

## Switalskis Solicitors Limited Clinical Negligence Privacy Notice

### **Who we Are**

Switalskis Solicitors Limited (trading as Switalskis Solicitors) “we” are a specialist provider of legal services.

We are a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

### **Data protection principles**

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

### **Lawful Basis for Processing**

We will process your personal data only for the performance of our contract with you or for statutory or contractual purposes associated with our performance of our contract with you.

We will process any “special category” of more sensitive data only as necessary for the establishment, exercise or defence of legal claims.

Where we seek to process data for any reason other than for the performance of our contract with you we will always consider whether we have a lawful basis for that processing and, if necessary, we will seek explicit consent from you.

If we use your data for direct marketing purposes we will only use it for email marketing and only for services that are the same or similar to those for which you originally provided the data. We will always ensure that any such marketing communications give you a clear opportunity to opt-out of future communications.

## **What Personal Information We Will Collect**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data, which require a higher level of protection. These include information concerning health.

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- National Insurance number
- Witnesses, e.g. family members
- Treating clinicians/providers
- Bank account details
- Financial Records
- Insurance Policy details
- Employment Records
- Benefit Records
- Educational Records

We will also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your health, including any medical condition, health and sickness records.

## **How is your Personal Information collected**

We collect personal information from you at the start of your case and during your case. We will obtain your medical records from your GP and any other Hospital Trusts or places you have received medical treatment that is the subject of your claim and any on-going treatment.

We will obtain any other records necessary to investigate and assess your claim from the categories of personal information detailed.

## **Why is your Personal Information collected**

We need to collect and process your personal data and in particular sensitive personal data concerning your health in order to investigate and formulate your claim for clinical negligence.

To process your personal data in accordance with any legal obligations we are required to comply with, including our obligations to you in relation to the processing of your personal data.

### **Who will your Personal Information be shared with**

We may share your information with the following categories of recipients during your claim:

- Medical Experts
- Additional Experts necessary to advise as to additional treatment/care you may require
- Medical treatment providers, such as GP and Hospital Trusts, to obtain medical records
- Barristers
- Defendant(s)
- Costs Draftsman
- Court
- Medical records sorter
- External Support services, e.g. professional copiers, photographers, videographers, conference and telephone conference providers
- Insurance Provider
- Funders, e.g. Insurers, LAA

All third parties with who we share your personal information are fully assessed to ensure that your data is only shared and stored with companies and persons who comply with all applicable Data Protection Regulations, including the General Data Protection Regulation and Data Protection Act.

### **How we Share your Personal Information**

We may share your data by post in paper format or on disc, electronically, by email encrypted or anonymised and orally or over the telephone.

### **How will your Personal Information be Used**

In order to formulate your claim for clinical negligence it will be necessary to obtain copies of your relevant medical records, obtain independent medical reports from medical experts and obtain independent advices from barristers.

If the claim proceeds beyond the very initial stages we will have to contact the Defendant and their representatives regarding your claim.

We may have to commence Court Proceedings and we will have to communicate with the Court regarding your claim.

We need to use the services of external costs draftsman at stages in your claim. They will need access to your file to prepare the requisite documents for costing out stages of the case and preparing a bill at the conclusion.

We will have to communicate with any relevant insurance providers you may have to advise you regarding funding of the claim. We have to provide details of the medical conditions and treatment to any existing relevant insurer in order to confirm whether cover exists and obtain authority to work under any available insurance policy.

We may have to obtain an Insurance Policy from an external Insurance Provider as part of funding of your claim. We have to provide details of the medical conditions and treatment and information regarding the claim including prospects of success to obtain and maintain cover throughout the claim.

The funder of your case has the right to review your file for audit purposes throughout the period they continue to provide funding.

We may have to contact other departments in Switalskis Solicitors regarding your claim.

We may have to use External Support Services to assist during the claim to provide photocopying of documents, professional photography or videography of injuries and conferencing and telephone conferencing facilities.

We may use your Personal Information for analysis to help us manage our practice.

We may have to use your Personal Information for Statutory Returns and/or legal and regulatory compliance.

## **Your Rights**

Under the Data Protection Act you have the following rights in relation to your personal data.

- Right to Access - You have a right to request a copy of your personal data.
- Right to Rectification - You have the right to ask us at any time to make any corrections or remove any personal data that you believe is inaccurate.
- Right to Erasure - You have the right to request the erasure of the personal data. However we may still need to retain personal data to comply with our legal obligations. In the event of a request we will provide you with full details of the personal data that we are required to retain.
- Right to Restriction - You have the right to request a restriction in the processing of your personal data.
- Right to Objection - You have the right to object to the processing of your personal data.

We will aim to respond to any requests relating to your rights without undue delay and in any case within 30 calendar days of receipt of your request. We may ask you to confirm your identity so that we can validate a request. If you would like to make a request, please email or write to us using the contact details provided below.

### **How long we hold your Personal Information for**

We will retain your personal data:

- During the course of your claim
- For a further 7 years following the settlement of your claim for an adult, in a claim involving an infant for 7 years after the child reaches the age of 18, in a claim involving someone who does not have capacity (a protected person) we retain the data and file indefinitely. For a claim that includes provisional damages for 7 years following the expiration of the provisional damages period or 7 years following the settlement of the claim whichever is the longer.
- If we use your data for direct marketing purposes we will only use it for email marketing and only for services that are the same or similar to those for which you originally provided the data. We will always ensure that any such marketing communications give you a clear opportunity to opt-out of future communications.
- We will only use your personal data to the extent necessary to comply with our legal obligations (for example for HMRC financial accounting obligations as well as to enable us to defend any claim that may be brought against us in respect of the work we undertake as a business).

In some circumstances we may anonymise your personal information so that it can no longer be associated with you.

### **Complaints**

If you are unhappy about any aspect of our process and you would like to file a complaint please contact us using the details below.

Alternatively if you would like to make a complaint or report a concern about the way in which we have processed your personal data then please contact the Information Commissioner's Office who will be able to provide further assistance.

### **Changes to our Privacy Policy**

We keep our Clinical Negligence privacy policy under regular review. This privacy policy was last updated on 23 May 2018.

Further details as to Switalskis Solicitors Privacy Policy can be found in Switalskis Data Protection Privacy Notice a copy of which is on our website.

### **Contact Us**

If you have any further questions or would like to raise any concerns about the way in which your personal data has been processed, please contact Suzanne Munroe, Director and Head of Clinical Negligence using the information provided below:

Email: [suzanne.munroe@switalskis.com](mailto:suzanne.munroe@switalskis.com)

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