

## PRIVACY STATEMENT - CLIENT

### Who we are

Beauchamps comprises the partnership known as Beauchamps and any entities owned or controlled by it including Beauchamps Services ULC and HBK Secretarial Services Ltd. References in this statement to Beauchamps, "we", "us" or "our" includes each of these entities.

### Commitment to privacy

Beauchamps regard our clients' affairs as confidential in accordance with the best practices of the legal profession. In the course of acting for you, Beauchamps will receive personal information relating to you, your employees, your associates and other parties (**data subjects**). In this statement, we refer to this information as "personal data". We are committed to protecting the right to privacy of all persons about whom we hold personal data.

This statement sets out the how we use, process and disclose personal data provided to us by individuals we do business with us which includes our (current, former and prospective) clients.

### How we obtain personal data

We will collect data directly from you and will create some data internally (eg when we exchange correspondence with you). We will also collect additional personal data throughout the period you remain a client or you continue to interact / work with us.

We may also collect some data from external sources. For example, we may obtain information from public registers or employers may provide us with information about employees.

### How we use personal data

For our clients, where we request personal data for compliance with anti-money laundering regulations, we shall process such information only for the purposes of preventing money laundering or terrorist financing, or as otherwise set out in this Statement or permitted by law.

For the purpose of our providing services to you, we shall use personal data and we may share it with Beauchamps partners, staff and consultants. The legal basis for the processing of such data is for the performance of a contract with you or to comply with a legal obligation or where it is necessary for our legitimate interest in providing legal services to you. We may disclose personal data to third party service providers (such as our contractors, agents, credit card providers, IT service providers and debt collectors) and to other third parties (such as barristers, experts and regulators) where required by law, where necessary to administer our working relationship with you or where we have a legitimate interest in doing so.

We may use personal data to send you ezines, newsletters, invitations to seminars and similar marketing communications, but we shall seek your consent to receiving such marketing materials from us. If at any time you decide that you do not wish to receive marketing emails from us, you can opt out by emailing [marketing@beauchamps.ie](mailto:marketing@beauchamps.ie).

If you fail to provide data when requested, we may be unable to provide our services to you or we may be prevented from complying with our legal obligations. We may also be unable to send you our marketing communications.

### Third party processors

Our information technology systems are operated by Beauchamps, but some data processing is carried out on our behalf by a third party. Where processing of personal data is carried out by a third party data processor on our behalf we endeavour to ensure that a data processing agreement is in place and that appropriate security measures are in place to prevent unauthorised disclosure of personal data.

### Disclosure of personal data to a successor firm

We may transfer personal data to a successor firm or company which acquires the legal practice carried on by Beauchamps. If this happens, we will require the firm or company to which we transfer personal data to observe standards of data protection and privacy no less secure than those set out in this statement.

Save as described in this statement, personal data will be retained by us and will not be sold, transferred or otherwise disclosed to any third party, unless such disclosure is required by law or court order.

### **Change of purpose**

We will only use 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 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.

### **How we use special categories of personal data**

*"Special categories of personal data"* require a higher level of protection. These include information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life. We have in place appropriate safeguards which we are required by law to maintain when processing such data. We may process special categories of personal data, in limited circumstances, with the data subject's explicit written consent.

Less commonly, we may process this type of data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and the data subject is not capable of giving consent, or where the data subject has already made the information public. We will use special categories of personal data to perform the contract we have entered into with you, to comply with a legal obligation or where it is necessary for our legitimate interests.

### **Transferring personal data outside the EEA**

We may transfer personal data outside the EEA. However, if we do, we will notify you in advance and you can expect a similar degree of protection in respect of the personal data obtained by us in the course of acting for you.

### **How long will we retain personal data**

We will only retain personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Details of retention periods for different aspects of personal data obtained by us are available in our retention policy which you can request from [dataprivacy@beauchamps.ie](mailto:dataprivacy@beauchamps.ie). To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which we process personal data and whether we can achieve those purposes through other means and the applicable legal requirements.

Once you are no longer a client of our Firm or your relationship with us has ended, we will retain and securely destroy the personal data in accordance with our data retention policy.

### **Automated Decision-making**

We do not envisage that any decisions will be taken about you using automated means. However we will notify you in writing if this position changes.

### **Your rights**

In certain circumstances, by law 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 information we hold about you corrected.
- **Request erasure** of your personal data - provided that we are not required to retain the data for the performance of your employment contract or to comply with our legal obligations. Any deletion of personal data may impact on our ability to provide a reference for you.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and you want to object to processing on this ground.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact our data privacy team ([dataprivacy@beauchamps.ie](mailto:dataprivacy@beauchamps.ie)) in writing. We will respond to your request as soon as possible and in any event within one month of receipt. 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 for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

In circumstances where you have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please email [dataprivacy@beauchamps.ie](mailto:dataprivacy@beauchamps.ie). Once we have received notification that you have withdrawn your consent, we will no longer process your data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### Where we process personal data for you as a “data processor”

In certain circumstances, we may process personal data on your behalf as a "data processor". Where we act as a data processor we shall:

- process the personal data only to the extent, and in such a manner as is necessary for the purposes specified and in accordance with your documented instructions and only in accordance with the applicable data protection laws;
- promptly respond to any request from you requiring us to amend, transfer or delete the personal data;
- implement and maintain such technical and organisational security measures as may comply with the data security obligations under the applicable data protection laws;
- not transfer the personal data outside the EEA without your written consent and where such consent is given to only transfer personal data where appropriate safeguards are in place;
- not engage a sub-processor without your prior specific or general written consent and where a sub-processor is engaged they shall be subject to the same data protection obligations as us;
- notify you without undue delay, and at least within 48 hours, after becoming aware of a personal data breach;
- ensure that persons authorised to process the personal data are bound by confidentiality provisions;
- assist you in ensuring compliance with the obligations regarding security of processing, notifications of breaches, data protection impact assessments and prior consultations taking into account the nature of the processing and the information available to us; and
- at your choice, delete or return any personal data to you on the expiration or termination of the processing agreement and delete existing copies unless applicable law requires the storage of the data.

### **Queries**

If you have any questions about this statement or how we handle personal data, please contact [dataprivacy@beauchamps.ie](mailto:dataprivacy@beauchamps.ie). You have the right to make a complaint at any time to the Data Protection Commission (**DPC**), the Irish supervisory authority for data protection issues. We would, however, appreciate the opportunity to deal with your concerns before you approach the DPC and so, please contact us in the first instance.

### **Changes to this Statement**

We may change this statement from time to time and we will provide you with a new statement where any substantial updates are made. The current version will always be available from us in hard copy or on our website.

**Last updated: October 2019**