

SKO FAMILY LAW SPECIALISTS

GENERAL PRIVACY NOTICE

SKO Family Ltd, trading as SKO Family Law Specialists (“**SKO**”) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

This applies to you if you are (i) a current or past client of SKO, (ii) a contact of SKO or (iii) a supplier of goods or services to SKO, and explains how we process your personal data. This privacy notice is provided in a layered format so you can click through to the specific areas set out below.

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1. IMPORTANT INFORMATION AND WHO WE ARE

PURPOSE OF THIS PRIVACY NOTICE

This privacy notice aims to give you information on how SKO collects and processes your personal data, our legal obligations under applicable data protection law and your rights as a data subject. It also contains information about who to contact if you want to exercise any of your rights in relation to our personal data processing including who to contact if you wish to make a complaint.

CONTROLLER

SKO is the data controller and responsible for your personal data (collectively referred to as "the Firm", "we", "us" or "our" in this privacy notice).

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

CONTACT DETAILS

The Data Privacy Manager
SKO Family Law Specialists
18 George Street,
Edinburgh
EH2 2PF

T. 0131 322 6669
E. privacy@sko-family.co.uk

COMPLAINTS

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority in relation to any data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so please consider contacting our Data Privacy Manager in the first instance. You can get in touch with us using any of the above contact details.

CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

This version was last updated in August 2018.

This privacy notice is designed in line with the requirements of GDPR (the General Data Protection Regulation (EU)2016/679) and the Data Protection Act 1998 (together “**Data Protection Legislation**”). It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

If you would like us to update any of your personal data including contact information, please contact our Data Privacy Manager or alternatively email gareth.hughes@sko-family.co.uk.

2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows. We have separated this out into tables depending on our relationship with you. Details of how we use the different categories of personal data and our lawful basis for processing is set out in the tables in [section 4 below](#):

(i) Categories of personal data which may be processed about clients and contacts of SKO:

Category of Data	Type of data included
Identity Data	First name, maiden name, last name, title, date of birth, passport details, drivers licence details, utility bill details, details from a death certificate, birth certificate or marriage certificate, details contained in deeds of probate, details contained in a will, previous employment/work details, current employment details, other photographic identity documents required for anti-money laundering purposes
Contact Data	Billing address, postal address, email address and telephone numbers
Financial Data	Bank account details, payment card details, salary, employment benefits, details of insolvencies, bankruptcy details, details gained from searches in the Register of Inhibitions, and details of the nature and value of current and historic capital assets and sources of income.

Disclosure Data	Employment history details, bankruptcy details, details of directorships and consultancy arrangements
Special Categories of Personal Data	Details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and information about your family composition and personal relationships.
Criminal Convictions and Offences	Details of past criminal convictions or offences.

(ii) Categories of personal data which may be processed about third party suppliers

Category of Data	Type of data included
Identity Data	First name, last name, title, company name, job position
Contact Data	Email address, postal address, telephone number

Where we need to collect personal data **by law, or under the terms of a contract we have with you** and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your personal data by filling in forms or by corresponding with us in person, by email, by phone, by post or otherwise. This includes personal data you provide:

Client and contact personal data	<ul style="list-style-type: none"> ○ when you become a client of SKO, as part of our file opening and relationship management procedures; ○ during the course of the work we undertake for you where personal data is processed in matters on which we are advising;
Supplier personal data	<ul style="list-style-type: none"> ○ when you become a supplier of SKO, as part of our relationship management procedures; ○ during the course of the work you undertake for us where personal data is processed as part of the goods or service you are providing

- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:

Client and contact personal data	<ul style="list-style-type: none"> ○ Publicly available sources such as Companies House ○ From other solicitors and professional advisers ○ From witnesses from whom information is sought for the purposes of evidence gathering
Supplier personal data	<ul style="list-style-type: none"> ○ Publicly available sources such as the internet, when we are looking to source suppliers ○ Third party recommendations

4. HOW WE USE YOUR PERSONAL DATA

The data protection principles set out under data protection law and to which we adhere are as follows:

All personal data processed by us must be:

- processed lawfully, fairly and transparently;
- obtained for specific and lawful purposes;
- be adequate, relevant and limited to what is necessary for our processing purpose;
- be kept accurate and up to date;
- not be kept for longer than necessary for the purposes for which it is processed;
- kept secure to prevent unauthorised processing and accidental loss, damage or destruction.

We will only use your personal data when the law allows us to. Data Protection Legislation requires us to have a lawful basis for every processing activity that we perform. Most commonly, we will use your personal data in the following circumstances:

- Where we need to **perform the contract** we are about to enter into or have entered into with you.

One of the lawful bases for processing personal data under Data Protection Legislation is that processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a 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**.

One of the lawful bases for processing personal data under Data Protection Legislation is that processing is necessary for compliance with a legal obligation to which the controller is subject

One of the lawful bases for processing personal data under Data Protection Legislation is that processing is necessary for the purpose of the data controller's legitimate interest.

We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

- Where we have your **consent** to process your personal data.

One of the lawful bases for processing personal data under the Data Protection Legislation is that the data subject has given consent to the processing of his or her personal data for one or more specific purposes

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA AND OUR LAWFUL BASIS

We have set out below, in a table format, a summary of: (i) the purpose for which we use your personal data; (ii) the categories of personal data that we collect; and (iii) our lawful basis for processing your personal data. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact our [Data Privacy Manager](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

CLIENT AND CONTACT PERSONAL DATA:

Purpose/Activity	Categories of Data	Lawful Basis
To enter into a contract with you and open a file for you to enable us to provide legal services to you, and all related administrative procedures	(a) Identity Data (b) Contact Data (c) Financial Data	<ul style="list-style-type: none"> • Necessary in order to enter into a contract with you. • To comply with our legal obligations.

<p>To perform anti-money laundering checks and creditworthiness checks</p>	<p>(a) Identity Data (b) Contact Data (c) Financial Data</p>	<ul style="list-style-type: none"> • Necessary in order to perform our contract with you. • To comply with our legal obligations.
<p>To manage our relationship with you which will include but not be limited to:</p> <ul style="list-style-type: none"> • Discussing the work to be undertaken • Discussing fees and payments • Notifying you of updates to any terms of business, privacy policies and other relevant information • Reviewing information which we hold about you to ensure accuracy 	<p>(a) Identity Data (b) Contact Data (c) Financial Data</p>	<ul style="list-style-type: none"> • Necessary in order to perform our contract with you. • To comply with our legal obligations. • Necessary for our legitimate interest – (to keep our records accurate)
<p>To provide day to day legal services which will include:</p> <ul style="list-style-type: none"> • Corresponding with you • Providing legal advice • Corresponding with other solicitors • Processing payments as part of our work for you which will involve External Third Parties (see section 5 below for more detail) • Storing personal data which will involve External Third Parties see section 5 below for more detail) • Running litigation and mediation proceedings 	<p>(a) Identity Data (b) Contact Data (c) Financial Data (d) Special Categories of Personal Data (depending on the specific work in question) (e) Criminal Convictions and Offences (depending on the specific work in question)</p>	<ul style="list-style-type: none"> • Necessary in order to perform our contract with you. • To comply with our legal obligations.

<p>To recover monies owed:</p> <ul style="list-style-type: none"> • Managing payments, fees and charges • Collecting and recovering money owed to us 	<p>(a) Identity Data</p> <p>(b) Contact Data</p> <p>(c) Financial Data</p>	<ul style="list-style-type: none"> • Necessary for our legitimate interest – (to recover debts due to us)
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SUPPLIER PERSONAL DATA

Purpose/Activity	Categories of Data	Lawful Basis
<p>To enter into a contract with you in order for you to provide goods or services for us, and all related administrative procedures</p>	<p>(a) Identity Data</p> <p>(b) Contact Data</p> <p>(c) Financial Data</p>	<ul style="list-style-type: none"> • Necessary in order to enter into a contract with you.
<p>To manage our relationship with you which will include but not be limited to:</p> <ul style="list-style-type: none"> • Discussing the services or goods to be provided by you • Discussing fees and payments • Notifying you of updates to any terms of business, privacy policies and other relevant information • Reviewing information which we hold about you to ensure accuracy 	<p>(a) Identity Data</p> <p>(b) Contact Data</p> <p>(c) Financial Data</p>	<ul style="list-style-type: none"> • Necessary in order to perform our contract with you. • To comply with our legal obligations. • Necessary for our legitimate interest – (to keep our records accurate)

CHANGE OF PURPOSE

We will only use your personal 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 contact our [Data Privacy Manager](#).

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the lawful basis which allows us to do so.

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

5. DISCLOSURES OF YOUR PERSONAL DATA

We may also have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

Who?	Detail
Service Providers	Service providers acting as processors including those who provide IT and system administration services, file storage services, financial services and marketing services.
Professional Advisors	Professional advisors acting as processors, controllers or joint controllers including lawyers, legal counsel, mediators, bankers, auditors and insurers based in the United Kingdom who provide consultancy, banking, legal, insurance and accounting services.
Authorities	Authorities such as HM Revenue & Customs, regulators and other authorities acting as processors, controllers or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
Other third parties	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 personal data in the same way as set out in this privacy notice.

- When personal data is shared with third parties service providers it is limited to that which is required for providing the service.
- We require all third party service providers to respect the security of your personal data and to treat it in accordance with the law.
- We do not allow our third party service providers who are data processors to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.
- Where we instruct legal counsel on your behalf as a client, the legal counsel instructed will be acting as a controller, or joint controller with us, of the personal data which we require to disclose about you in relation to that instruction. As a controller in his/her own right, the legal counsel will have his/her own privacy notice which will be notified to you prior to his/her instruction.

6. INTERNATIONAL TRANSFERS

If any part of the work we undertake for you requires it, we may transfer your personal data to a country outside the EU provided that one of the following conditions applies:

- The country to which the personal data are transferred ensures an adequate level of protection for the data subjects' rights and freedoms, based on such a decision being made by the Commission.
- The transfer takes place in accordance with binding corporate rules authorised by the relevant data protection authority or other safeguards set out in Article 46 of the GDPR
- You have given consent.
- The transfer is necessary for one of the reasons set out in the Data Protection Legislation, including the performance of a contract between us, to protect your vital interests, or for the establishment, exercise or defence of legal claims.

Please contact our [Data Privacy Manager](#) if you want further information on the specific mechanism used by us when transferring your personal data out of the EU.

7. DATA SECURITY

The safety of your personal data is of utmost important to us. As such, we have put in place appropriate technical and organisational security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who will only process your personal data on our instructions and on the basis that 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.

8. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal 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 personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Below we set out the key retention periods. Further details can be obtained by contacting our [Data Privacy Manager](#).

Data type	How long will you keep my data?
Client Files	Client files will generally be kept for as long as you are a client of the firm and thereafter for 5 years after final completion (e.g. after maintenance, residence and contact orders, etc., have ceased to have effect, or children have reached majority) in accordance with Law Society of Scotland rules.
Supplier Information	Supplier information will be kept for as long as we have an active contract or agreement in place with a supplier, plus 5 years.

9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. This includes the following rights:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal 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 personal data. This enables you to ask us to delete or remove personal 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 personal 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 personal 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 personal 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 personal 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 personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) 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 (d) 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 personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format.
- **Withdraw consent at any time**, where we are relying on consent to process your personal 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.

If you wish to exercise any of the rights set out above, please contact our [Data Privacy Manager](mailto:gareth.hughes@sko-family.co.uk), gareth.hughes@sko-family.co.uk.

NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

TIME LIMIT TO RESPOND

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.