

# Privacy Notice for Defendants

## Introduction

Express Solicitors Limited is a law firm operating in the United Kingdom (UK) offering professional legal services to individuals looking to claim compensation in respect of injury or illness and any related losses.

During the claim process, including the initial investigation, we collect data both directly and indirectly on many individuals in relation to the claim.

In respect of your personal data, Express Solicitors Limited acts as a Data Controller within the definition of the UK General Data Protection comprising Regulation (EU) 2016/679 and Data Protection Act 2018, hereafter UK GDPR.

This Privacy Notice explains what personal data Express Solicitors Limited collects from you or about you, how that information is collected and processed and for what purpose and the lawful basis on which the processing of your personal data is conducted. This notice also explains your rights in respect of any of your personal data being processed by Express Solicitors.

Express Solicitors Limited's registered address is Resolution House, 319 Palatine Road, Northenden, Manchester, M22 4HH. Telephone: 0161 904 4660. Email: [advice@expresssolicitors.co.uk](mailto:advice@expresssolicitors.co.uk)

Express Solicitors Limited is a Private Limited Company registered in England and Wales, registration number 08458462. Express Solicitors Limited is authorised and regulated by the Solicitors Regulation Authority, SRA number 612741.

You can contact our Data Protection Officer by writing to the above registered address or via email to [dpo@expresssolicitors.co.uk](mailto:dpo@expresssolicitors.co.uk)

## What personal data do we process?

Express Solicitors Limited processes your data in respect of the investigation and conduct of a legal claim being made or potentially made against you. In this respect we may collect and process the following categories of data:

- Name, Address and contact information;
- Details of vehicle and property ownership or usage and related insurance;
- Details concerning your legal representation;
- Details of occupation and any company ownership;
- For Medical Negligence or treatment related claims, details of your qualifications and career history;
- Solvency status;
- Lifestyle information relevant to the claim.

We may collect information from you or your representatives and from other third parties during the claim process. While the above is indicative of the categories of data we anticipate processing, there may be additional data required based on the specific circumstances of each individual claim.

## What do we use your data for?

Your personal data is collected and processed for the following purposes:

- For the investigation and pursuit of legal claims where you are the Defendant or have been identified as a potential Defendant by the Claimant who we represent. We use your data based on the legitimate interests of the Claimant to pursue a legal claim under English law.
- To comply with legal obligations for reporting to regulatory bodies, submitting to external audits and other mandatory reporting requirements.

## Sources of your personal data

In addition to any personal data that you provide to us directly, we will also collect information from third parties.

It is not possible to identify all specific third parties in advance however the following are the categories of third parties we most commonly collect or receive information from:

- The Claimant;
- The Claimant's insurers;
- Your insurers and legal representatives (including information sent via The Claims Portal);
- The Police;
- askMID (a vehicle insurance database);
- The Driver and Vehicle Licensing Agency (DVLA);
- The Employers Liability Tracing Office (ELTO);
- The Land Registry and property management agents;
- Companies House;
- Publicly available sources;
- Other defendants or potential defendants;
- Witnesses including Expert Witnesses.

Where we request specific information from third parties, it will only be information we feel is necessary for the investigation and conduct of the claim however we may in some circumstances inadvertently collect additional personal data if the third party does not reduce the data before disclosing it to us.

## Sharing your personal data

Your data may be shared with various parties relating to the claim on the basis of ensuring the legitimate interests of our client are protected or where there is a legal obligation by which we are bound. The following are common recipients or categories of recipients that we may share your data with:

- The claimant and their insurers;
- HM Courts & Tribunals Service;
- The Motor Insurers Bureau including their administered services Claims Portal, and askMID;
- Barristers;
- Medico Legal experts and Medical Reporting Organisations;
- Regulatory bodies and Ombudsmen;
- Witnesses including Expert Witnesses.

There are also organisations who will have access to your data due to the services they provide to Express Solicitors Limited such as IT support companies, email and phone service providers and external auditors. While we may not actively share your specific data with these firms we will ensure that when providing access to any data systems, the security of that data is considered and protected at all times.

## Sharing your data outside the United Kingdom

We do not anticipate having to share your data outside of the United Kingdom (UK) however it may be necessary in certain circumstances.

In the event that a transfer of your data outside of the UK is required, we will check whether the country or international organisation has been deemed as adequate for the transfer of data by the UK. The finding of adequacy means that the recipient of the data is governed by a data protection framework offering adequate protection of your personal data.

In the absence of an adequacy decision relating to the destination country or organisation, we will transfer your data only on the basis of and to the extent that it is necessary for the establishment, exercise or defence of legal claims.

## How long will we keep your data?

Our standard retention policy is 10 years from the date we close our file. If the claimant is under 18 at the time we close our file then we will retain the data for 10 years from the claimant's 18<sup>th</sup> birthday.

## Your personal data rights

In respect of your personal data being processed by Express Solicitors Limited:

- You have the right to ask us what personal data we are processing about you and request access to or copies of that information.
- You have the right to request that your personal data which is inaccurate, or incomplete is rectified.
- You have the right to request that your personal data is deleted however we may have the right to continue processing your data in certain circumstances.
- You have the right to object to the processing of your data where the grounds we rely upon are our legitimate interests or the legitimate interests of a third party. Upon receiving an expression of objection, we will review the grounds for processing and respond accordingly. Where we are processing for direct marketing purposes you have the right to object at any time and we will cease processing for such purposes where an objection is received.
- You have the right not to be subject to automated decision-making processes including profiling however Express Solicitors Limited does not employ any automated decision-making processes.
- You have the right to restrict the processing of your personal data:
  - where the accuracy is contested while this is investigated;
  - where the processing is unlawful, but you do not want the data to be deleted;
  - where we no longer need to process the data, but you would like us to store it without further processing for the establishment, exercise or defence of legal claims;
  - where you have objected to the processing and we are processing for our legitimate interests while it is established if our interests override your rights.

We will respond to your request in relation to any of the above rights within one month of us receiving your request unless there is likely to be a delay providing the information or response in which case we will notify you within one month of receiving the request. There will be no fee payable for us to provide you with the information requested unless the request is for duplicate copies of documents previously provided to you or we feel the request is manifestly unfounded or excessive. If a request is manifestly unfounded or excessive we may refuse to provide the data rather than charging a fee. Where a fee is charged it will reflect the administrative costs involved in providing you with the information.

We may require identification from you for security purposes before providing any information or acting on requests. Where this is required we will notify you within one month of receipt of your request.

Where you make a request to us electronically we will endeavour to respond electronically. If you would prefer not to receive the information electronically you should request this.

If we are unable to comply with your request, we will inform you within one month of receipt of your request providing the reasons and advising you of your options to escalate the matter further.

You should note that duties of confidentiality exist between Solicitors and their clients which may affect how we respond to requests to exercise your rights under the UK GDPR.

All requests in relation to the above should be addressed to our Data Protection Officer, Laura Edgeley, by email to [dpo@expresssolicitors.co.uk](mailto:dpo@expresssolicitors.co.uk) or in writing to: Data Protection Officer, Express Solicitors, Resolution House, 319 Palatine Road, Northenden, Manchester, M22 4HH.

You have the right to lodge a complaint with the Information Commissioners Office who regulate Data Protection compliance in the UK if you are not satisfied with any response provided by Express Solicitors Limited in relation to the exercise of your rights under the relevant English Data Protection law.

### **Changes to this Privacy Notice**

This Privacy Notice will be reviewed and updated in line with changes to data protection laws and internal policy.

This document was revised 31<sup>st</sup> March 2022.