

## ANALYSIS LEGAL LLP GDPR PRIVACY NOTICE

**Analysis Legal LLP is committed to protecting the privacy and security of our clients' personal information.**

**This privacy notice describes how we collect and use personal information about our clients in accordance with the General Data Protection Regulation (GDPR) through the use of this website and otherwise. It applies to all clients, prospective clients, former clients and contacts of Analysis Legal LLP.**

Analysis Legal LLP is a "data controller". This means that Analysis Legal LLP ("we") are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Many of our specialist employment lawyers are engaged by us on a consultancy basis. Our consultants have agreed with Analysis Legal LLP to ensure that they comply with the GDPR.

### Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

### The kind of information we hold 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).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Information to verify your identity, such as name, title, gender, copy of driving license, passport, utility bills.
- Contact data such as billing address, home address, telephone numbers, and work and personal email addresses.
- Financial data including bank account details
- Marketing and communications data including your preferences in receiving marketing from us and your communication preferences.

- Other data provided to us by you during the course of our contractual relationship relevant to the provision of employment law advice such as:
  - salary, annual leave, pension and benefits information
  - start date
  - location of workplace
  - Performance information
  - Disciplinary and grievance, redundancy or other termination information

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health or the health of a family member, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.
- TU membership

Where any of the above information is provided (by you or a third party) about your employees, we may also use it as a Data Controller. We will assume that you have the necessary consent to enable us to do this.

We may store or use this information in order to establish, exercise or defend a legal claim.

#### **How is your personal information collected?**

We collect personal information about clients, prospective clients, former clients and contacts of Analysis Legal LLP directly from the relevant individual or organisation or from a third party relevant to the employment law issue, such as a medical advisor.

#### **How we will use information about you**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. 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.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

We may also use special category data provided to us, such as trade union membership and/or details about your race/sex/disability (or any other protected characteristic) in order to establish, exercise or defend a legal claim. When we are acting for a Company or organisation, we may use the data of your employees for this purpose.

## **Situations in which we will use your personal information**

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations (including obligations we owe to the Court or Tribunal). In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

The situations in which we will process your personal information are listed below.

- Fulfilling and administering the contract we have entered into with you for example:
  - Setting you or your organisation up as a client,
  - Taking instructions from you
  - Advising you and managing the matter appropriately including, where applicable, running a Tribunal claim
  - Invoicing
- Business management and planning, including accounting and auditing.
- Building a knowledge base of cases and useful documents in order to provide better services to our clients.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations. In certain circumstances this may lead us to considering terminating our client relationship with you.

## **Marketing**

We very rarely send clients and contacts marketing information. Where we do, we never send out details to third party marketing organisations. If you want to stop receiving such information you should let us know.

## **Change of purpose**

We will only use your personal information 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 us. If we need to use your personal information 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 personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **How we use particularly sensitive personal information**

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations.
3. Where it is needed in the public interest.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information in the course of legitimate business activities with the appropriate safeguards.

### **Our obligations as a professional services provider**

We will use your particularly sensitive personal information in the following ways:

- Where you have provided evidence of disability or physical or mental ill health of yourself or a family member we will use that information with your explicit consent or to carry out legal obligations, for example, to Court.
- To establish, exercise or defend a legal claim.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

### **Automated decision-making**

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

### **Use of cookies**

We use Google Analytics Cookies to help anonymously track the usage of our website so we can monitor and where necessary improve performance of the website. These cookies help identify how you arrived at the website; unique visits and repeat visits; the pages visited within the website; the length of time spent on pages and the website in total; and your approximate geographical location. We do not collect details of your specific address using cookies.

We also use cookies through our server to help the speed of our website, track the number of visits to our website and keep the site secure.

### **Data sharing**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the contractual relationship with you or where we have another legitimate interest in doing so.

#### **Which third-party organisations do we share personal information with?**

We will share your personal data with "Third parties" including: barristers, Occupational Health providers, the Employment Tribunal, the opposing party or parties in a litigation matter and any insurance company or broker.

We will also share your personal data with our accountant and book-keeper for the purposes of auditing our accounts and book-keeping and with external IT service providers who process your data on our behalf in order to provide essential IT functions. We also may need to share your personal data with our professional indemnity insurance company and broker.

#### **How secure is my information with third-party service providers and other entities in our group?**

Where appropriate we will also seek assurances from third parties that they adhere to the same strict standards of data protection as we do.

#### **When might you share my personal information with other entities in the group?**

We do not currently have any group companies however if we do in future we will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

#### **Transferring information outside the EU**

We do not envisage that we will need to transfer your data outside the EU in order to perform our contract with you (unless we are needing to take foreign legal advice on your employment law situation). If we do we will consider whether there is an adequacy decision by the European Commission in respect of those countries. This means that the countries to which we transfer your data are deemed to provide an adequate level of protection for your personal information.

#### **Data security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Firm's Data Protection Officer.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

#### **Data retention**

#### **How long will you use my information for?**

We will retain your personal information 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 in respect of your contractual arrangement with us.

We will store your data for at least 7 years after our contract with you comes to an end. We consider this to be the appropriate retention period for your personal data, given the nature of our contract with you, the 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.

After the appropriate retention period securely destroy your personal information in accordance with applicable laws and regulations.

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Firm's Data Protection Officer in writing.

Please be aware that if you exercise your right to object to or restrict the processing of your data it may not be possible for us to represent you in relation to your employment law matter. All requests received will be assessed on balance taking into account our legitimate interests as a data controller.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Firm's Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Data protection officer**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. We would however appreciate the chance to deal with your concerns before you approach the ICO, so please contact us in the first instance.

### **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the DPO, Andrea Paxton, on 0161 667 6100 or [andrea@analysislegal.co.uk](mailto:andrea@analysislegal.co.uk)**