



## Fair Processing Notice

Torode Advocates is a law firm specialising in property, conveyancing, Wills and inheritance matters for people resident in, or with aspirations to reside in, Guernsey.

This Fair Processing Notice sets out how Torode Advocates processes personal data, whether on individuals as our clients, intermediaries or other third parties that we interact with, any individual who is connected to those parties, or otherwise.

Torode Advocates acknowledges its obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017, which provides a number of requirements in terms of processing activities involving personal data. We further acknowledge the general principles of processing as well as the rights of a data subject and more information in relation to these provisions are provided within this Fair Processing Notice.

Any questions in relation to this Fair Processing Notice or requests and/or questions in respect of our processing of personal data should be directed to [dataprotection@torodeadvocates.com](mailto:dataprotection@torodeadvocates.com) in the first instance.

### Principles of Processing

#### a) Lawfulness, fairness and transparency

*Personal data must be processed lawfully, fairly and in a transparent manner.*

Torode Advocates will only collect personal data that is necessary and proportionate to provide legal services. The type of personal data that we collect and hold includes:

- Contact details (including names, postal addresses, email addresses and telephone numbers);
- Information required for Torode Advocates to meet legal and regulatory requirements, in particular in respect of anti-money laundering legislation, including information on source of funds and source of wealth;
- Information provided in the course of the provision of legal services (for example, information on professional relationships and background, financial wealth and assets held, transactions entered into, tax status, disputes and court proceedings engaged in);
- Financial information, such as payment related information;
- Meetings attended and visits to our offices;
- Any other information you may provide to us.

#### b) Purpose limitation

*Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.*

Torode Advocates acknowledges its responsibility with regards to this data protection principle and maintains that we will not further process personal data in a way which is incompatible to its original purpose for processing unless we are required to do so by law or have acquired the required consent.

c) Minimisation

*Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.*

Torode Advocates maintain that we will only process the personal data which is detailed within this Fair Processing Notice and will not process any further personal data that is not necessary, unless required to do so by law.

d) Accuracy

*Personal data processed must be accurate, kept up to date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.*

Torode Advocates will ensure that all personal data that is held is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without undue delay.

e) Storage limitation

*Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.*

Personal data and special category personal data will be retained in accordance with our record retention policy.

f) Integrity and confidentiality

*Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

Access to electronic or paper records is tightly controlled. Employees only have access to areas and documents as required to undertake their role. Access is monitored and effectively managed.

g) Accountability

*The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.*

The controller and Data Protection Officer of Torode Advocates is:

Advocate Mark Torode  
 Tel: 01481 741041  
 Email: [mark.torode@torodeadvocates.com](mailto:mark.torode@torodeadvocates.com)

### Purposes of processing

Torode Advocates processes personal data for the following purposes:

(The below table also confirms the lawful basis upon which we are relying in each case):

Purpose	Lawful Basis for Processing
To enter into client relationships and provide legal services	<p>Any one or more of the following:</p> <p>The legitimate interests of Torode Advocates as a provider of legal services to process personal data for the purpose of providing those services.</p> <p>In instances where an individual has been provided with this Fair Processing Notice and provides personal data thereafter, the processing may be carried out on the basis of deemed consent. Consent may be withdrawn at any time by writing to <a href="mailto:dataprotection@torodeadvocates.com">dataprotection@torodeadvocates.com</a>.</p> <p>The processing is necessary for legal proceedings, the obtaining of legal advice or establishing, exercising or defending legal rights.</p> <p>Where the client is an individual: to fulfil the contract we have entered into with the individual to provide legal services.</p>
To manage our client, intermediary and other business relationships	The legitimate interests of Torode Advocates to seek to ensure its business is conducted efficiently and with a view to enhancing client service.
To ensure the security of Torode Advocates systems, staff and premises	The legitimate interests of Torode Advocates in protecting its systems, staff and premises from being misused or the victim of any criminal activity.
To provide our contacts with marketing material, to invite contacts to events which may be of interest to them and to participate in competitions and to manage such mailings and events	<p>The legitimate interests of Torode Advocates as a provider of legal services to process personal data to communicate with persons on topics and events which may be of interest to those individuals.</p> <p>The right of those individuals to unsubscribe from mailings and/or manage preferences will be included within all mailings and any requests to unsubscribe may be made via links available in the mailings.</p>
To meet all legal, regulatory and ethical obligations applicable to Torode Advocates (including in	The legitimate interests of Torode Advocates as a provider of legal services to process data to the extent necessary to ensure it meets all legal, regulatory and ethical obligations incumbent on it.

respect of managing potential conflicts of interest)	In certain instances, the processing of data may also be necessary for the exercise of functions of public authorities and/or necessary for compliance with a legal obligation to which Torode Advocates is subject.
For the purposes of internal know-how and training	The legitimate interests of Torode Advocates as a provider of legal services to process data for the purposes of internal know-how and staff training. Torode Advocates will use reasonable endeavours to ensure any personal data contained in the material which is not integral to the understanding of the material is redacted.

### Sources and Recipients of data

The sources of data may include clients, intermediaries, data subjects directly, third parties connected to the data subject (for example, their employer or another service provider who provides services to the data subject) or open-source material.

The following is a list of potential recipients of data (in each case including respective employees, directors and officers):

- Other providers of services (legal or otherwise, including any bank or financial institution providing services in relation to any matter on which Torode Advocates is instructed) where disclosure to that provider of services is considered necessary to fulfil the purposes set out above;
- Any sub-contractors, agents or service providers of Torode Advocates;
- Courts or tribunals;
- Third parties with whom Torode Advocates engages for the hosting of events or other marketing initiatives;
- Law enforcement agencies where considered necessary for Torode Advocates to fulfil legal obligations applicable to it;
- Regulators or other governmental or supervisory bodies with a legal right to the material or a legitimate interest in any material;
- Any registrar of a public register where the data is to be included in a public registry.

Where Torode Advocates is entering into an engagement with a third party pursuant to which data may be processed by that third party, we will seek to enter into an agreement with that third party setting out the respective obligations of each party and will seek to be reasonably satisfied that the third party has measures in place to protect data against unauthorised or accidental use, access, disclosure, damage, loss or destruction.

### Rights of data subjects

Torode Advocates will take all reasonable steps to allow you to exercise your rights under the Data Protection Law. However, in some circumstances, you may not be able to do so where the exercising of those rights may prejudice legal or regulatory purposes.

- a) Right of access

You have the right to know whether we are processing personal data relating to you. If you make a subject access request, you may have one free copy of your personal data that we hold. We will respond to your request within one month, however, exceptionally an extension of two further months may be applied by us but in doing so we will, within the 30-day period, tell you how long we need and the reasons for the extension.

b) Right to data portability

Generally, you have the right to data portability; this means that you are able to arrange for the transfer of your personal data from one controller to another without hindrance from the first controller. This right can only be used where the processing is based on consent or for the performance of a contract.

c) Exception to right of portability or access involving disclosure of another individual's personal data

A controller of personal data is not required to comply with a request under the right of access or right to data portability where they cannot comply with the request without disclosing information in relation to another individual who is identified or identifiable from that information.

d) Right to object to processing

You have the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

e) Right to rectification

You have the right to require us to complete any incomplete personal data and to rectify or change any inaccurate personal data.

f) Right to erasure

You have the right to submit a written request to us regarding the erasure of your personal data in the following circumstances:

- The personal data is no longer needed for the reason it was collected or processed
- The lawfulness of processing is based on consent and you have withdrawn your consent
- You object to the processing and we are required to stop the processing activity
- The personal data has been unlawfully processed
- The personal data must be erased in order to comply with any duty imposed by law

g) Right to restriction of processing

You have the right to request, in writing, the restriction of processing activities which relate to your personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by you and you wish to obtain restriction of processing for a period in order for us to verify the accuracy or completeness;

- The processing is unlawful, but you wish to obtain restriction of processing as opposed to erasure;
- We no longer require the personal data; however, you require the personal data in connection with any legal proceedings.

h) Right to be notified of rectification, erasure and restrictions

Where any rectification, erasure or restriction of personal data has been carried out, you have a right to ensure that we notify any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. We must also notify you of the identity and contact details of the other person if you request this information.

i) Right not to be subject to decisions based on automated processing

You have the right not to be subjected to automated decision making without human intervention.

If you wish to exercise your data subject rights please send your request to [dataprotection@torodeadvocates.com](mailto:dataprotection@torodeadvocates.com).

In any case in which a data subject chooses not to provide any personal data or where any of the rights set out above are exercised to limit the processing of personal data, Torode Advocates may be unable to provide the required services, or there may be a restriction on the services which can be provided.

Right to make a complaint

You may make a complaint in writing to the Supervisory Authority (the Data Protection Authority) if you consider we have breached, or are likely to breach, a relevant part of the Data Protection Law and the breach affects or is likely to affect any personal data relating to you or any of your rights (as listed above).

Additionally, if we are unable to address your questions or concerns to your satisfaction, you may make a complaint to the Data Protection Authority. Their contact details are as follows:

Guernsey Contact details  
Office of the Data Protection Authority  
St Martin's House  
Le Bordage  
St Peter Port  
Guernsey  
GY1 1BR  
01481 742074 [enquiries@odpa.gg](mailto:enquiries@odpa.gg)

**Retention**

In accordance with our record retention policy, Torode Advocates only keeps data for as long as necessary to fulfil the purposes (as set out above) for which we collected it. The Torode Advocates

policy is to retain data in relation to a client matter for 11 years from the conclusion of that matter. This is subject to certain exceptions (including where the matter relates to wills & probate, property and conveyancing, and trusts (where, in each case, records may be kept indefinitely) or in instances where the personal data is relevant to a dispute after closure of the matter or where the data cannot be deleted for legal, regulatory or technical reasons).

Any requests for further information in relation to the continued processing of specific data, and requests for destruction of data, should be made to [dataprotection@torodeadvocates.com](mailto:dataprotection@torodeadvocates.com).

#### Contact Details

Torode Advocates has a Data Protection Officer and all enquiries in respect of this Fair Processing Notice or any request to exercise any of the rights set out above should be directed to the Data Protection Officer via [dataprotection@torodeadvocates.com](mailto:dataprotection@torodeadvocates.com) or by post at:

Data Protection Officer, Torode Advocates, Windsor House, Lower Pollet, GY1 1WF.

#### Changes to this Fair Processing Notice

We keep this Fair Processing Notice under review and any updates will appear on our website at [www.torodeadvocates.com](http://www.torodeadvocates.com).

We last updated this Fair Processing Notice on 24 September 2020.

#### How to contact us

If you have any questions about this Fair Processing Notice or any data which we hold about you, please contact: [dataprotection@torodeadvocates.com](mailto:dataprotection@torodeadvocates.com)