

Privacy Notice

Lakes Wills Ltd has a responsibility to document how your personal data will be protected. This is a legal requirement of the UK GDPR under the 'Right to be Informed'.

This privacy notice will outline our responsibilities to you. This privacy notice was last updated in July 2023.

1.0 Key Terms

1.1 Whilst every effort has been made to outline our responsibilities to you in as clear, concise, and easy to understand manner as possible, we do need to use certain terms throughout this privacy notice.

1.2 We will now provide an easy-to-understand definition of each term:

- **Client:** The data subject whose personal data Lakes Wills Ltd is processing.
- **Data Controller:** A data controller has the responsibility of deciding how personal data is processed, the purpose for the data processing, and how to protect the personal data from harm. Lakes Wills Ltd is the sole data controller.
- **Data Processor:** In a similar way to data controllers, data processors must protect people's personal data. However, they only process it in the first place on behalf of the data controller. They would not have any reason to have the personal data if the data controller had not asked them to do something with it.
- **Data Protection Act (DPA 2018):** The DPA 2018 sets out the legal data protection framework in the UK, including the UK GDPR. It contains three separate data protection regimes:
 - Part 2: sets out a general processing regime (the UK GDPR);
 - Part 3: sets out a separate regime for law enforcement authorities; and
 - Part 4: sets out a separate regime for the three intelligence services.
- **Data Subject:** A data subject is a living person who can be identified from personal data, and will often be the client of Lakes Wills Ltd.
- **GDPR:** This stands for General Data Protection Regulation (GDPR), the UK's agreed standards for data protection that are also written into UK privacy law through the Data Protection Act 2018 (DPA 2018).
- **Individual Rights:** In UK data privacy law, individuals have rights over their personal data. These rights allow the individual to ask the data controller to do something, or stop doing something with their personal data. There are eight individual rights.
- **Information Commissioner's Office (ICO):** The Information Commissioner's Office (ICO) is the UK's independent body set up to uphold information rights.
- **Lawful Basis:** A lawful basis is the legal reason or legal grounds relied upon for the processing of an individual's personal data. There are six lawful bases to choose from: consent, contract, legal obligation, legitimate interest, public task, and vital interests.
- **Personal Data:** Personal data is information about who you are, where you live, what you do, and much more. It is all information that identifies you as a data subject.
- **Privacy and Electronic Communications Regulations 2003 (PECR):** PECR sits alongside the DPA 2018 and the UK GDPR. This legislation gives people specific privacy rights in relation to electronic communications, and electronic processing of their personal data.
- **Processing:** Processing means taking any action with someone's personal data, including storing that data, and archiving personal data.

2.0 Scope

2.1 The scope for Lakes Wills Ltd is any data subject whose personal data is processed upon instruction, in line with UK privacy legislation including the DPA 2018, PECR (2003), and UK GDPR.

2.2 We also acknowledge any additional responsibilities requested by the industry regulator in the UK, the Information Commissioner's Office (ICO).

2.3 The DPA 2018 and UK GDPR have a material scope covering personal data that is processed either electronically or is processed as part of a physical paper filing system.

2.4 Lakes Wills Ltd will adhere to the seven UK GDPR data processing principles when handling personal data:

- Lawfulness, Fairness, and Transparency;
- Purpose Limitation;
- Data Minimisation;
- Accuracy;
- Storage Limitation;
- Integrity and Confidentiality (Security); and
- Accountability.

2.5 All associates of Lakes Wills Ltd who interact with clients and data subjects are responsible for ensuring that this privacy notice is drawn to their attention, at the earliest available opportunity.

3.0 Lawfulness

3.1 Lakes Wills Ltd is a private limited company, based in Cumbria in England, registered under company number 14027822, complying with the laws of England and Wales.

3.2 Lakes Wills Ltd is registered with the ICO under registration number ZB324706.

3.3 Lakes Wills Ltd acts as a data controller and data processor. We are responsible for the personal data that we process (on behalf of the data subject), and have our own measures for ensuring compliance with the UK data controller regulations (personal data we own).

3.4 Lakes Wills Ltd provides professional and compassionate Will Writing and Lasting Powers of Attorney services. Lakes Wills Ltd also determines the scope of data processing, what personal data we process, and for what purpose.

3.5 From time to time we may appoint data processors on behalf of Lakes Wills Ltd. We will always ensure that a written agreement is in place with each of our data processors documenting how personal data will be processed, safeguarded, and stored. Lakes Wills Ltd has the overall responsibility for all data processors.

3.6 Lakes Wills Ltd has voluntarily decided to appoint a Data Protection Officer (DPO). We have a legal obligation to notify the ICO of their name and contact details. Our appointed Data Protection Officer (DPO) is CSRB Limited. They can be contacted by telephone on 0117 325 0830 or via email at dpo@csrb.co.uk.

3.7 Lakes Wills Ltd uses lawful bases, as set out in UK GDPR Article 6, when we process your personal data:

- **Contract** - personal data is processed by us for the purposes of providing our professional and compassionate Will Writing and Lasting Powers of Attorney services to you;
- **Legal Obligation** – personal data is processed by us to meet a requirement set out in UK law or statute. For example certain personal data is required when applying for a Lasting Power of Attorney from The Office of the Public Guardian, through the Personal Information Charter; and
- **Legitimate Interests** – personal data is processed by us to communicate with you regarding complimentary services provided by us, such as information on Will Writing and Lasting Power of Attorney services.

3.8 Lakes Wills Ltd may process certain special category data on behalf of our clients. This may include the following categories of personal data:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- data concerning health;
- data concerning a person's sex life;
- data concerning a person's sexual orientation; and
- personal data relating to a child and their legal guardians.

3.9 Lakes Wills Ltd ensures that all processing of the above special category data is lawful, fair, transparent, and complies with all the data processing principles of the UK GDPR.

3.10 Lakes Wills Ltd can only process special category data if we can meet one of the specific conditions in Article 9 of the UK GDPR. We may also have to meet additional conditions set out in the DPA 2018.

The Article 9 condition we use is:

Explicit consent – We outline our requirements for the personal data processing within our terms of contract.

3.11 Lakes Wills Ltd does not transfer any personal data we collect about you to countries outside the UK. All data processing is carried out within the UK, adhering to UK data privacy legislation.

4.0 Fairness

4.1 Lakes Wills Ltd processes personal data in a fair way. We do this by putting the individual's rights at the heart of all processing with regards to personal data. There are eight individual rights:

- *Right to be informed* – data subjects have the right to know why we are collecting and processing personal data, this right is met by the provision of this privacy notice and any subsequent privacy documentation;
- *Right of access* – you have the right to know what personal data we have on record and request a copy;
- *Right of rectification* – you have the right to correct personal data that we hold about you that is inaccurate or incomplete;
- *Right to be forgotten* – in certain circumstances you can ask for the personal data we hold about you to be erased from our records;
- *Right to restriction of processing* – where certain conditions apply you have a right to ask us to only process your personal data for certain processing activities;
- *Right of portability* – you have the right to have the personal data we hold about you transferred to another data controller;
- *Right to object* – you have the right to object to certain types of data processing such as marketing; and
- *Right to object to automated processing, including profiling* – you also have the right to object to the legal effects of automated processing or profiling.

4.2 Lakes Wills Ltd will only handle personal data in ways that individuals would reasonably expect and not use it in ways that have unjustified adverse effects on them.

4.3 Lakes Wills Ltd will obtain personal data in a fair way. We will underpin all personal data processing with a lawful basis and ensure any personal data transfers are carried out in a secure manner.

4.4 Lakes Wills Ltd always considers the rights and freedoms of data subjects when processing personal data. This could be for individuals or those part of a wider group.

4.5 Lakes Wills Ltd will have a written agreement with each client setting out the contract terms and will ensure a copy of this privacy notice is available.

5.0 Transparency

5.1 Transparency is fundamentally linked to fairness. Lakes Wills Ltd will always be clear, open and honest with people from the start about who we are, and how and why we need to use your personal data.

5.2 Lakes Wills Ltd will inform clients and data subjects from the outset regarding the types of personal data we need to process, usually within our business terms, contract documentation, this privacy notice and other privacy documentation.

5.3 Lakes Wills Ltd may process the following personal data types:

- **Contact Data** (e.g., name, email address, telephone number);
- **Identity Data** (e.g. DOB, proof of identity such as a driving licence or passport, attorneys contact details)
- **Location Data** (e.g., residential address); and
- **Special Category Data** (see section 3.8 above).

5.4 Lakes Wills Ltd informs individuals about all personal data processing in a way that is easily accessible and easy to understand, using clear and plain language. We do this ensuring all Lakes Wills Ltd's associates receive annual data protection and UK GDPR training, whilst having a company information governance framework with up-to-date policies, procedures, and processes.

5.5 Lakes Wills Ltd hope we can resolve any query or concern you raise about our use of your personal data. You can contact Lakes Wills Ltd in the first instance at any time by telephone on 01539 587757 or via email at info@lakeswills.co.uk.

5.6 Lakes Wills Ltd has appointed a certified Data Protection Officer (DPO) to act in the interests of all parties. Should you require further information with regards to personal data processing and the protection of your personal data, please contact our nominated DPO at CSRB Limited. They can be contacted by telephone on 0117 325 0830 or via email at dpo@csrb.co.uk.

5.7 Should we not be able to resolve the complaint, you have the right to lodge a complaint with the lead authority. The lead authority in the UK is the Information Commissioner's Office (ICO), who may be contacted by telephone on 0303 123 1113 or by visiting www.ico.org.uk.

6.0 Purpose Limitation

6.1 Lakes Wills Ltd will always be clear about what the purpose is for any personal data processing from the very start. We process your personal data for the following purposes:

- carry out our obligations arising from any contracts entered into between you and us for the provision of our Will Writing and Lasting Power of Attorney services;
- provide you with information and services that you request from us, or which we feel may be of interest to you, where you have consented to be contacted for such purposes or by Legitimate Interests;
- notify you about changes to our company and the services we provide; and
- if you are an existing contact or customer we will contact you by electronic means (email) with information about services which you have previously purchased from us or enquired about. If you are a new customer, and where we permit selected third parties to use your data, we (or they) will contact you by electronic means only if you have consented to this. You can choose to not receive these types of communication by contacting us (right to object – paragraph 4.1).

6.2 Lakes Wills Ltd will record our purposes for personal data processing as part of our contract obligations. We will also specify them in any additional privacy documentation provided.

6.3 Lakes Wills Ltd will only use personal data for a new purpose if this is either compatible with the original purpose, or we obtain consent, or we have a clear obligation, or function set out in law.

6.4 Where relevant, Lakes Wills Ltd may also share personal data with third parties, such as:

- Trusted third party partners who we work alongside and who process personal data on our behalf with regards to agreements and contracts, or for the provision of supplementary support services. An example would be National Will Safe Limited who provide our Will storage service. Disclosure of the nominated trusted third-party partner would be provided at the agreement/contract stage and a relevant Data Processing Agreement (DPA) would be put in place with the trusted third party partner to protect all personal data;
- Fraud prevention agencies, money laundering agencies, and other professional associations; and
- Regulators and law enforcement agencies, including the Police, HM Revenue and Customs, or any other relevant authority who may have jurisdiction. We would always inform you ahead of acting on any instructions to proceed.

6.5 Lakes Wills Ltd will share personal data with law enforcement or other authorities, if required by law.

7.0 Data Minimisation

7.1 Lakes Wills Ltd always ensures the personal data we are processing is:

- adequate – sufficient to properly fulfil our stated purpose;
- relevant – has a rational link to that purpose; and is
- limited to what is necessary – we do not hold more than we need for that purpose.

The UK GDPR does not define these terms. As this is the case, Lakes Wills Ltd accepts these terms may have a differing definition from one individual to the other, as the processing will depend on the specified purpose for collecting and using the personal data.

7.2 In order to assess whether we are holding the right amount of personal data, we demonstrate clearly why we need it before any data processing activities take place.

7.3 Lakes Wills Ltd undertakes an annual data protection audit with an external certified data protection service provider to review our personal data processing, and to check that the personal data we hold is still relevant and adequate for the stated purposes.

8.0 Accuracy

8.1 Lakes Wills Ltd will take all reasonable steps to ensure the personal data we hold is accurate and up to date.

8.2 Lakes Wills Ltd will take reasonable steps to ensure that personal data we hold is not incorrect. This may involve contacting you via our official communication channels, to ensure all personal data held is accurate.

8.3 Lakes Wills Ltd will always record the source of where personal data came from and ensure the source is compliant with UK privacy laws, including the UK GDPR.

8.4 If we need to keep a record of a mistake, we clearly identify it as a mistake, and add this to our records of processing for audit purposes and continuous improvement.

8.5 All of Lakes Wills Ltd's records clearly identify any matters of opinion, and where appropriate whose opinion it is, and any relevant changes to the underlying facts.

8.6 Lakes Wills Ltd will comply with the individual's right to rectification, and carefully consider any challenges to the accuracy of the personal data.

8.7 As a matter of good practice, we keep records of processing of any challenges to the accuracy of the personal data.

9.0 Storage Limitation and Deletion

9.1 Lakes Wills Ltd will not keep personal data for any longer than is necessary to fulfil the original stated purpose for the processing of such personal data.

9.2 Lakes Wills Ltd will only keep personal data for the period outlined to meet the requirements of the contract, legal obligation, or legitimate interest identified.

9.3 Any retention of personal data will be carried out in compliance with legal, professional body, and regulatory obligations. These data retention periods are subject to change, due to any revisions of associated legislation, regulations, or requirements.

9.4 Lakes Wills Ltd acknowledges that UK privacy legislation does not determine how long personal data needs to be kept. This is up to the data controller to determine and document accordingly at the earliest possible opportunity.

9.5 Lakes Wills Ltd has a personal data retention policy in place, which documents the types of record or information we hold, what we use it for and how long we intend to keep it.

9.6 Lakes Wills Ltd periodically reviews the personal data we hold, and erases or anonymises it, when we no longer need to process it for the original purpose.

9.7 Lakes Wills Ltd also considers any challenges to the retention of personal data. We understand that individuals have a right to erasure if we no longer need the personal data.

9.8 Lakes Wills Ltd acknowledges there are exceptions to retention periods. Here we can keep personal data for longer if we are only keeping it for public interest archiving, scientific, or historical research, or statistical purposes. We would always inform you if this was the case, along with our lawful basis for retention.

9.9 When Lakes Wills Ltd is provided with an instruction to destroy data it must be destroyed irretrievably either in paper or electronic formats. Paper records will be destroyed by an approved contractor who can provide evidence of destruction and a certificate of destruction. Lakes Wills Ltd will retain this certificate.

9.10 Lakes Wills Ltd also has secure destruction procedures and processes for any of the devices it has used for the storage of personal data. Lakes Wills Ltd will retain evidence of any equipment destruction and will confirm that the destruction is beyond any prospect of retrieving data stored within the device.

10.0 Data Transfer and Confidentiality (Security)

10.1 Lakes Wills Ltd will undertake an analysis of the risks presented by our personal data processing and use this to assess the appropriate level of security we need to put in place. We review our Business Continuity Plan (BCP) annually.

10.2 Lakes Wills Ltd make sure that we can restore access to personal data in the event of any incidents, such as by establishing an appropriate backup process.

10.3 Lakes Wills Ltd conduct regular testing and reviews of our measures to ensure they remain effective, and act upon the results of those tests where they highlight areas for improvement.

10.4 Where appropriate, we implement measures that adhere to an approved code of conduct or certification mechanism, such as Cyber Essentials certification, and additional quality standards.

10.5 We ensure that any data processor we use also implements appropriate technical and organisational measures.

10.6 Lakes Wills Ltd does not use tracking cookies on our website to track user behaviour and/or improve site experience. The UK GDPR and PECR interprets data collected by cookies as personal. It prohibits the collection of personal data without consent, which means a website is only allowed to collect information that the user voluntarily inputs. This includes name, email address, phone number, or any other information that the user shares with the website. The cookie consent must be freely given, specific, informed, and unambiguous.

11.0 Accountability

11.1 Accountability is one of the UK GDPR data processing principles. Lakes Wills Ltd takes our responsibility for complying with the UK GDPR very seriously, as documented by this privacy notice.

11.2 Lakes Wills Ltd has put in place several measures that we can, and in some cases must take, including:

- adopting and implementing data protection policies and procedures;
- taking a 'data protection by design and default' approach;
- putting written contracts in place with those whose personal data we control and process;
- maintaining documentation of our processing activities;
- implementing appropriate security measures;
- recording and, where necessary, reporting personal data breaches;
- carrying out data protection impact assessments for uses of personal data that are likely to result in high risk to individual's interests;
- ensuring all Lakes Wills Ltd associates receive annual UK GDPR and privacy legislation training;
- appointing a data protection officer; and
- adhering to relevant codes of conduct and signing up to certification schemes (where applicable).

11.3 Lakes Wills Ltd understand that accountability obligations are ongoing. We review and, where necessary, update the measures we have put in place. For example, we continually enhance our privacy management framework, as this can help embed our accountability measures and create a culture of privacy across our organisation.

11.4 Lakes Wills Ltd understand that being accountable can help build trust with individuals and may help mitigate any gaps in compliance, and thus any potential regulatory enforcement action.

11.5 If you have any questions or concerns about how we process and protect your personal data not covered in this privacy notice please contact Lakes Wills Ltd by telephone on 01539 587757 or via email at info@lakeswills.co.uk.