

## **Naylors Gavin Black LLP**

### **Our Company Privacy Policy - GDPR**

Naylors Gavin Black LLP's privacy policy in relation to personal data collected in accordance with our "know your client" obligations under the UK anti-money laundering and terrorist financing regulations (the "**AML Regulations**"), for example if you are a client or a prospective client of our firm, or have certain interests in a client or prospective client of our firm.

Naylors Gavin Black LLP (referred to as "Naylors Gavin Black LLP", "we", "us" or "our" in this privacy policy) respects your privacy and is committed to protecting your personal data. This privacy policy will tell you about:

- how we look after and use your personal data collected in accordance with our "know your client" obligations under the AML Regulations; and
- your privacy rights under data protection law including the General Data Protection Regulation (and data protection law made under that regulation) and how that law protects you.

The personal data that is collected in accordance with our "know your client" obligations under the AML Regulations may also be used for other purposes depending upon our relationship with you (for example, for our property commercial advice and services, website and marketing or HR), and for those circumstances we have separate privacy policies which describe what personal data we collect for those purposes and what we do with such personal data. Please refer to our website for a copy of this policy.

This privacy policy sets out the below specific areas.

1. Important information and who we are
2. The Data we collect about you
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#### **1. Important information and who we are**

##### **Purpose of this privacy policy**

This privacy policy aims to give you information about Gavin Naylors Black LLP collects and processes your personal data that we collect in accordance with our "know your client" obligations under the AML Regulations.

It is important that you read this privacy policy together with any other privacy policy or fair processing notice, and other communications we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements the other notices and is not intended to override them.

##### **Controller**

Naylors Gavin Black LLP is a data controller of your personal data to which this privacy policy relates.

We have appointed a data protection officer ("**DPO**") whose role includes overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact our DPO using the details set out below.

##### **Contact details**

Our contact details are:

**Our full name:** Naylors Gavin Black LLP

**DPO contact name:** The Data Protection Officer

Email and postal address for contacting us and our DPO:

**Email address:** [privacy@naylorsgavinblack.co.uk](mailto:privacy@naylorsgavinblack.co.uk)

**Postal address:** Hadrian House, Higham Place, Newcastle Upon Tyne, NE1 8AF

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

This version was last updated in September 2019 when Naylors and Gavin Black merged.

Our website and our automated email footers will state when there have been changes to our privacy policies and how to find a description of the changes.

### **The need for you to inform us of changes to personal data about you**

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 please contact your main contact you have your relationship with.

## **2. The data about you that we may collect**

Personal data means any information about a living 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 that we collect in accordance with our "know your client" obligations under the AML Regulations. We have grouped together kinds of personal data as follows:

- **Identity Data** may include first name, middle name(s), last name, username or similar identifier, marital status, title, gender, job title and organisation, National Insurance number, passport number and/or photograph, driving licence number and/or photograph, unique tax reference (UTR) number, national identity card number and/or photograph and the identification confidence score given by information providers, such as Companies House, Credit Safe or Smart Search, who assist us with our "know your client" obligations under the AML Regulations.
- **Biographical Data** about you including, but not only, information about the past activities (including, but not only, employment, offices held and other activities) of you and persons associated with you (including but not only family members), applicable sanctions, for example a photograph which may constitute biometric data or may indicate racial or ethnic origin.
- **Contact Data** includes home or work address, email address and telephone numbers.
- **Financial Data** includes information about your assets and liabilities and transactions you are or have been involved in or affected by, and bank account and payment card details.
- **Transaction Data** includes information about your assets and liabilities and transactions you are involved in or affected by.

In accordance with our "know your client" obligations under the AML Regulations, we may obtain the following kinds of **Special Categories of Personal Data** (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).

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

Where we need to collect personal data by law, 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 commercial property advice or services). In this case, we may have to cancel or not provide a service you have requested from us or we are providing under a contract with you.

### 3. How is your personal data collected for the purposes of the AML Regulations?

We use different methods to collect the personal data required for the purposes of the AML Regulations. We have grouped together kinds of personal data and methods of collection as follows:

- **Direct interactions.** You, your accountant, solicitor or someone else acting on your behalf, may give us your Identity, Biographical, Contact, Transaction and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise which is provided at our request for the purposes of the AML Regulations when you or someone else acting on your behalf, enquire about, request, contract for or receive our property commercial advice and services and any other services.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
  - Identity, Biographical and Contact Data from publicly available sources, such as Companies House, the Electoral Register, corporate websites, smart search, credit safe, internet search engines and professional directories, and based inside or outside the European Economic Area (“EEA”).

### 4. How we use your personal data that we collect

We will only use your personal data that we collect in accordance with our “know your client” obligations under the AML Regulations when the law allows us to, being:

- for the purposes of preventing money laundering or terrorist financing.
- other uses permitted by or under an enactment other than the AML Regulations.
- other uses where you or someone else acting on your behalf, have consented to the proposed use. (In this case, please see our website and marketing and HR policies.)

Please note that in most cases we do not rely on consent as a legal basis for processing your personal data.

#### Purposes for which we will use your personal data that we collect as described in this privacy policy

We have set out below, in a table format, a description of the grounds applying to the use of personal data about you for the purposes of preventing money laundering or terrorist financing. We have also identified what our Legitimate Interests are where appropriate.

Note that we may process your personal data on more than one lawful ground depending on the specific purpose or purposes for which we are using your data.

Purpose/Activity	Lawful bases for processing (in no order of priority except in the case of Legitimate Interest as noted below), including basis of Legitimate Interest
For the purposes of preventing money laundering or terrorist financing	(a) Necessary for compliance with a legal obligation to which we are subject (b) Necessary for performing a task in the public interest (c) Necessary in order to take steps at your request prior to entering into a contract (d) Necessary for Performance of a Contract with you

	<p>(e) (Where none of the above applies) necessary for our Legitimate Interests (to take on clients, comply with law and carry out risk assessments)</p> <p>In addition in relation to Special Categories of Personal Data and, where such a basis is required, in relation to information about criminal convictions and offences:</p> <p>(f) Necessary for reasons of substantial public interest</p> <p>(g) Necessary for the establishment, exercise or defence of legal claims</p>
<p>Uses permitted by or under an enactment other than the AML Regulations</p>	<p>(a) Necessary for compliance with a legal obligation to which we are subject</p> <p>(b) Necessary for performing a task in the public interest</p> <p>(c) Necessary in order to take steps at your request prior to entering into a contract</p> <p>(d) Necessary for Performance of a Contract with you</p> <p>(e) (Where none of the above applies) necessary for our Legitimate Interests (to run our business)</p> <p>In addition in relation to Special Categories of Personal Data and, where such a basis is required, in relation to information about criminal convictions and offences:</p> <p>(f) Necessary for reasons of substantial public interest</p> <p>(g) Necessary for the establishment, exercise or defence of legal claims</p>
<p>Other uses where you, or someone else acting on your behalf, have consented to the proposed use</p>	<p>Consent given by you or someone else acting on your behalf</p>

### Change of purpose

Except as noted below, we will only use your personal data for the purposes for which we collected it, or have previously notified to you, except where further processing is compatible with those purposes.

Except as noted below, if we propose to use your personal data for a purpose which is not compatible with those previously notified, we will notify you and we will explain the legal basis which allows us to do so.

Please note that, as exceptions to the two previous paragraphs, we may process your personal data without your knowledge or consent where this is required or permitted by law.

### 5. Disclosures we may make of your personal data that we collect

For the purposes set out:

- in the table above; or
- in our other privacy policies for our Commercial property advice and services, our website and marketing and HR.

we may share with the parties set out below your personal data that we collect in accordance with our “know your client” obligations under the AML Regulations.

- Information providers, such as Credit Safe and Smart Search, who assist us to obtain the information we collect in accordance with our “know your client” obligations under the AML Regulations.
- Third parties to whom we may choose to sell or transfer all or part of our business or 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 policy.

## 6. International transfers

Some of the third parties we may transfer your personal data to are based outside the European Economic Area (“EEA”), so their processing of your personal data that we collect in accordance with our “know your client” obligations under the AML Regulations will involve a transfer of data outside the EEA.

When we transfer out of the EEA your personal data that we collect in accordance with our “know your client” obligations under the AML Regulations, the transfer may be in one of the specific situations described in Article 49 of the GDPR, which include, but are not limited to:

- the transfer is necessary for Performance of a Contract between you and us or to take pre-contractual steps at your request;
- the transfer is necessary for the entering into or Performance of a Contract made in your interest between us and a third party;
- the transfer is necessary for the establishment, exercise or defence of legal claims;
- the transfer is necessary for important reasons of public interest; or
- we may have obtained consent for the transfer from you, your agent or someone else acting on your behalf.

Whenever we transfer your personal data out of the EEA, where the transfer is not in one of the specific situations described in Article 49 of the GDPR then at least one of the following safeguards shall apply:

- The transfer of your personal data is to country that has been deemed to provide an adequate level of protection for personal data by the European Commission.
- The transfer of your personal data is to country that does not provide an adequate level of protection for personal data but is to certain providers with whom we use specific contract terms approved by the European Commission which give personal data the same protection it has in the EEA.
- Where we use providers based in the US who are participating in the Privacy Shield (which requires them to provide similar protection to personal data shared between the Europe and the US), we may transfer data to them based on their participation in the Privacy Shield, though we may also use alternative means to permit such transfers.

## 7. Data retention

How long will we use your personal data?

We will only retain your personal data that we collect in accordance with our “know your client” obligations under the AML Regulations 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.

In some circumstances you can ask us to delete your data. Please do so by contacting your relationship contact or emailing [privacy@naylorsgavinblack.co.uk](mailto:privacy@naylorsgavinblack.co.uk).

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 8. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. These are described fully further into the policy.

- Request access to your personal data
- Request correction of your personal data
- Request erasure of your personal data
- Object to processing of your personal data
- Request restriction of processing your personal data
- Request transfer of your personal data
- Right to withdraw consent

If you wish to exercise any of the rights set out above, please contact us.

### No fee usually required

Except as described below, you will not have to pay a fee to access your personal data (or to exercise any of the other rights).

As exceptions to the previous sentence, if your request is clearly unfounded, repetitive or excessive:

- we may charge a reasonable fee; or
- alternatively, we may refuse to comply with your request in those circumstances.

### What we may need from you

We may need to request specific information from you to help us confirm your identity and verify your right to access the requested personal data (or to exercise any of your other rights). This is a security measure to reduce the risk of disclosure of personal data 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.

## 9. Glossary

### LAWFUL BASIS

**Legitimate Interest** means the interest in conducting and managing our business or a third party's interest (for example in relation to a third party's business). 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 Legitimate Interests. We will not rely on the "Legitimate Interests" ground for processing your personal data where our, or the third party's, interests are overridden by the impact on you, but we may still process it if we have consent from you, your agent or someone else acting on your behalf, or are otherwise required or permitted to by law. You can obtain further information about how we assess our Legitimate Interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of a Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Compliance with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to (which, amongst other legal obligations, includes any regulatory obligation where there is a statutory basis underpinning the regulatory regime and which requires regulated organisations to comply).

## YOUR LEGAL RIGHTS

In certain circumstances you have the right to:

**Request access** to your personal data (commonly known as a “data subject access request”). This enables you to request a copy of personal data we hold about you and to check that we are processing it lawfully. However, this right to receive a copy of personal data is subject to a number of limitations and must not adversely affect the rights and freedoms of others.

**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, your agent or someone else acting on your behalf, 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 have processed your information unlawfully or where we are required to erase your personal data to comply with law. Note, however, that we will not always be required to comply with your request for erasure because of specific legal reasons which will be notified to you, if applicable, at the time of your request.

### Object to processing:

- you have the right to object where we are processing your personal data for direct marketing purposes; and
- you have the right to object to processing of your personal data where we are relying on:
  - our Legitimate Interests (or those of a third party); or
  - the ground that the processing is necessary for the performance of a task carried out in the public interest,

and there is something about your particular situation which makes you want to object to processing on this ground (b) because you feel it impacts on your fundamental rights and freedoms. In some cases, we may demonstrate that there are compelling legitimate grounds to process your personal data 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:

- where you contest the accuracy of your personal data, such suspension to be for a period enabling us to verify the accuracy of the personal data;
- where our processing of your personal data is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- where we no longer need the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims; or
- you have objected to processing pursuant to the right described in paragraph (b) of the description of your right to object described above, pending the verification whether there are compelling legitimate grounds to process your personal data which override your rights and freedoms.

**Request transfer** to you or to a third party of certain kinds of personal data about you. We will provide to you, or a third party you have chosen, those kinds of personal data about you in a structured, commonly used, machine-readable format. Note that this right only applies to personal data that is processed by automated

means which you or someone else acting on your behalf initially provided to us and which you or someone else acting on your behalf, initially provided consent for us to use or that we used to perform a contract with you.

**Right to withdraw consent** at any time where we are relying on consent as the lawful ground to process your personal data under the GDPR. 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 services to you