

About Your Personal Data

Data controller: McEwan Fraser Legal

This document refers to clients of McEwan Fraser, and should provide you with all the information you should require on how we process and handle your personal Data. Please contact me if you are having difficulty understanding any of the information or need further assistance.

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1. Introduction

1.1 Client confidentiality has always been an essential part of our business so it should be no surprise that McEwan Fraser Legal takes your privacy very seriously. You can find out more here about your privacy rights and how we gather, use and share your personal information. That includes the personal information we already hold about you now and the further personal information we might collect about you, either from you or from a trusted third party. How we use your personal information will depend on the particular legal or estate agency services we provide to you.

1.2 “Personal information” (or personal data) is any information relating to an identified or identifiable natural person (i.e. an individual). For example, this includes a name, an identification number, location data, an online identifier or any other identifier of that person’s physical, physiological, genetic, mental, economic, cultural or social identity.

1.3 Our Data Protection Officer provides help and guidance to make sure we apply the best standards to protecting your personal information. Our Data Protection Officer can be reached by email at privacy@mcewanfraserlegal.co.uk or by post at Data Protection Officer, McEwan Fraser Legal, Claremont House, 130 East Claremont Street, Edinburgh, EH7 4LB, UK if you have any questions about how we use your personal information or if you would like more information about anything in this Privacy Notice. See section 3 ‘Your Privacy Rights’ for more information about your rights and how our Data Protection Officer can help you.

1.4 This Privacy Notice provides up to date information about how we use your personal information and will update any previous information we have given you about using your personal information. We will update this Privacy Notice if we make any significant changes affecting how we use your personal information.

1.5 Our website contains links to other websites. This Privacy Notice only applies to this website so when you visit other websites you should refer to their own privacy policies.

2. About us

2.1 We are what is called the 'controller' of personal information we gather and use. When we say 'we' or 'us' in this Privacy Notice, we mean McEwan Fraser Legal and are regulated by the Law Society of Scotland. McEwan Fraser Legal is a traditional Scottish Partnership.

3. Your privacy rights

3.1 You have various privacy rights under data protection law. You have the right, as an individual, to object to how we process your personal information. You also have the right to access, correct, sometimes delete and restrict the personal information we use. In addition, you can complain to us and to the data protection regulator.

3.2 The quickest way to exercise your privacy rights is to contact our Data Protection Officer by email to privacy@mcewanfraserlegal.co.uk or by post at Data Protection Officer, McEwan Fraser Legal, Claremont House, 130 East Claremont Street, Edinburgh, EH7 4LB, UK.

3.3 Your privacy rights and how to exercise them are explained in detail below:

Please contact our Data Protection Officer using the contact details above to exercise any of these privacy rights:

Your privacy right	More details	How to exercise it
Right to object, including to marketing	You can object to our processing of your personal information, to receiving direct marketing from us or to communications we have sent you because of legitimate interests.	Please provide details of your objection.
Access to your personal information	You can request access to a copy of your personal information that we hold, along with information on what personal information we use, why we use it, who we share it with and how long we keep it for. You can make a request for access free of charge. This is sometimes called a 'subject access request'.	Please confirm all requests for access by telephone, in writing (e.g. post or email), and provide us with evidence of your identity, home address and details of any reference number(s) you have. Sometimes we may request certified ID where requests include data for 3RD parties connected to you or where you are requesting excessive amounts of data or if we have any concerns about the nature of your request Please ensure you get confirmation, we have received your request.

		Please contact us again if you have not had formal acknowledgement in writing within 7 days. Please note you have rights on providing us with certain information requested but providing information we require will greatly speed up your request.
Rectification	You can ask us to correct or complete any inaccurate or incomplete personal information held about you.	Please explain the changes you would like us to make.
Erasure	<p>You can ask us to delete your personal information where it is no longer necessary for us to use it, you have withdrawn consent, or where we have no lawful basis for keeping it. This is sometimes called the "right to be forgotten".</p> <p>If it is necessary for us to keep your personal information, for example to comply with our legal or regulatory obligations or legitimate interests in legal proceedings or claims, then we would have to decline your request but we would fully explain this to you.</p>	Please confirm all requests for erasure in writing (e.g. post or email), and provide us with evidence of your identity and details of any reference number(s) you have.
Restriction	You can ask us to restrict our use of the personal information we use about you where you have asked for it to be erased or where you have objected to our use of it.	Please provide details of the restriction you would like.

Please contact our Data Protection Officer using the contact details above to exercise any of these privacy rights:

Your privacy right	More details	How to exercise it
Right to withdraw consent to using sensitive personal information	If you have given us sensitive personal information or we have received it from someone you know, you can withdraw your consent to us holding and using this information at any time. This does not apply if processing this information is necessary for the defence of legal claims.	<p>Please provide us with details of any reference number(s) you have.</p> <p>Your contact will then let you know if it is possible for us to continue our services without using this data.</p>

For this privacy right please use the unsubscribe link at the bottom of our emails. Alternatively, if you have registered with McEwan Fraser Legal you can manage your privacy settings from your personal client dashboard.

Your privacy right	More details	How to exercise it
Right to unsubscribe or withdraw consent to marketing	Please provide your name, address and email address and explain you wish to unsubscribe.	Please provide your name, address and email address and explain you wish to unsubscribe.

Please note that these privacy rights are separate to our obligation as a Scottish Law firm to send your file to you or your representative after receiving a mandate from you, provided you have no outstanding fees.

3.4 Make a complaint: You can also make a complaint about how we have used your personal information to us, using the contact details on our Client Care webpage (www.mcewanfraserlegal.co.uk/about-us/complaints-procedure) or to a supervisory authority - for the UK this is the Information Commissioner's Office at ico.org.uk.

4. How we gather your personal information

4.1 We obtain personal information:

- directly from you, for example when you meet with one of our partners or staff in person, speak to us on the telephone, email us, use our website or fill out a web form;
- from other organisations such as anti-money laundering electronic search providers, property search providers or other professional firms, banks, lenders or property developers who are providing services to you when you have agreed to be referred to us, courts and public authorities;
- from online public sources or public registers such as Companies House or Registers of Scotland;
- from other people who know you, such as a member of your family who asks us to make a will or trust for them which names you as a beneficiary or a power of attorney which names you as an attorney, someone you are linked to financially, your agent, a member of staff from a company you are associated with if the company is our client or another business associate.
- from your doctor or other health service provider if medical information or reports are required, such as in certain types of litigation work.

4.2 We also may obtain some personal information when we you visit our offices.

4.3 To keep your data secure and allow us to stay in contact with you, please let us know whenever your personal information changes. For example, please let us know when you move house, change your name on marriage or divorce or get a new email address, so we can keep our records up to date. From time to time we may also check with you that we have the correct data so we can keep in touch with you. If you have not dealt with the firm for some time or had a break in your service you are required to go through our anti-money laundering and ID checks.

5. What personal information we use and how and why we use it

5.1 We need some personal information before we can provide our services to you, for example to allow us to check your identity. The exact personal information we need varies depending on the type of service we're providing, and our staff will explain exactly what is needed. If you ever have a question about why something is needed you can ask us. In some cases, we won't be able to provide services to you if we don't have all the personal information we need.

5.2 What personal information? We use a variety of personal information depending on the legal or estate agency services we deliver to you. We provide a wide range of personal and business services, as described on our website www.mcewanfraserlegal.co.uk.

Personal information we always need about you	Personal information we sometimes need about you, depending on the services we provide
<p>To provide you with any services as a client we need to know your:</p> <ul style="list-style-type: none"> • title, • full name, • address, • date of birth, • email address, • telephone number(s), • occupation (including whether you hold a “politically exposed” role), and • a copy of identification documents (such as a passport or driving licence) and proof of address (such as a bank statement or utility bill), to be used only for complying with our anti- financial crime obligations. <p>For business customers, we will use personal information about key individuals in the business, so we can operate and administer the services which we provide to the business.</p> <p>If you are not our client we may only require some of this information. For example if you are viewing one of the properties we are selling we would usually only require your title, name, address, email address and telephone number(s).</p>	<p>Other personal information may be required depending on the specific legal or estate agency services we are providing you with, for example:</p> <ul style="list-style-type: none"> • Your marital status for many of our personal legal services. • Your national insurance number for tax returns we are helping you with. • Financial information for arranging property or commercial transactions and the associated payments, for tax advice, if we are acting as a guardian or attorney or if we are making a payment to you as a beneficiary under an executry. If you are making a payment to us using a credit or debit card we will never retain your full card number or the security number on the back of the card. • Family information and information about lifestyle and social circumstances for wills or succession planning work, to ensure that the documents we draft fully meet your needs. • Bankruptcy information for property transactions, to meet legal requirements. <p>Sensitive personal information such as medical details is sometimes required to provide our legal or estate agency services, for example:</p> <ul style="list-style-type: none"> • Information about your health, to adjust our services to additional needs you have, to provide you with urgent medical assistance when you are on our premises, to conduct litigation on your behalf where your medical details are relevant to the proceedings or to make decisions about the management of your affairs if we are appointed as attorney or guardian. • Information about criminal proceedings relating to you, for preventing financial crime and to fulfil our legal and regulatory obligations. • Information about your religion, if relevant to a family law case or funeral instructions in connection with a will. • Information about your political opinions, if a political legacy is being made in a will. <p>When you use our website it may also collect your device’s unique identifier, such as an IP address.</p>

Sometimes where we ask for your personal information needed to enter into a contract with you or to meet a legal obligation (such as an identity check or our obligation to confirm mental capacity to put a power of attorney in place), we will not be able to provide some services without that personal information.

5.3 Why? We use your personal information to provide you with our legal and estate agency services, to comply with the law, court orders or court appointments, to enforce our legal rights where necessary (including debt recovery). We also use your personal information to improve and market our services to clients (unless you have indicated that you do not wish to receive marketing from us or have unsubscribed) and to non-clients (with your consent).

We use your personal information to:

- provide you with our legal and estate agency services through a contractual arrangement including advising and acting on behalf of our clients,
- deal with any complaints,
- administer payments to and from you,
- comply with our legal and regulatory obligations, such as to prevent financial crime including fraud and money laundering,
- maintain our own accounts and records,
- comply with court orders or court appointments, for example where we are appointed to act as financial guardian,
- enforce our legal rights where necessary, including debt recovery; and
- send you relevant updates about our services or events, either to exercise our legitimate interests if you are a client (unless you have opted out of marketing or unsubscribed) or with your consent if you are not a client – see section 9 Your consent for details), or
- exercise our other legitimate interests, where this is fair and does not disadvantage you, for example improving our services or business relationships, fraud prevention or information security.

5.4 Sensitive personal information: Special protection is given to certain kinds of personal information that is particularly sensitive. This is information about your health status, racial or ethnic origin, political views, religious or similar beliefs, sex life or sexual orientation, genetic or biometric identifiers, trade union membership or criminal convictions or allegations. Sometimes we need to use sensitive personal information such as medical details to provide, our legal services. For example, information about your health can be very important in family law or employment law matters, if we have been appointed as your guardian or when you've asked us to put a power of attorney in place.

5.5 Our policy is to only hold and use sensitive personal information if it is relevant to the legal or estate agency services, we are providing to you or to the relevant client and we will take extra care to ensure it is kept secure. Often if we have sensitive information it is because it is necessary to establish, exercise or defend legal claims. By giving us this sensitive personal information for any other purpose you give us your consent to use the information in this way. **However if you wish to withdraw your consent to our use of sensitive personal information at any time please indicate this to your usual McEwan Fraser Legal contact or our Data Protection Officer.** We will then let you know if it is possible for us to continue our services without using this information.

5.6 Information Security: Information security is a key element of data protection. We take appropriate measures to secure personal information and protect it from unauthorised loss or damage. It is a requirement that all McEwan Fraser Legal partners, staff and contractors comply with our Information Security policy. Further details are available on request.

6. Sharing your personal information with or getting your personal information from others

6.1 We only share personal information confidentially with our suppliers and other third parties where needed to provide you with the best legal and estate agency services, to market our services to

you (with your consent if you are not our client), where required by law, where it's fair and reasonable for us to do so or otherwise with your consent. These companies will not contact you directly unless you have agreed to that. All of these companies are required to comply with data protection law and are regulated by a data protection regulator. Where it's necessary for your personal information to be forwarded to a third party we'll use appropriate security measures to protect your personal data in transit.

6.2 Suppliers: For most services we will share your personal information with our own suppliers. Data protection law requires us to have contracts in place with our suppliers who are data processors. These contracts need to contain appropriate protections including confidentiality and security.

Selected suppliers provide us with services such as additional offsite file and document storage, mail services, waste services,, IT systems and devices such as printers, website hosting, property marketing, photography or management services, online property valuations, collating and sending postal marketing or service mailings, banking and payment services, debt collection and accountancy.

6.3 Essential third parties: The third parties we need to share your personal information with will vary depending on the specific services we provide to you. Examples include public registers (such as Registers of Scotland or Companies House), courts, public authorities and other public bodies and other professionals. An example of another professional is that if we are providing legal services to you in connection with a house purchase, we will share certain personal information confidentially with the solicitor who represents the seller. We will only do this to the extent necessary for providing our services or on your instructions. If you would like further information which is specific to our services to you then please ask us at any time.

6.4 Optional third parties and referrals: Sometimes we will offer you an optional referral to another company, for example for financial advice, mortgage advice or property services and we do not receive a fee for these referrals. Third parties may receive a fee or commission for work completed on our behalf for negotiating and managing contracts with external suppliers.

7. Transfers outside the UK

7.1 We will not normally transfer your information outside the UK unless you reside in another country and only to companies, service providers, agents, sub contractors and regulatory authorities in countries in the European Economic Area or countries where data protection laws provide the same level of protection as those in the European Economic Area.

7.2 The exceptions to this are where you provide specific consent to this or where you or another party to the legal services we are providing is located outside of these countries. If this applies we will always use the most secure communication methods possible.

8. How long we keep your personal information for

8.1 8.1 Data protection law requires that we only keep your personal information for as long as we need to for the purposes we need to use it for. How long we keep your personal information for depends on the services we deliver to you. We have legal and regulatory obligations to retain certain personal information for appropriate periods of time. This includes the regulatory guidance produced by the Law Society of Scotland for Scottish law firms for the purposes of setting appropriate information retention periods.

Type of personal information	How long we keep it for
Most information relating to our legal and estate agency services	Usually at least 10 years from the date the relevant client file was closed or you last used one of our services.
Certain information relating to executries	Usually at least 20 years from the date of closure of the matter.
Original deeds such as wills and powers of attorney	Indefinitely unless instructed otherwise by the creator of the deed or their representative. Normally 3 months by our external telephone provider. Some calls at our discretion are downloaded to our servers and are only kept for as long as deemed necessary.

In some circumstances we will hold personal information for longer where necessary for our legitimate interests relating to active or potential legal proceedings or to resolve or defend claims.

Further details about our retention policy are available on request.

Please see section 3 above for details of your right to request deletion of your personal information. We will comply with this request, subject to the restrictions of our regulatory obligations and legitimate interests noted in this section 8.

9. Your consent

9.1 9.1 Sometimes we need your consent to use your personal information, for example for marketing if you are not our client or for using sensitive personal information if it is not necessary for the establishment, exercise or defence of legal claims. **Where you have given us consent, you have the right to withdraw it at any time.**

9.2 9.2 We will communicate with you about services we are delivering using any contact details you have given us - for example by post, email, text message, social media, and notifications on our website – unless you have indicated particular contact preferences to us.

9.3 9.3 Please see paragraph 3.3 above (your privacy rights) for details of how to withdraw consent to marketing or to sensitive personal information, where relevant.

10. Your online activities (cookies)

10.1 10.1 For details of how we use cookies on our website www.mcewanfraserlegal.co.uk please see our Cookie Policy at www.mcewanfraserlegal.co.uk/cookie-policy