

WILMOT & CO SOLICITORS LLP

GDPR PRIVACY NOTICE SPECIFICALLY FOR THE BENEFICIARIES OF AN ESTATE OR TRUST

What is the purpose of this document?

WILMOT & CO SOLICITORS LLP and the executors and/or trustees of an estate and/or trust, are required to hold personal data about you as "controllers" and, are responsible for your personal data (collectively referred to as "we", "us" or "our" in this privacy notice.) This means that we are responsible for deciding how we hold and use personal information about you. We are providing you with this notice to make you aware of how and why your personal data will be used and for how long it will usually be retained. It provides you with information that must be provided by us under the General Data Protection Regulation ((EU) 2016/679) as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (SI 2019/419) (UK GDPR) including how to contact us and the Information Commissioner's Office (ICO) in the event you have a complaint.

Changes to the privacy notice and your duty to inform us of changes

We keep our privacy notice under regular review.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Contact details

If you have any questions about this privacy notice or our privacy practices, including any requests to exercise your legal rights, please contact Michael Gray, our Data Protection Officer in any of the following ways:

Email address: michael.gray@wilmots.co.uk

Postal address: 38 Castle Street, Cirencester, Gloucestershire, GL7 1QH

Telephone number: 01285 650551

Data protection principles

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- So far as possible, accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

The kind of information we hold about you

In connection with the administration of an estate or trust, we will collect, store, and use the following categories of personal information about you:

- Information set out in the Will or trust deed.
- Information you provide to us during the estate or trust administration.
- Any information the executor(s) or trustees provides to us during the estate or trust administration.
- Information set out in any letter of wishes addressed to us by the testator or Settlor
- Information set out in any handwritten notes or other notes made by the testator or Settlor
- Information you provided to us when we contacted you about registering with HMRC's Trusts registration Service.

How is your personal information collected?

Personal data or information means any information about an individual from which that person can be identified. We will process personal information about you from the following sources:

- You;
- The testator or Settlor;
- Other (professional) advisors and/or previous advisors to the testator or Settlor;
- A bankruptcy search provider;
- A credit reference agency;
- An anti-money laundering verification provider;
- Public sources such as the Individual Insolvency Register, the internet, other identity verification providers

How we will use information about you

We will only use your personal data when the law allows us to. Most commonly we will use your personal data in the following circumstances:

- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

Generally we do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

How we use sensitive information

We may also collect, store and use special category data to help us comply with the wishes of the testator or Settlor and to enable us to identify and protect your rights as a beneficiary. The same information will be required even where there is no will available.

Change of purpose

We will only use your 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

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.

Data sharing

Why might you share my personal information with third parties?

We will only share your personal information with the following third parties where it is necessary to do so for the purposes of administering an estate or trust or where we have a legal or regulatory obligation to do so. This is likely to be with government agencies such as HMRC, the Probate Registry as well as other professionals who are also providing services to the executors and the estate and/or the trust and the trustees such as accountants, actuaries, insurance companies and brokers, stockbrokers and other financial organisations, bankruptcy search providers, identity verification companies and genealogists.

All third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

International transfers of personal data

Will my data be transferred abroad?

We do not anticipate transferring your personal data outside the UK but if it became necessary to do so, we will only transfer personal data to an overseas third party or organisation if it is based on adequacy regulations or if one of the following applies:

- The European Commission has issued a decision confirming that the country to which we transfer the personal data ensures an adequate level of protection for the data subjects' rights and freedoms.
- Appropriate safeguards are in place such as binding corporate rules, standard contractual clauses approved by the European Commission, an approved code of conduct or a certification mechanism.
- You have provided explicit consent to the proposed transfer after being informed of any potential risks.
- The transfer is necessary for one of the other reasons set out in the UK GDPR including the performance of a contract between us, reasons of public interest, to establish, exercise or defend legal claims or to protect your vital interests where you are physically or legally incapable of giving consent and, in some limited cases, for our legitimate interest.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data internationally.

Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those agents, contractors and other third parties who need it to assist in administering the estate and/or trust. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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

Data retention

How long will you use my personal information for?

We will retain your personal information for as long as necessary to fulfil our legal obligations in relation to the estate and/or trust. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have administered the estate and/or trust correctly. After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

Your legal rights

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

- **Request correction** of the personal information 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 information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Complain to the Information Commissioner's Office**, the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

If you want to review, verify, correct or request erasure of your personal information, or object to the processing of your personal data, please contact our Data Protection Officer in writing using any of the methods referred to above.