

OUR PRIVACY NOTICE

IMD Solicitors LLP are committed to protecting and respecting your personal information. This privacy notice will inform you how we look after your personal information.

We respect individuals' rights to privacy and are dedicated to the protection of personal information. The purpose of this privacy notice is to provide a comprehensive overview and to explain how we collect and use any personal information and data that we may obtain from you or about you.

We may update our privacy notice from time to time. If we do so, we will communicate any changes to you and will publish the updated privacy notice on our website. We do encourage you to visit our website regularly to stay informed of any changes.

- 1. Who We Are;**
- 2. Information We Collect About You;**
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- 6. Transferring Your Personal Information Overseas;**
- 7. Security of Your Personal Information;**
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- 10. Marketing Information;**
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1. WHO WE ARE

IMD Solicitors LLP is the controller and is responsible for your personal information (collectively referred to as, "we, "us, "our" or "the firm" in this privacy notice). We are a registered data controller with the UK Information Commissioner's Office where you can find our details under the registration number ZA149665.

Our registered office and principal address is located at 15th Floor, 111 Piccadilly, Manchester, M1 2HY however this privacy notice also applies to all of our satellite offices.

We have appointed a data protection officer (DPO) 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 the DPO using the details below:

Mr Olexandr Kyrychenko
IMD Solicitors LLP
15th Floor
111 Piccadilly
Manchester
M1 2HY

e-mail address: dpo@imd.co.uk
telephone number: (0044) 333 358 3062

2. INFORMATION WE COLLECT ABOUT YOU

Personal information (or data) means any information about an individual from which that person can be identified. It does not include data where the identity has been removed which instead known as anonymous data.

We collect and process a variety of personal information which we have grouped together as follows:

- (1) Identity information which includes your current full name, any previous names, title, date of birth, gender, marital status and copies of any identity documents that we obtained as proof of your identity;
- (2) Contact information which includes your current postal address, any previous addresses, your e-mail address and your telephone number and copies of any documents we have obtained as proof of your address;
- (3) Financial information which includes your bank account details, credit and/or debit card details, copies of your financial statements, results of any credit referencing enquiries, details about your assets and liabilities and details about your current and previous financial circumstances;
- (4) Education and employment information which includes your current and previous education and employment details.
- (5) Video and/or photographic images which includes copies of your identity documents or any other photographs together with any CCTV images that we may hold;
- (6) Service information which includes information about which services we provide you with and services you have previously enquired with us about;
- (7) Marketing and communications information which includes your preferences in receiving marketing from us and your communication preferences;
- (8) Technical information and usage information which includes your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views, website navigation, metadata associated with sending information through our website and interaction with our website and our posts on various social media and other platforms;
- (9) Any other personal information that you chose to disclose to us.

We obtain, collect and process a variety of categories of personal information at the start, throughout and after your contractual or other relationship with us. Whilst we may hold a variety of information

about you, we do try to limit the collection and processing of information to what is necessary to achieve one or more of the legitimate purposes as is explained further in this notice.

We may also process special certain categories of information for specific and limited purposes, such as prevention of fraud and crime or where this information is critical to the service that we provide you with. We will only process these special categories of information where we have your explicit consent, are lawfully permitted to do so or are obligated to do so by law.

The special information that we collect and process may include:

- (1) Information about your physical and mental health together with copies of your medical records and medical reports;
- (2) Information about your criminal record or previous convictions;
- (3) Information about racial or ethnic origin;
- (4) Information about your political, religious or philosophical beliefs;
- (5) Information about your sexual orientation;
- (6) Information about your membership of any trade unions;
- (7) Any other special information that you chose to disclose to us that would fall within the special information category.

In most cases we will hold this information because it is necessary for us to do so in order to provide you with our service.

We also collect and use what is known as aggregated data for any purpose. Aggregated data may be derived from your personal information however it does not reveal your personal information either directly or indirectly. For example, we may use aggregated data to calculate a percentage of our customers using a particular service or website.

3. HOW IS YOUR PERSONAL INFORMATION COLLECTED

We obtain your personal information in a variety of ways including:

- (1) Information that you give us whether it is whilst contacting us or throughout our contractual relationship;
- (2) Information we receive from third parties including any of our partners (where permitted by law) or associates or credit referencing or fraud prevention or government agencies;
- (3) Information we learn about you through our contractual relationship as we are carrying out the service in accordance with our contractual relationship;

- (4) Information that we gather from publically available sources such as various public registers, online search engines and associated websites and any virtual or physical media;
- (5) Information that we gather from technology about how you access our services and your interactions with our various media posts such as via Google analytics and Facebook analytics as well as your Technical information and usage information.

Your personal information may also be provided to us by our current or prospective client. In most such cases this personal information will be provided to us in a legal matter and will therefore be protected by litigation privilege and/or legal privilege and will therefore not be subject to rights in accordance with this privacy notice.

4. HOW WE USE YOUR PERSONAL INFORMATION

We will only use and share your information where it is necessary for us to carry out our services and in connection with our lawful activities. So that you can fully understand how your personal information may be used we have detailed the purposes for which your information may be used below.

You have the right to withhold your personal information (subject to this not misleading us) or in some cases request that this information is not used as detailed below however unfortunately in most cases if you fail to provide or agree to us processing the personal information that we require we are unlikely to be able to provide you with our services. In addition we may still be obliged to disclose the information we hold in accordance with our legal obligations.

4.1 CONTRACTUAL NECESSITY IN ORDER TO PROVIDE YOU WITH OUR SERVICES

Where we have entered or about to enter into a contract with you it will be necessary of us to process your personal information in order to perform our obligations under the contract. This may include processing your personal information in the following ways:

- (1) Communicating with you about the matter or the service that you have received from us;
- (2) Managing and maintaining our relationship with you and providing on-going customer service;
- (3) Providing services and carrying out your instructions throughout our contractual relationship including preparing documentation and correspondence for you and on your behalf, executing your instructions, transferring funds on your behalf, contacting various third parties on your behalf and resolving any queries;
- (4) Disclosing your personal information to third parties such as counsel, court, various authorities, experts and their associated organisations, litigation opponents where it is necessary to do so in order to carry out your instructions;
- (5) Assessing your requirements and proposing a legal or other service in line with your requirements;

- (6) Confirming your identity.

4.2 LEGAL OBLIGATIONS THAT ARE PLACED ON US BY VARIOUS AUTHORITIES

Were you have contacted us about our services or where you have entered into a contractual agreement with us, we are required by law to collect and process certain personal information about you. This may include processing your personal information in the following ways:

- (1) Investigating and resolving complaints;
- (2) Conducting investigations into potential breaches of conduct and policies by our employees;
- (3) Managing contentious regulatory matters;
- (4) Notifying our insurers in cases of incidents or emergencies on our premises or in cases of regulatory or contractual breaches;
- (5) Notifying you of any changes to our policies or terms and conditions and complying with your requests where you have exercised your rights as detailed in this privacy notice;
- (6) Confirming your identity using the information and documents that you have provided;
- (7) Performing checks against various external databases such as sanctions lists and lists of politically exposed persons;
- (8) Performing checks for the purposes of preventing and detecting crime and complying with anti-money laundering regulations as well as laws against fraud, terrorism financing, bribery and corruption and international sanctions;
- (9) Sharing information with law enforcement agencies and other authorities and regulators, including reporting suspicious activities, where we have a legal obligation to do so;
- (10) Sharing information with third parties where we have been ordered to do so by the court or it is required by any statutory or legal instrument.

4.3 LEGITIMATE INTERESTS OF THE FIRM

We may also process your information where it is in our legitimate interest to do so as a firm. We will do this without prejudicing your fundamental rights and freedoms. This may include processing your personal information in the following ways:

- (1) Ensuring that we are providing you with the service you require;
- (2) Identifying any other services that we believe will be of interest to you and sending you marketing information in respect of these services;
- (3) Identifying legal issues that may concern you and sending you newsletters in respect of these legal issues;

- (4) Developing our relationship with you;
- (5) Understanding your needs, actions, preferences and expectations in order to improve our service and to develop new services;
- (6) Assessing the quality of service that we have provided and analysing any complaints that you have made in order to improve our service and to address any staff training needs;
- (7) Compensating you for loss as a result of any regulatory or service level failures;
- (8) Monitoring and processing your information in order to monitor and improve our business processes and information solutions to ensure business continuity and continuing information security;
- (9) Performing financial, regulatory and general accounting and reporting;
- (10) Performing risk reporting and risk management;
- (11) Protecting our rights and interests by carrying out debt tracing and recovery.

5. SHARING YOUR PERSONAL INFORMATION WITH THIRD PARTIES

We will not share your personal information with anyone outside the firm except:

- (1) Where we have your express permission to do so; or
- (2) Sharing your personal information is contractually necessary for us to provide you with our services; or
- (3) We are legally obliged to share your personal information; or
- (4) Sharing your personal information falls within the legitimate interests of the firm, such as for the purposes of debt tracing and debt recovery.

In addition, as we operate a paperless office, we will share your information with the provider of our legal management system software who will retain your information for our exclusive use and access. Our legal management system software provider will only store your information and will not use it for any reason other than to hold the information on our behalf.

6. TRANSFERRING YOUR PERSONAL INFORMATION OVERSEAS

We will not usually transfer your information outside of the European Economic Area unless doing so is necessary in order to carry out our contract with you or unless you are based outside of the European Economic Area.

In the event that we must transfer your personal information outside of the European Economic Area we will only do so if one of the following conditions is met:

- (1) You have provided your express consent;
- (2) The relevant country has been deemed to provide an adequate level of protection for personal information by the European Commission;
- (3) Where we use a service provider, we have entered into a contract on the terms approved by the European Commission which gives personal information the same level of protection as it has in the European Economic Area;
- (4) Where we use a service provider based in the United States of America, they are part of the Privacy Shield which requires them to provide a similar level of protection to personal information protection as it has in the European Economic Area.

7. SECURITY OF YOUR PERSONAL INFORMATION

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to our employees. Any agents or third parties are provided with your personal information only on need to know basis.

In addition your personal information will be protected by our duty of confidentiality as well as in most cases by legal or litigation privilege.

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. RETAINING YOUR PERSONAL INFORMATION

We will not retain your personal information for any longer that is necessary for the purpose that it was obtained. Typically however we will retain your personal information for a period of six years after the conclusion of our contractual relationship.

In some circumstances we may retain your personal information for longer. We will do this where we are required to do so by law or we believe that the information or the documents may be relevant to any ongoing or prospective legal proceedings or legal matter or where we believe it is necessary to retain the information or the documents to protect, exercise or defend our or your rights.

In some circumstances you can ask us to delete your personal information.

9. YOUR RIGHTS IN RESPECT OF YOUR PERSONAL INFORMATION

We want to ensure that you are fully informed about the rights that you have in relation to the personal information that we hold and process about you.

If you wish to exercise any of these rights, please contact the DPO using the contact details provided in this privacy notice. We will aim to respond to you as soon as possible however in all cases within the time limits imposed by the legislation.

9.1 RIGHT OF ACCESS

You have the right to access the information that we hold about you. Please contact the DPO if you would like a copy of your personal information.

We have a period of one calendar month to provide you with information however if we hold a large amount of data or the request is complex we may request a further two calendar months. In order to reduce processing time and ensure that we can get copies of the information to you as quickly as possible please be as specific as possible. If you require all of the information we hold, please say so.

You do not need to pay a fee to gain access to your personal information.

9.2 RIGHT OF PORTABILITY

You have the right to access the information that we hold about you in a portable format. What this means is that the personal information that we hold about you will be provided to you in a format that you can reasonably be expect to be able to access, typically as .pdf file(s) or in paper format.

9.3 RIGHT OF RECTIFICATION

If you have noticed that any information that we hold about you is inaccurate, you have the right to require us to correct the information we hold. Please contact the DPO with the correct information.

9.4 RIGHT OF ERASURE

You have the right to request that we erase the personal information that we hold about you. You should do so if you believe that we are not using your information in a lawful manner or we no longer need to process your information for the purposes for which it was provided or you wish to withdraw your consent to us retaining and processing your personal information. To make this request, please contact the DPO.

Please note that we may not be able erase your personal information if:

- (1) It has been less than six years from the conclusion of our contractual relationship;
- (2) You are a third party and we have obtained your personal information for the purposes of litigation or prospective litigation and the litigation is not concluded or it has been less than six years since the conclusion of litigation;
- (3) We are currently involved in a dispute with you or there are any outstanding debts (whether disputed or not) from you to the firm;

(4) Retention of your personal information is falls under our legal obligations.

9.5 RIGHT OF RESTRICTION

You have the right to limit the way we use the information we hold about you. You can request that we stop using the personal information that we hold about you for a particular purpose or purposes. You should do so if you believe that we are not using your information in a lawful manner or we no longer need to process your information for the purposes for which it was provided or the information we hold is inaccurate or you have objected to us using your personal information. To make this request, please contact the DPO.

Please note that we may not be able to restrict all the purposes for which you request we stop the use of your personal information if:

- (1) You are a third party and we have obtained your information for the purposes of litigation or prospective litigation and the litigation is not concluded or it has been less than six years since the conclusion of litigation;
- (2) We are currently involved in a dispute with you or there are any outstanding debts (whether disputed or not) from you to the firm;
- (3) Processing of your personal information in this manner falls under our legal obligations.

Please also note that restricting the way in which we use your personal information may mean that we will no longer be able to continue our contractual relationship with you.

9.6 RIGHT OF OBJECTION

You have the right to object to us processing your personal information. To make this request, please contact the DPO. Please note that we may not be able to comply with your request fully if:

- (1) You are a third party and we have obtained your personal information for the purposes of litigation or prospective litigation and the litigation is not concluded or it has been less than six years since the conclusion of litigation;
- (2) We are currently involved in a dispute with you or there are any outstanding debts (whether disputed or not) from you to the firm;
- (3) We can demonstrate another compelling and legitimate ground for processing which should override your interests. The burden to show this is on us.

Please also note that objecting to the use your personal information may mean that we will no longer be able to continue our contractual relationship with you.

9.7 RIGHT OF OBJECTION TO DIRECT MARKETING / RIGHT TO OPT OUT

You have an absolute right to object to us processing your personal information for direct marketing purposes and to opt out of any marketing material or news letters being sent to you. To make this request please contact the DPO.

9.8 RIGHT TO WITHDRAW CONSENT

You have the right to withdraw your consent to processing your personal information where we rely on your consent to process your information for a specific purpose or in a particular manner. To make this request please contact the DPO.

9.9 RIGHT TO LODGE A COMPLAINT

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO) who are the UK supervisory authority for data protection issues. We do however encourage you to contact our DPO in the first instance to resolve any issues.

9.10 LEGAL PRIVILEGE AND LITIGATION PRIVILEGE

This privacy notice is aimed at our clients and our prospective clients. If you are a third party and we have obtained your personal information in connection with any legal matter it is likely that we will object to any attempt to exercise the above rights.

In this case your information and the matter generally will be protected by legal privilege or litigation privilege and your information will be retained in connection with the matter and will be subject to erasure after six years of conclusion of the matter.

9.11 CHANGES OF PURPOSE OF PROCESSING YOUR PERSONAL INFORMATION

We will only use your personal information for the purposes for which it was collected unless we reasonably consider that that your personal information should be used for another purposes which is compatible with the original purpose.

In the event that we need to use your personal information for an unrelated purpose or in such a way that you could not have reasonably anticipate it would have been used, will notify before using your information in this manner and you will have the right to object to its use.

10. MARKETING INFORMATION

Unless you have told us that you do not want to hear from us in relation to services that we consider are of interest to you, we will send you relevant marketing information by mail, phone, email and other forms of electronic communication.

If no longer want us to contact you with marketing information, please contact our DPO with your request and we immediately stop processing your information in this manner.

11. COOKIES

Please note that our website uses cookies. A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.

Cookies may be either “persistent” cookies or “session” cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.

Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.

We use both session and persistent cookies on our website. The names of the cookies that we use on our website are:

- (1) Google Analytics (ga, gat, uta, utmt);
- (2) Facebook (Datr).

Most browsers allow you to refuse to accept cookies; for example:

- (1) in Internet Explorer (version 11) you can block cookies using the cookie handling override settings available by clicking “Tools”, “Internet Options”, “Privacy” and then “Advanced”;
- (2) in Firefox (version 44) you can block all cookies by clicking “Tools”, “Options”, “Privacy”, selecting “Use custom settings for history” from the drop-down menu, and unticking “Accept cookies from sites”; and
- (3) in Chrome (version 48), you can block all cookies by accessing the “Customise and control” menu, and clicking “Settings”, “Show advanced settings” and “Content settings”, and then selecting “Block sites from setting any data” under the “Cookies” heading.

Blocking all cookies will have a negative impact upon the usability of many websites. If you block cookies, you may not be able to use all the features on our website. You can delete cookies already stored on your computer; for example:

- (1) in Internet Explorer (version 11), you must manually delete cookie files (you can find instructions for doing so at <http://windows.microsoft.com/en-gb/internet-explorer/delete-manage-cookies#ie=ie-11>);
- (2) in Firefox (version 44), you can delete cookies by clicking “Tools”, “Options” and “Privacy”, then selecting “Use custom settings for history” from the drop-down menu, clicking “Show Cookies”, and then clicking “Remove All Cookies”; and
- (3) in Chrome (version 48), you can delete all cookies by accessing the “Customise and control” menu, and clicking “Settings”, “Show advanced settings” and “Clear browsing data”, and then selecting “Cookies and other site and plug-in data” before clicking “Clear browsing data”.

Deleting cookies will have a negative impact on the usability of many websites.