

Privacy Notice

1. Changes to Data Protection

- 1.1. Neon Legal is committed to protecting the privacy and security of the personal information of clients, contacts and other third parties (Data Subjects), we deal with in the course of the provision of legal advice to our clients pursuant to our engagement terms (the Services). Data Subjects may include third parties who are not our clients but whose personal data is processed by us in connection with the provision of our Services to our clients.
- 1.2. Personal data is currently held and processed by Neon Legal, in accordance with the Data Protection Act 1998 (DPA 1998).
- 1.3. The legal requirements for data protection will be changing in May 2018, when the EU's General Data Protection Regulation 2018 (GDPR) comes into force. The UK government is also effectively replicating the vast majority of GDPR rules under a new Data Protection Bill (the New Data Protection Act) which is currently being considered by Parliament as at the date of this letter. The New Data Protection Act will eventually replace the DPA 1998. For the purposes of all these regulations and legislation, depending on the circumstances, Neon Legal may act as either a:
 - 1.3.1. Data Controller (e.g. where we act for an individual);
 - 1.3.2. Joint Data Controller with the client (i.e. where the client is a Trustee of a pension scheme and both parties have autonomy over the way in which the data is processed); or
 - 1.3.3. Data Processor (i.e. for the Principal Employer of a pension scheme where we are processing personal information solely on the client's instructions).
- 1.4. As from 25 May 2018 Neon Legal must comply with the new requirements under GDPR, the DPA 1998 and the New Data Protection Act when it comes into force. One of the requirements imposed on us is to provide Data Subjects with certain information regarding how their personal data is used and held.
- 1.5. This notice sets out how we obtain, use and protect any personal information that is provided by Data Subjects, or that is otherwise obtained or generated by Neon Legal and which relates to a Data Subject or to any individual connected with a Data Subject.
- 1.6. By appointing Neon Legal for the provision of the Services the Data Subject agrees to their personal data being held and used in the ways set out in this privacy notice.

2. Information Neon Legal may collect and use about Data Subjects

- 2.1. Personal information, means any information which could be used to identify a Data Subject as an individual. This would therefore include any information provided by a Data Subject to Neon Legal when carrying out the Services.
- 2.2. Neon Legal may hold information about Data Subjects, including, but not limited to, a Data Subject's name, date of birth, contact details, bank details, tax status information and other financial details, passport, driving licence, education and employment details. We may also collect and use "special categories" of more sensitive personal information about Data Subjects including information about physical and/or mental health. Personal information about a Data Subject is usually collected directly from the Data Subject (e.g. online, over the telephone or by letter) or sometimes from third parties such as pension scheme administrators or other professional advisors. The information we collect is not publicly accessible data.

- 2.3. Neon Legal will use a Data Subject's information, for the purposes of the legitimate interests pursued by Neon Legal (e.g. for the provision of legal advice to clients) or where Neon Legal has a legal and/or contractual obligation to do so (e.g. the engagement terms set out in our client care letter and Terms of Business). We may process special categories of personal information about Data Subjects with the explicit written consent of the Data Subject or where another legal basis for the processing of special personal information under the GDPR applies. A Data Subject has the right to withdraw their consent for the processing of special personal information at any time. In general terms, we seek to collect information about a Data Subject so that we can:
 - 2.3.1. Administer our relationship with the Data Subject provide services and respond to enquires
 - 2.3.2. Ensure the billing of any procured services and obtain payment
 - 2.3.3. Process and respond to any complaints
 - 2.3.4. Enable business development including sending legal updates, publications and details to events (we will seek a Data Subject's explicit consent prior to sending this information)
 - 2.3.5. Process applications for employment
 - 2.3.6. Deliver requested information to a Data Subject about our services.
- 2.4. We do not envisage that any decisions will be taken about Data Subjects using automated means. However, we will inform Data Subjects if this position changes.
- 2.5. A Data Subject has the right to object to Neon Legal using a Data Subject's information in the ways set out above. However, if we do not have this information, we may be unable to provide Data Subject's with the Services, or we may be prevented from complying with our legal obligations (e.g. we may not be able to undertake the anti-money laundering checks we are required to undertake pursuant to legislation). A Data Subject's objection may be refused where Neon Legal has compelling reasons to continue to process a Data Subject's personal information (e.g. to comply with the law).
3. **Who Neon Legal may share Data Subject's information with**
 - 3.1. Neon Legal may share or disclose a Data Subject's information to third parties such as our practice management provider (Quill), a client's service providers, other professional advisers and auditors, and any other recipients as may be necessary or desirable to provide the Services and/or comply with contractual or legal obligations relating to the Services.
 - 3.2. Neon Legal has measures in place to protect a Data Subject's data and when sharing a Data Subject's personal data with another third party we will make sure that they too have appropriate measures in place to protect a Data Subject's data.
 - 3.3. Whilst we do not routinely do so, in some cases, we (or third parties with whom we share personal information about Data Subjects) may transfer personal data about Data Subjects outside of the European Economic Area, for example if a third party operates an overseas office. Where this is the case Neon Legal will ensure that adequate legal safeguards, as required under the GDPR, are in place to protect a Data Subject's personal data.
 - 3.4. We do not sell personal information about Data Subjects to any third party.

4. **How long will a Data Subject's personal data be stored?**

We will only retain personal information about Data Subjects for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of the personal data, the purposes for which we process the personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

5. **Data Subject's rights regarding the personal information they provide to Neon Legal**

5.1. Data Subjects have the right to obtain confirmation of whether their information is being processed, and if so they have the right to obtain a copy of this (and in an electronic form). Data Subjects are also entitled to the following additional information:

- 5.1.1. the purposes of the processing;
- 5.1.2. the categories of data processed; and
- 5.1.3. the recipients, or categories of recipients.

5.2. Data Subjects also have the right to request that we rectify inaccuracies in personal data held about them and to object to us processing their personal information. However, an exemption may allow us to continue processing a Data Subject's personal data in certain circumstances.

5.3. Data Subjects have the right to have their data erased in certain specified situations (e.g. where the processing of a Data Subject's personal data fails to meet the requirements of the GDPR) or to restrict the ways in which we may process their personal information, but this is also subject to any other obligations or decisions that we may be required to make in order to comply with our legal obligations.

5.4. A Data Subject also has the right to request that we move, copy or transfer the electronic personal data that we hold about them to another organisation.

6. **Review**

We review this privacy notice annually and reserve the right to update it at any time, and we will make a new privacy notice available to Data Subjects when we make any substantial updates.

7. **Contact**

If Data Subjects have any questions, comments or requests regarding this notice they can contact us at privacy@neonlegal.com.

A copy of this notice is also available on our website at www.neonlegal.com/privacy-notice.

8. **Complaints**

If Data Subjects have any concerns regarding the way in which we process their personal data they have the right to complain to the Information Commissioner's Office at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF