NOTE: 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:

- requirements of the Law Society of Scotland for solicitors

[www.lawscot.org.uk](http://www.lawscot.org.uk) – Ross Rogers & Co is regulated by the Law Society of Scotland and Scottish Legal Complaints Commission under the Solicitors (Scotland) Act 1980 and other legislation;

- Anti-Money Laundering statutes, laws and regulations to which we as individual solicitors and a firm of solicitors registered with and regulated by the Law Society of Scotland and otherwise under said legislation etc. are subject; and
- any other applicable legal requirements including tax legislation.

## **How we protect your personal information**

Your personal information is stored on our electronic filing system and our servers based in the UK (indeed on our own premises) and is accessed by our staff for the purposes set out above.

The following paragraph does NOT currently apply (under explanation that our servers and offices that hold/store clients' personal data electronically and on paper are in Scotland only):

*We are required to transfer your personal information outwith the EU for the purposes of [insert details – for example, entering athletes into competitions, booking travel arrangements for training camps, etc.]. Where your personal information is transferred outwith the EU, we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.*

## **How long we keep your personal information**

We keep our clients' personal data for as long as permitted by clients. We will review and possibly delete your personal information following a period of at least 5 years after you have ceased to be our client. This is to meet the regulatory requirements and obligations of Ross Rogers & Co and its individual solicitors, to meet the needs of clients whose data may be required for additional legal work or instructions which can only adequately be carried out with reference to said data and data history; and to protect clients who may be the subject of litigation,



diligence, regulatory action or investigation after completion of the legal work carried out by Ross Rogers & Co.

We have a data retention policy that sets out the periods for retaining and reviewing all information that we hold. This sets out different retention periods for different types of work, and clients can request a copy by contacting us at [chris@rossrogers.co.uk](mailto:chris@rossrogers.co.uk), or telephone 0141 647 9771 or write to Chris Rogers, Ross Rogers & Co Solicitors 221 Main Street, Rutherglen, Glasgow .

## **Your rights**

You can exercise any of the following rights by writing to us at [chris@rossrogers.co.uk](mailto:chris@rossrogers.co.uk), or telephone 0141 647 9771 or write to Chris Rogers, Ross Rogers & Co Solicitors 221 Main Street, Rutherglen Glasgow G73 2HH.

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 Ross Rogers & 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](http://www.ico.org.uk).

End

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A Privacy Notice for staff of Ross Rogers & Co is issued/available separately to employees and workers and not publicly available.

## **5. Use of personal data**

Ross Rogers & Co processes personal data in the course of the provision of legal services. We may collect and use ('process') the following personal data in relation to individuals as necessary for the provision of legal advice.

- Name
- date of birth
- Contact details
- National Insurance number
- Photographic images
- Passport number and copies of passport
- Other identification documentation and images – driving licence, bus pass, utility material, council tax material, national tax material.
- Bank account details and other financial information
- property and asset ownership
- employment and business information

The personal data we hold about clients is processed by us to enable us to provide those clients with the services they have engaged us to provide in terms of their contract with us.

We may also like to use some personal data to send updates and information to clients about our other services. We would like to contact clients by post, telephone, text/messaging and email.

Clients have a right at any time to stop us contacting you about our other services in this way. If this is the case for you, please contact:

**Chris Rogers (chris@rossrogers.co.uk) or  
telephone 0141 647 9771 or  
write to Chris Rogers, Ross Rogers & Co Solicitors 221 Main Street,  
Rutherglen, Glasgow .**

Clients' data will be stored securely in our servers, which are onsite in our Rutherglen office, and are maintained by a specialist IT company under contract to Ross Rogers & Co. And data will where necessary be shared with other companies offering us services to help us carry out client instruction – all under a data sharing agreement consistent with GDPR requirements.

## **6. Special categories of personal data**

In order to provide the contractual services to clients, we do not routinely require to collect some data which is classified under data protection law as 'special categories of personal data', unless for the specific (and likely to be unusual and isolated) purpose of carrying out instructions in a litigation case or similar situation, or by specific request or instruction by clients.

Special categories of personal data include the following personal data revealing:

- racial or ethnic origin

- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data, or biometric data for the purpose of uniquely identifying a natural person
- an individual's health
- a natural person's sex life or sexual orientation
- criminal convictions and offences

Ross Rogers & Co only processes such special category data as is necessary to provide its clients with legal advice and/or representation.

We will only collect and process this type of personal data in the following circumstances:

- where clients have given explicit consent
- where it is necessary for carrying out our obligations under employment, social security or social protection law
- where it is necessary to protect clients' vital interests or the vital interests or another person where they are incapable of giving consent (for example, in emergency situations)
- where a client is a member or former member or person in regular contact with us
- where clients have manifestly made that personal data public
- in connection with a legal claim or where the courts have ordered us to do so

## **7. Transfers and sharing of personal data**

The personal data held by us will be stored and processed within the United Kingdom.

Ross Rogers & Co will not transfer any personal data to a country outside the EU or an international organisation without ensuring the level of protection provided by data protection law is not undermined.

In order to deliver our services to clients, we may share your information with appropriate third parties, in particular (depending on the nature and requirements of clients' instruction to and contract with Ross Rogers & Co):

- Scottish Courts and Tribunals Service
- other firms of solicitors, professionals and other specialisms involved in the case/transaction
- independent experts
- Registers of Scotland
- Searching companies such as Property Searches Scotland, and others
- The Office of the Public Guardian Scotland
- Insurance companies who provide Bonds of Caution and other indemnity policies including title and conveyancing indemnity.
- Local authorities for conveyancing and civil litigation purposes.
- HMRC
- Revenue Scotland.
- private companies with whom we have a data Processing/Sharing Agreement

Clearly not all data or information will be shared with all processors, and your Privacy Notice will list those data processors used for each client's work.

We may also occasionally share clients' data with other organisations, such as law enforcement or other agencies where required by law, and/or where in our opinion, such action is reasonably necessary to comply with legal process; to respond to any

legal claim or actions; or to protect our rights, our service user's rights or the general public.

## 8. Data subject rights

Ross Rogers & Co will ensure that we have procedures in place to allow data subjects to exercise the following data subject rights under the GDPR:

**Subject access:** the right to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:

- the purpose of the processing
- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office (ICO)
- the source of the information if not collected direct from the subject
- the existence of any automated decision making

**Rectification:** the right to allow you to rectify inaccurate personal data concerning you without undue delay.

**Erasure:** the right to have data erased in certain circumstances, and to have confirmation of erasure, but only where:

- the data is no longer necessary in relation to the purpose for which it was collected
- where consent is withdrawn
- where there is no legal basis for the processing, or

- there is a legal obligation to delete data.

**Restriction of processing:** the right to ask for certain processing to be restricted in the following circumstances:

- if clients contest the accuracy of their personal data
- if our processing is unlawful and clients do not want it to be erased
- if we no longer need the data for the purpose of the processing but it is required by clients for the establishment, exercise or defence of legal claims, or
- if clients have objected to the processing, pending verification of that objection

**Data portability:** clients have the right to receive a copy of the personal data they have provided to us and certain information generated by us, if our processing is carried by automated means, which will allow clients to transfer it to another data controller. This only applies in relation to the data being processed by consent or under a contract to provide clients with a service.

**Object to processing:** clients have the right to object to processing carried out under the legitimate interests processing condition unless we can demonstrate compelling legitimate grounds for the processing which override clients' interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Clients have an absolute right to object to any direct marketing that we are sending to them and there are no exemptions to this which would allow us to refuse to comply.

**Object to automated decision making:** if we are making decisions about clients based on automated processing which have a legal or similar effect on them, then in some circumstances clients have the right to object to this decision being made solely on the basis of automated processing. This includes any profiling of clients that we carry out.

Clients cannot exercise this right in the following circumstances when the processing is:

- necessary for entering into, or the performance of, a contract
- authorised by law, or
- based on explicit consent

Ross Rogers & Co is committed to facilitating and complying with any request from a data subject who wishes to exercise their rights under data protection law in a transparent manner and without undue delay.

Should you wish to exercise any of the rights noted above, please contact Ross Rogers & Co at [chris@rossrogers.co.uk](mailto:chris@rossrogers.co.uk), or telephone 0141 647 9771 or write to Chris Rogers , Ross Rogers & Co Solicitors 221 Main Street, Rutherglen, Glasgow

## **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 period 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.

Please see our Data Retention Policy for further information.

## **10. Responsibility for the processing of personal data**

Ross Rogers & Co is registered as a data controller with the ICO (Registration Number: ZA146335).

If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact the designated individual with responsibility for data protection Ross Rogers & Co in the following ways:

chris@rossrogers.co.uk, or telephone 0141 647 9771 or write to Chris Rogers, Ross Rogers & Co Solicitors 221 Main Street, Rutherglen , Glasgow G73 2HH

## **11. Enquiries and complaints**

Ross Rogers & Co is committed to ensuring that clients and others' personal data is processed lawfully, fairly and securely. If you have any questions or concerns about this notice or the way in which we process your data, please contact

Chris@rossrogers.co,.uk, or telephone 0141 647 9771 or write to Chris Rogers, Ross Rogers & Co Solicitors 221 Main Street, Rutherglen, Glasgow G73 2HH and we will attempt to resolve any issues you have. If you remain unsatisfied, you can contact the ICO at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113

[www.ico.org.uk](http://www.ico.org.uk)

## **12. Monitoring and review**

This policy was last updated on 18 May 2018 and shall be regularly monitored, reviewed and updated by Ross Rogers & Co every year. When we update this notice, a revised version will be published on our website and, where possible, we will provide you with a copy of same.