

Privacy & Data Protection Policy

BACKGROUND:

Ferguson MacSween & Stewart understands that your privacy is important to you and that you care about how your personal data is used. We respect and value the privacy of all of our clients and will only collect and use personal data in ways that are described here, and in a way that is consistent with our obligations and your rights under the law.

1. Information About Us

Ferguson MacSween & Stewart.

Offices at: Bridge Road, Portree, Isle of Skye, IV51 9ER; Main Street, Kyle of Lochalsh, IV40 8AB; and College House, Balivanich, Isle of Benbecula, HS7 5LA.

VAT number: 296 7531 13

Data Protection Officer: Katie MacDonald

Email address: kyle@fmslaw.co.uk

Telephone number: 01599 534500

Postal Address: Ferguson MacSween & Stewart, Main Street, Kyle of Lochalsh, IV40 8AB.

2. What Does This Notice Cover?

This Privacy Information explains how we use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

3. What is Personal Data?

Personal data is defined by the General Data Protection Regulation (EU Regulation 2016/679) (the “GDPR”) as ‘any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier’.

Personal data is, in simpler terms, any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers.

The personal data that we use is set out in Part 5, below.

4. What Are My Rights?

Under the GDPR, you have the following rights, which we will always work to uphold:

- a) The right to be informed about our collection and use of your personal data. This Privacy Notice should tell you everything you need to know, but you can always contact us to find out more or to ask any questions using the details in Part 11.
- b) The right to access the personal data we hold about you. Part 10 will tell you how to do this.
- c) The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete. Please contact us using the details in Part 11 to find out more.
- d) The right to be forgotten, i.e. the right to ask us to delete or otherwise dispose of any of your personal data that we have. Please contact us using the details in Part 11 to find out more.

- e) The right to restrict (i.e. prevent) the processing of your personal data.
- f) The right to object to us using your personal data for a particular purpose or purposes.
- g) The right to data portability. This means that you can ask us for a copy of your personal data held by us to re-use with another service or business in many cases.
- h) Rights relating to automated decision-making and profiling. We do not use your personal data in this way.
- i) For more information about our use of your personal data or exercising your rights as outlined above, please contact us using the details provided in Part 11.

Further information about your rights can also be obtained from the Information Commissioner's Office or your local Citizens Advice Bureau.

If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office.

5. What Personal Data Do You Collect?

We may collect some or all of the following personal data (this may vary according to your relationship with us):

- Name;
- Address;
- Email address;
- Telephone numbers;
- Business name;
- Address of property being sold/purchased/mortgages;
- Croft details;
- Date of Birth;
- National Insurance Number is purchasing a property.

6. How Do You Use My Personal Data?

Under the GDPR, we must always have a lawful basis for using personal data. This may be because the data is necessary to enable us to act on your behalf, because you have consented to our use of your personal data, or because it is in our legitimate business interests to use it. Your personal data will be used for the following purposes:

- Providing and managing your transaction.
- Supplying our service to you. Your personal details are required in order for us to act on your behalf.
- Communicating with you. This may include responding to emails or calls from you.
- Supplying you with information by email and/or post that is relevant to the work which we are carrying out on your behalf.
- Entering your data on our case management system.
- You can opt-out at any time by emailing admin@fmslaw.co.uk.

You will not be sent any unlawful marketing or spam. We will always work to fully protect your rights and comply with our obligations under the GDPR and the Privacy and Electronic Communications (EC Directive) Regulations 2003, and you will always have the opportunity to opt-out.

7. How Long Will You Keep My Personal Data?

We will not keep your personal data for any longer than is necessary in light of the reason for which it was first collected and in accordance with the Law Society of Scotland's Regulations. Your personal data will

therefore be kept for the following periods (or, where there is no fixed period, the following factors will be used to determine how long it is kept):-

Simple Debt Collection

On completion-i.e. after the time for appeal has elapsed.

Divorce and Consistorial Matters

Five years after final completion, e.g. after maintenance, residence and contact orders, etc., have ceased to have effect, or children have reached majority.

Civil Court Cases

Ten years after completion.

Criminal Cases

Murder and other cases involving life imprisonment-the papers should be retained indefinitely.

Solemn cases-files should be kept for the duration of the sentence if more than three years.

Summary cases-the papers should be retained for three years. A copy of the complaint or indictment and a copy of the legal aid certificate should be kept indefinitely.

Executries

Ten years after completion although an executry may never be complete. Relevant documents and papers might be sent to the Executor for safekeeping since prior rights and legal rights only prescribe if not claimed in 20 years after becoming enforceable.

Continuing Trusts

Ten years after the termination of the Trust.

Conveyancing Transactions

Purchase:

Ten years after completion-although the file may be of use until the property is subsequently disposed of.

Sale:

One year later after completion (i.e. after completion; dealing with any funds retained; and after Missives have ceased to have effect).

Company Work

Ten years after completion.

Other Correspondence Files

Five years after completion of the business.

8. How and Where Do You Store or Transfer My Personal Data?

We will only store your personal data in the UK. This means that it will be fully protected under the GDPR.

9. Do You Share My Personal Data?

We will not share any of your personal data with any third parties for any purposes, subject to the following important exceptions.

In some limited circumstances, we may be legally required to share certain personal data, which might include yours, if we are involved in legal proceedings or complying with legal obligations including the requirements of the Law Society of Scotland, a court order, or the instructions of a government authority.

- **Worldpay payment processing.**

If any of your personal data is required by a third party for the purposes of making a card payment, we will take steps to ensure that your personal data is handled safely, securely, and in accordance with your rights, our obligations, and the third party's obligations under the law.

10. How Can I Access My Personal Data?

If you want to know what personal data we have about you, you can ask us for details of that personal data and for a copy of it (where any such personal data is held). This is known as a "subject access request".

All subject access requests should be made in writing and sent to the email or postal addresses shown in Part 11. To make this as easy as possible for you, a Subject Access Request Form is available for you to use. You do not have to use this form, but it is the easiest way to tell us everything we need to know to respond to your request as quickly as possible.

There is no charge for a subject access request. If your request is 'manifestly unfounded or excessive' (for example, if you make repetitive requests) a fee may be charged to cover our administrative costs in responding.

We will respond to your subject access request within 7 working days and, in any case, not more than one month of receiving it. Normally, we aim to provide a complete response, including a copy of your personal data within that time. In some cases, however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date we receive your request. You will be kept fully informed of our progress.

11. How Do I Contact You?

To contact us about anything to do with your personal data and data protection, including to make a subject access request, please use the following details (for the attention of Katie MacDonald):

Email address: kyle@fmslaw.co.uk

Telephone number: 01599 534500.

Postal Address: Ferguson MacSween & Stewart, Main Street, Kyle of Lochalsh, IV40 8AB.

12. Changes to this Privacy Notice

We may change this Privacy Notice from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects personal data protection.