



LONDON WALL

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London Wall - Data Protection Policy

1. Purposes

The Data Protection Act 1998 ('the Act') has two principle purposes:

- a. To regulate the use by those who obtain, hold and process personal data on living individuals; and
- b. To provide certain rights to those living individuals whose data is held.

At the basis of the Act are 8 Principles. These principles set out the guidelines on the information 'life cycle'. In particular, the Principles govern the creation, acquisition, holding, querying, amending, editing, disclosure, transfer to 3rd parties and destruction of personal data.

The Principles also cover:

- a. The purpose for which the data is gathered and held.
- b. Enshrines rights for data subjects.

The Act applies to the Firm and anyone at the Firm who holds personal information.

The Firm is committed to ensuring full compliance with the Act. The firm is a 'data controller' as defined in the Act. This policy is being written to ensure that employees of the Firm are fully aware of their duties under the Act. In addition the aim of the Firm's policy is to set out the standards expected by the Firm and Mq2 in relation to the processing of personal data.

2. Staff Duties

Employees of this Firm are expected to:

Acquaint themselves with and abide by the eight data protection principles;

Read and understand this policy document;

Understand how to comply with the standards expected at any stage in the information 'life cycle';

Understand what is meant by processing sensitive personal data; and

Recognize a Subject Access Request ('SAR') and who to contact within the Firm when in receipt of such a request.

3. Client Data

All personal data we receive from a client or a third party is 'Client Data'. This includes any written personal data we generate about a client.

4. Data Subjects Right of Access

Any client or former client is entitled to make a Subject Access Request ('SAR'). The Firm is fully committed to facilitating a data subject's request for a SAR, whilst being sensitive to other individuals' rights of privacy. Upon receipt of a SAR, please contact Ned El-Imad. Care should be taken to establish the identity of the applicant. If there is any uncertainty about the



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identity of the applicant, we should ask them to submit supporting documentation.

When a SAR is made by a third party we must establish the identity of the third party, the identity of the data subjects and ensure that we have the data subject's consent before any information is divulged.

The fee for a SAR is currently £10.00 (correct as of January 2013). All SARs are to be forwarded to the Firm's Data Protection Officer (Ned El-Imad), if they are not already addressed to that person in the first instance. Any correspondence from the Information Commissioner's Office (ICO) should also be sent to Ned

5. Employee Data

The Firm will ensure that all personal information in relation to its employees is kept confidential. When you signed your offer letter of employment you authorized the Firm in limited circumstances to process and retain personal information necessary to comply with its legal obligations. For information regarding employee's personal information and your rights please see HR guidance on Data Protection.

6. Privacy & Cookie Policy

For information relating to the use of our internet and marketing please see separate notes

7. Review

This policy will be reviewed periodically to take into account changes in the law and guidance issued by the Information Commissioner.

8. Data Protection Contacts

For general enquiries about the Firm's Data Protection Policy, the Act and guidance on Subject Access Requests contact:

Ned El-Imad

Data Protection Officer

ned@london-wall.com (07956 843 236)

Data Protection Policy

Client Data

Best Practice Guidelines for 'Life Cycle' Process

Acquisition of Personal Data (see principles 1,2 and 3)

If you wish to obtain personal data must comply with guidelines issued from time to time by the firms Data Protection Officer, Ned El-Imad. In particular you should notify data subjects of the purpose for which you are gathering the data, obtain their explicit consent and inform them that the Firm will be the data controller for the purposes for which we act and provide the identity of any other person to whom the data may be disclosed. If sensitive personal data is being collected, explicit consent is not only best practice - it is mandatory. No more data should be collected than is necessary for the purposes declared.

Holding/Safeguarding disposal personal data (see principles 4,5 and 7)

Data should not be held for longer than is necessary; the Firm's records management policy should be consulted for guidance on what is necessary for each kind of data. Personal data should be reviewed periodically to check that it is accurate and up to date and determine whether retention its retention is still necessary.



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The processing of personal data (see principles 1 and 2)

In this particular context processing is used in the narrow sense of editing, amending or querying data. In the context of the Act as a whole, processing is very widely defined to include acquisition, passive holding and disclosure. Personal data must not be processed except for the purpose for which it was obtained. If a new purpose is very different to the original purpose, the data subject's consent must be obtained in advance.

Disclosures

The Firm's policy is to exercise its discretion under the Act to protect the confidentiality of those whose personal data it holds. Personal data will only be shared if we have the explicit consent to do so. Particular care should be taken in relation to any post of personal information on the internet.

No employee may disclose personal data to the police or any other public authority unless that disclosure has been authorized by the Firm's Data Protection Officer, Ned El-Imad

Transfers

Personal data should not be transferred outside of the Firm and in particular to a country outside of the EEA. An exception to this being where we have the data subject's consent, please see the Firm's Terms of Business for further guidance.

Eight Data Protection Principles

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:
 - a. At least one of the conditions in Schedule 2 is met, and
 - b. In the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Act.
7. Appropriate technical and organizational measures shall be taken against unauthorized or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside of the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Schedule 2

Conditions relevant for purpose of the principle: Processing of any personal content



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1. The data subject has given his/her consent to the processing.
2. The processing is necessary:
 - a. for the performance of a contract to which the data subject is a party, or
 - b. for the taking of steps at the request of the data subject with a view to entering into a contract.
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary:
 - a. for the administration of justice,
 - b. the exercise of any functions of either House of Parliament,
 - c. for the exercise of any functions conferred on any person by or under any enactment,
 - d. for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
 - e. for the exercise of any other functions of a public nature exercised in the public interest by any person.
6. The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.
7. The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

Schedule 3

Conditions relevant for the purposes of the principle: Processing of sensitive personal data

The firm as a data processor may only process sensitive personal data if any of the following principles apply:

1. The data subject has given their explicit consent to the processing of the personal data; or
2. The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment; or
3. The Secretary of State makes an order to:
 - a. exclude the application of sub-paragraph (1) above in such cases as may be specified, or
 2. provide that, in such cases as may be specified, the condition in sub-paragraph (1) above is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied; or
4. The processing is necessary in order to protect the vital interests of the data subject or another person, in a case where:



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- i. consent cannot be given by or on behalf of the data subject, or
 - ii. the data controller cannot reasonably be expected to obtain the consent of the data subject, or
 - iii. in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld, or
5. The processing is carried out in the course of its legitimate activities by any body or association which:
- a. is not established or conducted for profit, and
 - b. exists for political, philosophical, religious or trade-union purposes,
 - c. is carried out with appropriate safeguards for the rights and freedoms of data subjects,
 - d. relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and
 - e. does not involve disclosure of the personal data to a third party without the consent of the data subject; or
6. The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject; or
7. The processing is necessary for:
- a. the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
 - b. the purpose of obtaining legal advice, or
 - c. is otherwise necessary for the purposes of establishing, exercising or defending legal rights; or
8. The processing is necessary:-
- a. for the administration of justice,
 - b. for the exercise of any functions of either House of Parliament,
 - c. for the exercise of any functions conferred on any person by or under an enactment,
 - d. for the exercise of any functions of the Crown, a Minister of the Crown or a government department.
 - e. The Secretary of State may by order:-
 - f. exclude the application of sub-paragraph (1) in such cases as may be specified, or
 - g. provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
 - h. The processing is either:



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1. the disclosure of sensitive personal data by a person as a member of an anti-fraud organization or otherwise in accordance with any arrangements made by such an organization; or
2. any other processing by that person or another person of sensitive personal data so disclosed; and
 - i. is necessary for the purposes of preventing fraud or a particular kind of fraud; or
 - j. In this paragraph "an anti-fraud organization" means any unincorporated association, body corporate or other person which enables or facilitates any sharing of information to prevent fraud or a particular kind of fraud or which has any of these functions as its purpose or one of its purposes.
9. The processing is necessary for medical purposes and is undertaken by:
 - a. a health professional, or
 - b. a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.
 - c. in this paragraph (9) "medical purposes" includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.
10. The processing:
 - a. is of sensitive personal data consisting of information as to racial or ethnic origin,
 - b. is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and
 - c. is carried out with appropriate safeguards for the rights and freedoms of data subjects.
 - d. The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.

Privacy & Cookies

The Firm respects your right to privacy

Any details that you give to the Firm by using the Firm's website, intranet, any other online systems or in any other way may be added to our database. You do not have to give the Firm any personal information in order to use most of the website, intranet or online systems. However, if you wish to take advantage of some of the more special personalized services that the Firm offer, you will need to provide certain information.

Your Consent

By using the Firm's website, intranet and other online systems, you consent to the collection and use of your personal information in the manner set out in this privacy policy. If the Firm change or modify this privacy policy it will post those changes on this page.



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Use of Personal Details

The Firm's database of personal details (however the Firm collects these details) is used by the Firm, and third parties acting on the Firm's behalf, for internal administration and marketing related purposes.

The Firm may occasionally send you mailings which you have requested or it feels may interest you and/or are relevant to your practice/work. Such mailings may include details of the Firm's products and services; newsletters; briefing notes and legal updates; and invitations to the Firm's various training seminars and other events.

The Firm does not rent, sell or disclose your details to any other third party.

Contacting the Firm about your information

If you would like to see the information the Firm holds about you, your online use or would like to be removed from the Firm's database and/or any mailing lists, please contact the Firm's database manager, Ned El-Imad. Please note that this would have an impact on your ability to do your job.

To help the Firm keep its database up-to-date, you should inform HR as soon as possible should any of your contact details change or if you notice any inaccuracies in them. Please also let HR know if you no longer wish to receive information or services from the Firm.

In accordance with the Data Protection Act 1998, the Firm is registered as a 'Data Controller' on the public Register of Data Controllers as maintained by the Information Commissioner.

Cookies

In common with most websites, the Firm uses cookies to capture certain information about its sites' use:

The Firm uses analytic cookies to understand how its sites are being used. This measures the number of visitors and tells the Firm how they navigate the site.

Play video content on the site, [Vimeo.com](https://www.vimeo.com) and Brightcove set analytics cookies to measure performance.

The Firm offers sharing tools (Facebook, Twitter etc) – If you use these the sharing tools those sites set a variety of cookies.

To that end the Firm categorises cookie use as follows:

Category 1

Strictly necessary: to fit this category, the cookie must be "related to a service provided on the website that has been explicitly requested by the user". Obvious cases include shopping cart cookies and access to protected areas. The Firm also includes cookies which remember previously entered text so it is not lost if the page refreshes in this category. This is in-line with ICC suggestion.

Category 2



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Performance based: the ICC guidelines includes analytics, advertising and Pay Per Click cookies in this category – provided they only store anonymous data and cannot therefore be used for behavioural targeting of ads.

Functionality based: these include cookies that remember user choices so that they have a more personalised experience. This may include detecting if the user has already seen a popup so that it isn't shown again, submitting comments and remembering colours, text size, etc.

Category 3

Targeting/ advertising based: primarily these are the cookies that the ICO regulations were originally aimed at. This is aimed at cookies such as those which serve up targeted ads. The ICC guidance on these cookies, advises website owners to get clear, explicit consent from users if a site employs such technology. The Firm do not use any cookies of this type. The Firm do not ask user consent for category one, two & three cookies on its websites.