

## **PRIVACY NOTICE & COVID RISK ASSESSMENT**

The General Data Protection Regulation (the “GDPR”) seeks to protect and enhance the rights of data subjects. G Spilsbury and Co Solicitors are committed to protecting and respecting your privacy.

We recognise the importance of the correct and lawful treatment of personal information and will only use personal information as set out in this Privacy Notice.

This Privacy Notice sets out how we collect and use any information that you give us when you use our legal services. The expressions “we”, “us” and “our” refer to G Spilsbury and Co Solicitors.

We have appointed a Privacy Officer 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 Privacy Officer at: [stephen.samuel@gspilsbury.co.uk](mailto:stephen.samuel@gspilsbury.co.uk) or by post to: Privacy Officer, Stephen Samuel Solicitor and Partner at G Spilsbury and Co Solicitors 49 Commercial Street Mountain Ash CF45 3PS.

It is important that you read this Privacy Notice, together with any G Spilsbury and Co terms and conditions that 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 personal information. This Privacy Notice supplements the other notices and is not intended to override them.

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.

### **Who are we?**

G Spilsbury and Co are a firm of Solicitors

In what capacity will G Spilsbury and Co hold personal information about you?

During the course of providing its services, G Spilsbury and Co, on behalf of their clients compile and hold certain personal information about living individuals for the purposes of undertaking legal work on their behalf. This may include personal information about the client and others with whom we communicate and other third parties.

In providing these services, we will act as both a Data Processor and, in some instances, as a Data Controller in respect of your personal information.

How is your personal information collected?

We use different methods to collect personal information from and about you.

Directly from you: Typically, the personal information that we collect about you will be the personal information that you provide us. In some instances, however, it could be provided in other electronic formats, on application forms, or in other communications which may be in writing, by telephone, via the internet or by any other means.

From third parties: We will also gather personal information from other sources, including from Lenders, Crown Prosecution Service, Court Services, Barristers Chambers, Land Registry and other law firms and Solicitors, Mediation centres, Police Constabulary, Contact Centres, Insurance Companies or their representatives, MID, search providers, Mortgage Brokers estate agents, search providers and regulatory bodies.

What personal information will G Spilsbury and Co hold about you?

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 information about you, as follows:

- full name and title
- contact information including email addresses and postal addresses, telephone numbers and fax numbers
  - estate agent information passed to us
  - details of any potential conflicts of interest
    - date of birth
- identification or supporting documents (such as passport, driving license, birth certificate, utility bill, bank statements etc.)
  - gender
  - national Insurance number
  - bank details
- customer data (which in addition to the above may include mortgage account information and other data in respect of a conveyancing transaction)
  - where applicable CPS evidence if you are ever a defendant in a criminal case
    - any information you have provided us for your file in question

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

### **How will G Spilsbury and Co use personal information held about you?**

We will only use your personal information when the law allows us to.

We will use your personal data where we need to: (a) in order to meet our contractual obligations under our agreement with you; (b) 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; or (c) where we need to comply with a legal or regulatory obligation.

Lawful basis for processing

- (a) Performance of a contract with you
- (b) Necessary to comply with a legal obligation

- (c) Necessary for our legitimate interests (to keep Undertaking checks with third parties)
- (d) Assessing lending and insurance risks
- (e) Contacting any third parties mentioned by you on your application form/provision of information to obtain further information, references or clarification on the data provided. Prevention and detection of crime (and the prosecution of criminal activities)
- (f) Progressing conveyancing transactions. Sending promotional e-mails which we think you may find interesting (only with your express consent)
- (g) Developing or progressing development with mortgage, conveyancing, law firm and Lender processing systems
- (h) Compliance with applicable laws and regulations
- (l) Processing payment for the purchase of products and/or services
- (j) Undertaking anti-money laundering, identity and credit checks
- (k) Providing this information to agents or subcontractors so that they can assist us

#### **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 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.

#### **Disclosure of your personal information**

We may share the personal information that it has about you with lenders other solicitor involved in a conveyancing transaction and with any organisation that we may appoint to carry out the services in the future (collectively, the "Relevant Parties").

- affiliates of the Relevant Parties;
- group companies of the Relevant Parties;
- successors in title to the business of the Relevant Parties;
- government bodies, law enforcement agencies, regulatory bodies, legal societies, trade associations and in response to other legal or regulatory requests from similar third parties;
- legal advisers, auditors, contractors or other advisers auditing, assisting with or advising on any of the business purposes of the Relevant Parties.
- If you give us personal information regarding another person, you are confirming they have given you permission to provide their personal information to us to be able to process their personal information and also that you have advised them that their personal information will be passed to G Spilsbury and Co.

Will your personal information be transferred to other countries?

No

What happens if you choose not to provide us with personal information or are unable to provide us with personal information?

If you fail to provide certain personal information when requested, we may not be able to perform the agreement we have entered into with you, or we may be prevented from complying with our legal obligations.

It is a requirement of many Lenders that the personal information is provided to allow them to consider and permit your membership to their panel of conveyancers. Therefore, if you are unable or not willing to provide the required personal information, the law firm may be removed from the panel of conveyancers of a Lender(s), or the law firm's application for membership to a Lender's panel may not proceed.

If you are unable or not willing to provide personal information this may also impact our ability to progress conveyancing transactions via the Website.

What are your rights relating to the use of your personal information?

Under the GDPR, you have certain rights in respect of the processing of your personal information, which may vary dependent on the legal basis for collection of your personal information and the uses made of this personal information.

For all uses made of your personal information you have the right to be informed about how we use your personal information, and this notice discharges that obligation. However, further rights may apply in different circumstances, as set out below:

- Right of access- you have a right to access a copy of the personal information that is held about you (subject to Data Protection Laws).
- Right of rectification- you have a right to correct personal information that is held about you if it is inaccurate or incomplete.
- Right to be forgotten- in certain circumstances you can ask for the personal information held about you to be erased (please note our retention period set out below).
- Right to restrict processing- where certain conditions apply you have a right to restrict processing (please note this may impact our ability to provide our services to you or your law firm).
- Right to data portability- you have the right to have the personal information held about you to be transferred to another organisation, where applicable G Spilsbury and Co will provide copies of personal information in a structured commonly used, and machine-readable form.
  - Right to object- you have the right to object to certain types of processing, such as marketing (please note that we will only ever use your contact information for marketing purposes where you have provided express consent).
- 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 [stephen.samuel@gspilsbury.co.uk](mailto:stephen.samuel@gspilsbury.co.uk), or by post to: Privacy Officer, Stephen Samuel G Spilsbury and Co Solicitors.

In the event you wish to exercise any of these rights, please make your request in writing to Stephen Samuel Privacy Officer.

How long will G Spilsbury and Co retain your personal information for?

We will only retain your personal information for the duration of our agreement with you and for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

We will keep the personal information for the duration that the Solicitors regulation authority states before destroying the files.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements. In some circumstances we may anonymize your personal information so that it can no longer be associated with you, in which case we may use such personal information without further notice to you.

#### Security

We have put in place measures to protect the security of your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed.

However, the internet is not a secure medium, but we are committed to ensuring that your personal information is secure. In order to prevent unauthorized access or disclosure we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the personal information we collect online. We will use our best efforts to ensure that no unauthorized parties have access to any of your personal information and we restrict access to non-public information about you to those individuals and entities that need to know the personal information to be able to provide products and services to you.

#### How we use cookies

Cookies are not used on our Website.

#### **Links to other websites**

The Website may contain links to enable you to visit other websites of interest more easily. However, once you have used these links to leave our Website, you should note that we do not have any control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and this Privacy Notice does not govern such sites.

#### Further information

In the event you have any questions about this Privacy Notice or wish to make a complaint about how your personal information is being processed by G Spilsbury and Co Solicitors you have the right to complain to the Privacy Officer, by email to: [stephen.samuel@gspilsbury.co.uk](mailto:stephen.samuel@gspilsbury.co.uk), or by post to: Privacy Officer, Mr Stephen Samuel G Spilsbury and Co Solicitors.

You have the right to make a complaint at any time to the relevant supervisory authority. The UK supervisory authority for data protection issues is the Information Commissioner's Office (ICO).

Legal statement about this Privacy Statement

This Privacy Notice is not designed to form a legally binding contract. It is a guide to the use of the Website and our services.

Use of the Website and using our firm for professional services and help and assistance by you constitutes acceptance by you of the Privacy Notice. If you do not wish to accept the Privacy Notice, you should not continue to use the Website or our services.

All calls made to and by us may be monitored or recorded.

This Privacy Notice was last updated on 14th May 2018.

## **COMPLAINTS PROCEDURE**

We are committed to providing a high quality legal service and to dealing with all our clients fairly. We acknowledge that we may not always get it right so if something has gone wrong, including in relation to the bill, we need you to tell us.

How do I make a complaint?

You can contact us in writing by letter, fax or email or by speaking with our complaints partners, whose contact details are:

Mr. Stephen Samuel, Partner, G. Spilsbury & Co Solicitors, 49 Commercial Street, Mountain Ash, Rhondda Cynon Taf, CF45 3PS or [gspilsburycosolicitors@hotmail.com](mailto:gspilsburycosolicitors@hotmail.com) or fax 01443 477946 or by telephone 01443 473213.

To help us to understand your complaint, and in order that we do not miss anything, please tell us:

- your full name and contact details
- what you think we have got wrong
- what you hope to achieve as a result of your complaint, and
- your file reference number (if you have it)

If you require any help in making your complaint we will try to help you.

How will you deal with my complaint?

We will record your complaint centrally.

We will write to you within three working days acknowledging your complaint, enclosing a copy of this policy.

We will investigate your complaint. This will usually involve:

- reviewing your complaint
- reviewing your file(s) and other relevant documents, and
- speaking with the person who dealt with your matter

We may also need to ask you for further information or documents. If so, we will ask you to provide the information within a specific period of time.

We will update you on the progress of your complaint at appropriate times.

We may also, if appropriate, invite you to a meeting to discuss your complaint. You do not have to attend if you do not wish to or if you are unable to. We will be happy to discuss the matter with you on the telephone.

We will write to you at the end of our investigation to tell you what we have done and what we propose to do to resolve your complaint. Where possible, we will aim to do this within 21 days of the date of our letter of acknowledgement.

What if I am not satisfied with the outcome?

If you are unhappy with the outcome of our complaints handling procedure please first let us know and we will review the matter.

If you are still unhappy you can ask the Legal Ombudsman to look into your complaint. You can contact the Legal Ombudsman:

- by post at PO Box 6806, Wolverhampton, WV1 9WJ
- by telephone: 0300 555 0333, or
- by email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

You must usually refer your complaint within six months of our final written response to your complaint and within six years of the act or omission about which you are complaining occurring (or within three years of you becoming aware of it). Further details are available on the website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk).

What will it cost?

We will not charge you for handling your complaint.

Please note that if we have issued a bill for work done on the matter, and all or some of the bill is not paid, we may be entitled to charge interest on the amount outstanding.

The Legal Ombudsman service is free of charge.

## **COVID RISK ASSESSMENT**

### **RISK TITLE**

Spread of COVID-19 in the firm

### **DESCRIPTION & CONSEQUENCES**

This will result in multiple individuals (partners, associates and staff) becoming infected and possibly seriously or fatally ill

Vulnerable workers could be worst affected[1]

### **MITIGATION**

Most partners and staff (where possible) to work from home

Take steps to review work schedules including start and finish times/shift patterns, to reduce the number of people on site at any one time

Set an upper occupancy limit of X% for our offices at any time

Desks removed (or desks sealed with tape) to encourage physical distancing

Closure of canteen/communal areas OR putting in place social distancing markers and measures in communal areas including kitchens and canteens

No one feeling ill will be allowed to come to work

Communication and awareness-raising posters referring to the above measures

Enhanced cleaning regime, including for toilets, pantries and frequent touchpoints such as door handles, light switches, reception area using appropriate cleaning products and methods

Hand washing awareness: see the NHS guidance

Sanitation products (hand sanitiser, cleaning wipes) widely available. Consider providing a 'cleaning pack' for staff with hand gel, wipes etc

Reminding everyone of the public health advice through posters, leaflets and other materials made widely and prominently available: see the government guidance

### **RISK TITLE**

Spread of COVID-19 to clients or visitors

### **DESCRIPTION & CONSEQUENCE**

This will result in multiple individuals (partners, staff, visitors/clients and contractors) becoming infected and possibly seriously or fatally ill

### **MITIGATION**

No face-to-face events permitted on site

Face-to-face meetings discouraged with conference calls to be used instead

Upper limit on meeting numbers determined by available room size



Meetings staggered so no congestion possible

Seats removed from meeting rooms to ensure physical distancing

Enhanced cleaning regime, including before/between/after each individual meeting

Sanitation products (hand sanitiser, cleaning wipes) available inside each meeting room

No catering/refreshments offered inside meeting rooms

Pre-meeting notification (if possible) sent to all attendees asking them to stay away if feeling unwell

Temperature checks at building entrance will keep away any external attendee with an elevated temperature

Physical distancing in place in reception/waiting area

X-hour upper limit on meetings strongly advised and communicated

No cloakroom service – visitors should look after their own personal items

#### **RISK TITLE**

COVID-19 case (suspected) in our offices

#### **DESCRIPTION & CONSEQUENCES**

This may result in the individual staff member experiencing medical distress on-site and could increase the risk of onward transmission of the virus among other people with whom the individual has been in proximity

#### **MITIGATION**

If anyone becomes unwell with a new continuous cough, a high temperature or loss of sense of smell in the workplace, they will be sent home and advised to follow the stay at home guidance

Everyone in the relevant office to be informed

Partners and managers to increase the frequency of contact with those they supervise during this time

Majority of people instructed to work from home

Reemphasise that no-one feeling ill is allowed to come to work

OPTIONAL: Temperature checks at building entrance should prevent anyone with an elevated temperature entering the office

Maintaining up-to-date contact information (including emergency contacts) for all partners and staff

Record keeping on who is in and where in the office on a given day to aid potential contact-tracing efforts and processes

**RISK TITLE**

COVID-19 transmission via communal resources or areas

**DESCRIPTION & CONSEQUENCE**

This may result in increased risk of transmission, including to/from clients and visitors

**MITIGATION**

Marketing material (brochures and literature), newspapers and magazines removed from client reception area

Libraries (if applicable) to develop a special protocol for cleaning all books, journals and other publications held in the open

If advised that a member of staff or visitor has developed COVID-19 and was recently on the premises the management team will ask the local public health authority for advice, identify people who have been in contact with them and take on any actions or precautions

**RISK TITLE**

COVID-19 transmission via mail/packages

**DESCRIPTION & CONSEQUENCE**

This may result in increased risk of transmission by handling of objects

**MITIGATION**

Cleaning protocol is in place for all incoming mail and courier packages

Staff advised to clean any mail/post items delivered to their desks (wet wipes to be provided)

**RISK TITLE**

Mental health problems and poor wellbeing

**DESCRIPTION & CONSEQUENCES**

This may result from increased stress caused by home-working and the lockdown, potential bereavements, increased caring responsibilities, elevated incidence of anxiety and depression associated with isolation, concerns about personal and family circumstances and job security

Staff members of BAME background may feel more uncomfortable coming back into the office

#### **MITIGATION**

Signpost to LawCare resources and the Law Society's mental health resources

Increase volume of guidance materials and resources available

Raise awareness on any Employee Assistance Programme (EAP) offering access to additional resources and support

Adjust policies around home working and leave-taking to support working parents

Regular internal communications from senior leadership emphasising self-care and regular and inclusive communication. The emphasis should also be on honesty and transparency about the difficulties the firm is facing and how to best manage these together

Regular communication of mental health information and an open-door policy for those who need additional support

Provide assurance over measures taken to protect employees' health and safety

#### **RISK TITLE**

Ergonomic injuries

#### **DESCRIPTION & CONSEQUENCE**

Insufficient chairs, screens, footstools, desks etc. may be available in the office [OPTIONAL: as a large proportion of these could have been taken home by staff]

It may be difficult to perform workspace risk assessments whilst maintaining physical distancing or if people sit in different locations each time they are in the office

#### **MITIGATION**

Virtual self-administered workplace risk assessment module to be made available (if not already)

Where possible, people to be asked to bring their more portable ergonomic equipment (such as keyboards, wrist supports or mice) with them when working in the office

#### **RISK TITLE**

Public transport virus transmission

#### **DESCRIPTION & CONSEQUENCE**

Crowded and unsanitary conditions on public transport services

**MITIGATION**

OPTIONAL: Individuals who feel that they cannot travel safely to/from the office will not be required to do so. Private taxis made available for support staff who need to be in the office to support reopening

Introduce an interest-free loan/subsidy scheme that makes buying a bicycle very cost-effective and provide ample space for cycle storage on-site

If staff members need to travel (for example to courts or to do site visits) they should not share vehicles or taxis, unless suitable distancing can be achieved

**RISK TITLE**

Car/bike park virus transmission

**DESCRIPTION & CONSEQUENCE**

Narrow spaces in the firm's carpark or bicycle storage area may elevate the risk of person-to-person transmission

**MITIGATION**

Set a X% of occupancy limit

**RISK TITLE**

Safety and security at building entrance

**DESCRIPTION & CONSEQUENCE**

There is a risk that individuals waiting for extended periods of time at building entrances due to physical distancing and temperature checks experience adverse weather-related health impacts or could be subject to opportunistic crime/harassment

**MITIGATION**

Staggered arrival times for those attending the office should limit congestion

Staff encouraged to arrive early before temperatures rise

Building management to increase staffing at main entrance and increase contact with police

**RISK TITLE**

COVID-19-related stigma and harassment

**DESCRIPTION & CONSEQUENCE**

Risk that there is an increase in targeted harassment or stigma directed at individuals who have been ill or are from a specific ethnic background

**MITIGATION**

Reporting channels to permit investigation and where proven appropriate misconduct procedures followed

Partners and managers to offer support to staff who are affected by COVID-19 or have a family member affected

Review the organisation's bullying and harassment policy and remind managers of it

Publish or signpost colleagues to facts about COVID-19 to dispel myths

Ensure senior figures in the organisation issue and support messages about values and diversity and inclusion

Reminder training on unconscious bias

**RISK TITLE**

Non-compliance with government regulations

**DESCRIPTION & CONSEQUENCE**

Risk that a member of the firm ignores firm's guidance

**MITIGATION**

Communicate the importance of the adherence to the rules

Stricter enforcement of rules against people continuing to attend the office while feeling unwell