

DECLARING DATA USE

NATASHA RAWLEY, THE FILE QUEEN



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Season's greetings, LPM readers – it's that most wonderful time of the year! Our yuletide gift is step three in our guide to the General Data Protection Regulation – communicating privacy information – outlined by the Information Commissioner's Office.

The ICO tells us to review current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation. I know this sounds very broad and that's because it is – it impacts a great deal of #informationbunkers, not only within your practice but also with your suppliers.

You need to make sure that any new private data is being collected correctly. It's time to restructure your #privacynotice: you will need to outlay everything in a single or separate privacy notices for different stages of the client lifecycle. For example, a client who contacts you with a potential fee enquiry won't want their information held on your database for as long as a client you've created a will for.

The ICO tells us that when we collect new personal data we must, firstly, make sure we clearly tell the person our identity. Many practices are outsourcing certain services, but if you have a supplier collecting data on your behalf the individual must know this as well as the practice's full trading name. They also need to know where the data will be kept.

The client must also know how you intend to use their information. Does the client data fit into the controlled (housing) or processor (contact marketing, emails) element of your business? Will you be processing the data or will a third party? How will it be stored? How often will you be contacting them? By what means will you be contacting them?

The client has the right to opt in or out of any form of communication. Some clients will prefer contact via email rather than telephone – you must document this and practise their wishes. You must make sure your CRM or legal practice management software is ready for these demands.

If you outsource any of your processes or are exposed to clients' personal data, you need to review your service agreements to make sure they can uphold these responsibilities.

You must explain your legal basis for using their data – for example, many legal practices will contact clients who use their will services every five to 10 years to make sure they hold the relevant and up-to-date contact details. Place this in your #privacynotice.

You need to clearly state your data retention periods and quote contact details for your data protection officer and the ICO – so if the client feels their data is being used inappropriately they know who to contact.

Most importantly, all of the information quoted in your privacy notice must be in clear and simple language.

But what do you do with the current data you use? If you don't have all of the steps above in your privacy notice, you need to contact individuals and issue them with your new privacy notice and see if they opt back in.

We strongly recommend you read the ICO's Privacy notices, transparency and control paper before implementing any changes to your privacy notice. The link can be found at www.archivestorage.net/news/gdpr/. **LPM**

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