

Thomson Hayton Winkley

Privacy Policy & Privacy Notice

Introduction

Welcome to the Thomson Hayton Winkley Ltd privacy policy / notice.

Thomson Hayton Winkley Ltd 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 when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

Thomson Hayton Winkley owned by MAPD Ventures Ltd (**MAPD**) which includes other law firms.

Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice.

1. Important information and who we are

Purpose of this privacy notice

This privacy notice aims to give you information on how Thomson Hayton Winkley collects and processes your personal data including any data you may provide through our website.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice 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 notice supplements any other notices and is not intended to override them.

Controller

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

We have a Compliance Officer 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 our Compliance Officer for Legal Practice (COLP) using the details set out below.

Contact details

Our full details are:

Thomson Hayton Winkley Ltd

COLP: John Cooke (Director)

Email address: john.cooke@thwlegal.co.uk

Postal address: 114-116 Stricklandgate, Kendal, Cumbria, LA9 4QA

Telephone number: 01539 721945

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). 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 the privacy notice and your duty to inform us of changes

This version was updated on 1 May 2024 .

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.

Third-party links

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

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 follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Billing Data** includes details about payments to and from you and other details services we have provided to you.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, feedback and survey responses.
- **Usage Data** includes information about how you use our website and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and connected third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

Unless it is relevant to a specific legal issue in the case we are undertaking for a client 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). If we are providing certain specialist legal services we may need to collect information about criminal convictions and offences.

If you do not consent to providing your personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you do not consent to provide that data when requested, we will not be able to perform the legal services we provide. In this case, we will have to cancel the 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 Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise, or meeting with us. This includes personal data you provide when you:

- enquire about our services;
- enquire about, or apply for, employment or a placement with us;
- promote or sell your services to us;
- create an account on our website;
- subscribe to our service or publications;
- request marketing to be sent to you;
- enter a competition, promotion or survey; or
- give us some feedback.

Automated technologies or interactions. If you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We may collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.

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

- Technical Data from the following parties:
 1. analytics providers such as Response Tap and Hotjar based within the EU and Google based outside the EU;
 2. advertising networks[such as Google Display Network based outside the EU]; and
 3. search information providers such as Google based outside the EU.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Worldpay based inside the EU.
- Identity and Contact Data from data brokers or aggregators such as Moneysupermarket.com Financial Group Limited based inside the EU.
- Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

4. How we use your personal data

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

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.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways that we may use your personal data, and which of the legal bases we rely on to do so. 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 us 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.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new client	(a) Identity (b) Contact	Performance of a contract with you
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey, even if you were only a prospective client	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how clients use our services)
In relation to an enquiry about, application for, or placement of employment with us	(a) Identity (b) Contact (c) CV and qualifications	(a) Selection for providing services to us (b) Necessary to comply with a legal obligation
In relation to services you may provide to us	(a) Identity (b) Contact (c) Promotional materials	(a) Selection for providing services to us (b) Necessary to comply with a legal obligation
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how clients use our services, to develop them and grow our business)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network services, to prevent fraud

		and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how clients use our services, to develop them, to grow our business)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our services, to keep our website updated and relevant, to develop our business)
To make suggestions and recommendations to you about services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our services and grow our business)

Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside of MAPD for their own marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service experience or other transactions.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site.

Uses made of the information

We use information held about you in the following ways:

Information you give to us. We will use this information as appropriate:

- to carry out our obligations arising from any contracts entered into between you and us and to provide you with the information, products and services that you request from us which can be provided by us or by a MAPD group company;
- to enable us to select people for employment or placements or for the provision of services to us.
- to provide you with information about other services we offer that are similar to those that you have already enquired about;
- to provide you, or permit selected third parties to provide you, with information about services we feel may interest you. If you are an existing client, we will only contact you by written letter or electronic means (e-mail or SMS) with information about services similar to those which we have represented you on. If you are a new customer, and where we permit selected third parties to use your data, we (or they) will contact you by electronic means only if you have consented to this. If you do not want us to use your data in this way, or to pass your details on to third parties for marketing purposes, please email info@thwlegal.co.uk;
- to notify you about changes to our service;
- to ensure that content from our website is presented in the most effective manner for you and for your computer.

Information we collect about you. We will use this information:

- to administer our website and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve our website to ensure that content is presented in the most effective manner for you and for your computer;
- to allow you to participate in interactive features of our service, when you choose to do so;
- as part of our efforts to keep our site safe and secure;
- to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;
- to make suggestions and recommendations to you and other users of our site about services that may interest you or them.

Information we receive from other sources. We will combine this information with information you give to us and information we collect about you. We will use this information and the combined information for the purposes set out above (depending on the types of information we receive).

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 us.

If we need to use your personal data 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 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 have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- External Third Parties as set out in the Glossary.
- Internal Third Parties as set out in the Glossary
- 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.

We require all third parties 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 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.

6. International transfers

We will transfer your personal data outside the UK if we are representing you and you are based outside of the UK and also any third party who are also acting for you are also based outside of the UK.

If we use a data processor to provide our email marketing system that resides outside the UK, this means that processing your personal data may involve a transfer of your data outside of the UK. Our contract with them will require them to provide similar protection to personal data as it has in the UK under GDPR.

We may use data processors who are based outside the UK for other purposes which means that processing your personal data may involve a transfer of your data outside of the UK. In doing so we do what we can to ensure that your data is subject to similar safeguards to that required under UK data protection provisions. If data is transferred to data processors in the European Economic Area (EEA) we will do our best to ensure that such data is protected by requirements that are currently in force in the EEA.

7. Data security

We have put in place appropriate 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 have a business need to know. They will only process your personal data on our instructions and 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?

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for legal purposes.

In some circumstances you can ask us to delete your data: see below for further information.

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.

9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You can:

- 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

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.

How we will use your data

You have consulted us to provide legal services on your behalf. As you have provided your personal data for these purposes we will be able to rely on that as a legal basis for processing your data. We want to make it clear that this will not extend to any third party direct marketing communications to you by e mail or text message. You have the right to withdraw consent to use of your data for marketing at any time by contacting us.

We will only use your personal data for the purposes for which we collected it namely to provide legal services to you. In some circumstances we may reasonably consider using it for another reason if that reason is compatible with the original purpose. If you wish us to provide an explanation as to why that purpose is compatible with the original purpose please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and explain the legal basis which allows us to do this. Please note that we may process your personal data without your knowledge and consent, in compliance with the above rules where this is required or permitted by law.

10. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. 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). 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 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.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

External Third Parties

- Service providers acting as processors based in the United Kingdom who provide IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, third party experts, bankers, auditors and insurers based in the United Kingdom who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

Internal Third Parties

- Other companies in the MAPD Group acting as joint controllers or processors and who are based in the United Kingdom and provide additional legal services and support, IT and system administration services and undertake reporting.

YOUR LEGAL RIGHTS

You have the right to:

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. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

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.