

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

GDPR & Data Protection

Introduction

The GDPR and the Data Protection Act 2018 control how organisations collect, use and store people's personal information.

The GDPR applies to businesses operating in the European Economic Area (EEA). It also applies to businesses outside the EEA which offer goods or services to people based in the EEA or monitor their behaviour.

In the UK, the Information Commissioner's Office (ICO) is the regulatory body that enforces GDPR compliance. They have the power to audit compliance, issue enforcement notices and issue large fines if you don't comply. Fines can total up to up to €20m or 4% of the total worldwide annual turnover of the previous financial year, whichever is higher.

Although the GDPR is European Union legislation, it still applies to UK businesses post-Brexit.

We handle your data very seriously and we ask that you read this privacy notice carefully as it contains important information on who we are, how and why we collect, store, use and share personal information, your rights in relation to your personal information and on how to contact us and supervisory authorities in the event you have a complaint.

Businesses need to follow the seven principles of the GDPR:

1. **Lawfulness, fairness and transparency** – You must collect, use and store personal data legally and fairly and publish a privacy notice so people are clear about how you use their data. We can help you draft a privacy notice that satisfies this transparency requirement while protecting your business interests.
2. **Purpose limitations** – You must only use data as described in your privacy notice, or for new purposes that are compatible with the original privacy notice. If you'd like to change how you use your data, we can advise on the best way forward.
3. **Data minimisation** – You must only collect and store data that's relevant and necessary for the purposes set out in your privacy notice.
4. **Accuracy** - You must ensure that data is correct when you collect it and kept up to date during storage. You must update or delete any incorrect out-of-date data.
5. **Storage limitation** – You should only keep data if necessary for the purposes listed in the privacy notice, and securely destroyed once it's no longer needed. We can help you draft a retention policy that sets out how long your business should keep each stream of personal data it collects.
6. **Integrity and confidentiality** – You must store data confidentially securely. We'll help you assess an appropriate level of security for the different types of data you hold based on the potential harm if there was a breach.
7. **Accountability** – You must document how you comply with the other six principles through policies and procedures.

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

Who we are?

Reliable Law Services collect, use and are responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws.

We are registered with the Information Commissioner's Office as Reliable Law Services Ltd with registration certificate number ZA189441. Our current membership expires on the 15 June 2020.

The personal information we collect and use

In the course of acting on your behalf regarding your immigration matters, we collect the following personal information when you provide it to us:

- *name, address, DOB, bank details, telephone/mobile numbers, payslips, sex, gender, Ni numbers and other categories of personal data*

Information collected from other sources

We also obtain personal information from other sources as follows:

- *[your doctor, Home Office, employer and others in relation to your immigration matters]*

How we use your personal information

We use your personal information to:

- prepare your statements;
- write to the Home Office;
- write to your doctor seeking your medical reports;
- write to your employer to seek information regarding your employment;
- upon your request, send your file of papers to other solicitors;
- complete your application forms;
- represent you in the courts;
- apply to the court where you failed to pay your fees;
- instruct barristers to represent you in the courts; and
- prepare court bundles and for other related immigration purposes.

Who we share your personal information with

We sometimes share personal data (*e.g. name, address, DOB, bank details, telephone/mobile numbers, payslips, sex, gender, Ni numbers and other categories of personal data*) with the Home Office, Tribunal, Barristers, General Practitioner, your employer and experts. This data sharing enables us to:

- make representations to the Home Office;
- submit your appeal to the tribunal;
- instruct barristers;
- obtain your medical records from your GP;
- obtain your employment contract and wages information from your employer; and,
- seek experts' advice to further your case.

We will share personal information with law enforcement or other authorities if required by applicable law.

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

We will not share your personal information with any other third party without prior written consent from you.

We do not share personal information for marketing purposes.

How long your personal data will be kept

We will hold your *personal data* (e.g. clients' folders, emails) for 10 years. We will use your personal data to advance your case based on your written instructions in the Retainer.

The Role of the Data Protection Officer

The role of the DPO is to help what the GDPR describes as data 'Controllers' and 'Processors' comply with data protection law and avoid the risks that organisations face when processing personal data. So, to give context to the role, it's worth briefly discussing what a Controller and Processor does.

Data Controller: Article 4 (7) of the Regulation says... "Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others determines the purposes and means of the processing of personal data."

In practice, this means we will use your personal data for example, to complete your application form. We retain these data, subject to changes, to represent you in court or complete other forms, draft your witness statement. The use of the personal data would be in line with your instructions.

Data Processor: Article 4 (8) of the Regulation says... "Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller."

Typical examples are service providers providing outsourced services to the controller such as instructing barristers, experts, accountants, liaising with Company House, HMRC and HR services. In so doing, we use your personal data to identify you to the relevant persons or authorities to discuss issues that are relevant to your immigration matter. Again, we will do so with your written instructions.

So, to differentiate the processor from the controller, Reliable Law Services in the above example would be the controller and the outsourced barristers, experts, accountants, HMRC, Company House would be the processor that would use your personal data to prepare relevant reports to support your case, represent you in the tribunal in accordance with the controller's instructions.

The Tasks of the DPO

The DPO is the data protection expert within the organisation and forms the link with both the public and the organisation's employees in relation to the processing of personal information held. The DPO also acts as the person that data protection queries are directed to.

Article 37(5) of the Regulation details what is in effect a mini job description for the role:

"The DPO, who can be a staff member or contractor, shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39."

These are:

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

- Informing and advising the controller or the processor and their employees of their data protection obligations.
- Monitoring compliance with the Regulation, including the assignment of responsibilities.
- Awareness-raising and training of staff involved.
- Providing advice where requested as regards the data protection impact assessments (DPIAs) and monitoring compliance and performance.
- Engaging with the Information Commissioner's Office or relevant Supervisory Authority.

The Regulation also stipulates that the DPO reports directly to top level management and must be given all resources necessary to carry out their functions.

It's clearly a substantial role – but how do you know if you need to appoint one?

Transfer of your information out of the EEA

We may transfer your personal information to the following which are located outside the European Economic Area (EEA) as follows:

- when requesting expert's opinion from your country of origin to progress your case;
- liaise with the British Embassy abroad to discuss your case

Such countries do not have the same data protection laws as the United Kingdom and EEA. Whilst the European Commission has not given a formal decision that non-EEA countries provide an adequate level of data protection similar to those which apply in the United Kingdom and EEA, any transfer of your personal information will be subject to the General Data Protection Regulation that are designed to help safeguard your privacy rights and give you remedies in the unlikely event of a misuse of your personal information.

If you would like further information, please contact our Data Protection Officer (see 'How to contact us' below). We will not otherwise transfer your personal data outside of the [United Kingdom OR EEA] or to any organisation (or subordinate bodies) governed by public international law or which is set up under any agreement between two or more countries.

Your rights

Under the General Data Protection Regulation, you have a number of important rights free of charge. In summary, those include rights to:

- fair processing of information and transparency over how we use your personal information
- access to your personal information and to certain other supplementary information that this Privacy Notice is already designed to address
- require us to correct any mistakes in your information which we hold
- require the erasure of personal information concerning you in certain situations
- receive the personal information concerning you which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to a third party in certain situations
- object at any time to processing of personal information concerning you for direct marketing
- object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you
- object in certain other situations to our continued processing of your personal information

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

- otherwise restrict our processing of your personal information in certain circumstances
- claim compensation for damages caused by our breach of any data protection laws

For further information on each of those rights, including the circumstances in which they apply, see the Guidance from the UK Information Commissioner's Office (ICO) on individual's rights under the General Data Protection Regulation.

If you would like to exercise any of those rights, please:

- email, call or write to our Data Protection Officer
- let us have enough information to identify you (*e.g. reference number, name, registration details, etc*),
- let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill), and
- let us know the information to which your request relates, including any account or reference numbers, if you have them

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

- We have the latest firewalls/antivirus on all our computers, iPad and work mobile phone;
- Our client portal is password protected;
- All our electronic devices are password protected;
- All emails to clients are sent via recorded delivery;
- All court bundles, Home Office applications are sent via Special Delivery;
- We do not discuss/send your file of papers to anyone prior to receiving written consent from you followed by a telephone conversation for you to confirm the same;

If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

Our business website/Facebook/Twitter/Google pages

Our business website/Facebook/Twitter/Google pages are managed by Yell. No personal clients' information is stored on our business website/Facebook/Twitter/Google pages.

Taking payment via telephone or face-to-face

We use Worldpay as our payment terminal. Our company has successfully self-validated our compliance with the requirements of the PCI DSS (Payment Card Industry Data Security Standard) version 3.2 on 10/05/2017.

This compliance status is based on the information provided by Reliable Law Services Ltd regarding compliance with the PCI DSS version 3.2 and is valid until 10/05/2018 pursuant to the condition of issuing laid down below.

To remain compliant with the PCI DSS, it is the responsibility of our company to:

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

- maintain compliance with all PCI DSS requirements;
- attest to compliance on an annual basis;
- any information provided via telephone to process payments are immediately destroyed after use;
- we do not keep these information for future payment;
- we would request for the same information for future payments;
- we would request to payment online bank transfer to the company business bank account only; and,
- we would urge our clients to use their reference number for any payments made to us.

Client Portal

We no longer use client portal. We have sufficient staffing capacity to address clients' calls.

Firewall and antivirus

Reliable Law Services uses the F-Secure SAFE antivirus and firewall software to protect its devices. All the devices (desktop or portable) have the F-Secure installed with latest update. We pay yearly subscription for this service via virgin media that provides us with fast broadband service.

Access to your records

We reassure that only employees connected to your case will have access to your data. The receptionist does not have access to your data. When you call for an update, the receptionist will take your details for one of legal advisers will get in touch to address your queries.

Trainings

All our staff receive adequate training to protect clients' personal data. Reliable Law Services has devised a GDPR training pack for all the employees to read and sign. The pack will be updated every 3 years.

Storage of your personal data

Online: emails are stored in clients' folder. Documents are scanned and stored in clients' folder.

Hardcopy: client's folders are kept locked in filing cabinet in the office. The office is locked out of hours and no access is granted to any employee without prior written consent from the director and the DPO. In case, an adviser is attending tribunal, he or she must sign the release form to take clients' folders out of the office.

Monitoring of communications

Subject to applicable laws, we'll monitor and record your calls, emails, text messages, social media messages and other communications in relation to your immigration matter with us. We'll do this for regulatory compliance, self-regulatory practices, crime prevention and detection, to protect the security of our communications systems and procedures, to check for obscene or profane content, for quality control and staff training and when we need to see a record of what's been said. We may need to monitor activities on

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

your account where necessary for these reasons and this is justified by our legitimate interests or our legal obligations.

Disclosure – legal obligation

Solicitors Regulation Authority and Office of the Immigration Services Commissioner may from time to time carry out file audits to ensure that we abide to the law and provide the best level of service to you. We will notify you when this takes place. We may also disclose your information to prevent the commission of crime or in the interest of justice where your information is material to an outcome of a criminal proceeding.

We will make files and other information held by us open to inspection by CILEX Regulation as our regulator.

How to complain

We hope that our Data Protection Officer can resolve any query or concern you raise about our use of your information.

CILEX Regulation will investigate any complaint made against members of CILEX, CILEX Authorised Practitioners or Approved Managers of firms authorised by CILEX. Complaints of this type must be made within 12 months of the event that gave rise to the complaint or within 12 months of the complainant having knowledge of the events which gave rise to the complaint, whichever is the greater. You can contact CILEX Regulation at Kempston Manor, Kempston, Bedford. MK42 7AB. Telephone: 01234 845770 Email: info@cilexregulation.org.uk www.cilexregulation.org.uk

You can ask the Legal Ombudsman to become involved at the end of our internal complaints procedure, if you are unhappy with the outcome. The Legal Ombudsman has a helpline if you need to speak to them about how to make a complaint. Calls are charged at a local rate and will be recorded. There is no charge for the Ombudsman's services.

The Legal Ombudsman address is PO Box 6806, Wolverhampton, WV1 9WJ, telephone 0300 555 0333. Their email address is enquiries@legalombudsman.org.uk and their website address is <http://www.legalombudsman.org.uk/>.

Whilst clients can certainly complain to you, the Legal Ombudsman and CILEX Regulation, the most appropriate channel for data protection complaints after they have been reported to your firm is a referral to the Information Commissioner's Office. It would therefore be more sensible to include their contact details here:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire, SK 5AF; Telephone 0303 123 1113; Website:

<https://ico.org.uk/global/contact-us/>

How to contact us

Please contact **Mr Kam Gunnoo**, our Data Protection Officer, if you have any questions about this privacy notice or the information we hold about you.

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

If you wish to contact **Mr Kam Gunnoo**, our Data Protection Officer, please send an email to kam@reliablelawservices.org.uk, write to Reliable Law Services, 76A Katherine Drive, Dunstable LU5 4NU.

Do you need extra help?

If you would like this notice in another format (for example: audio, large print, braille) please contact us (see 'How to contact us' above).

Reliable Law Services Limited

76A Katherine Drive, Dunstable, LU5 4NU

Tel: 01582751998 / Fax: 02037452415

Email: kam@reliablelawservices.org.uk

website: <https://reliablelawservices.org.uk>

Appendix 1 – GDPR template: result

	Do we receive personal data?	Do we create personal data?	Do we send personal data?	Do we destroy personal data?
Client folder	yes	yes	Yes – email / post	Yes - shredder
Email	yes	yes	yes	Yes – emails are printed and kept in files
Payment over the phone	yes	No	No	We do not keep data
File attachment	yes	yes	No	Yes, after data are printed

Access to clients' records: Kam Gunnoo

Storage of records: locked cupboard

Data storage (online): password protected IONOS drive; F Secure software; regular password change

Email: one user at present; no data are being shared internally

External data sharing: Data are shared with tribunal, Home Office, GP, experts, etc with prior clients' consent

Audit result:

1. No file was kept on desk overnight
2. Filing cabinets were locked
3. Computer screen were locked
4. No identifiable data on desk – shredder in place
5. ICO membership recently renewed
6. F Secure membership valid
7. IONOS drive / software password changed in May 2019
8. Worldpay PCI DSS compliant renewed in May 2019
9. Website have privacy notice
10. Client portal facility closed since 2019

DPO name: Kam Gunnoo

Result: COMPLIANT

Signature:

Date: 04/07/2019