

**NOCKOLDS LAWYERS SPAIN:
CLIENT INFORMATION**

General Privacy Notice



General Privacy Notice

'Nockolds Lawyers Spain SL', is a registered company in Spain with company number (CIF): B88495577. Our registered office is at Calle Francisco Navacerrada 8, Planta 2, 28028 Madrid. Our Estepona office is at Plaza de los Misioneros 229680, Estepona (Málaga).

Your privacy is important to us. In accordance with Regulation (EU) 2016/679, of April 27, 2016, on the protection of natural persons with regard to the processing of personal data and the free movement of these data, as well as with Organic Law 3/2018, of December 5, on the Protection of Personal Data and Guarantee of Digital Rights, this Privacy Notice explains what personal information we collect from you and how we use it, the conditions under which we may disclose it to others and how we keep it secure. It will also tell you about your privacy rights and how the law protects you. We respect your privacy and we are committed to protecting your personal information.

We will not disclose your personal details to any third parties unless it is necessary or we are legally obliged to do so. On those occasions when we do need to disclose your personal information, such as proceeding with your instructions or obtaining compliance or regulatory advice, we will do so in accordance with the EU General Data Protection Regulations. Please ensure that you read this Notice alongside our general Terms and Conditions which provide further information on confidentiality, data privacy etc.

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Contact Details

Our full details are:

Full Name:	Nockolds Lawyers Spain
Addresses:	Plaza de los Misioneros 229680, Estepona (Málaga)
Telephone Numbers:	(+34) 951 552 254
Email Address:	info@nockolds.es

Any enquiries regarding how we hold or use your data can be emailed to gdpr@nockolds.es.

If You Fail to Provide Personal Information

Where we need to collect personal information under the terms of a contract we have with you or to fulfil our legal and regulatory obligations and you fail to provide that information when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this case we may have to cancel our service you have with us but we will notify you if this is the case at the time.

It is your responsibility to ensure that the personal information you provide is correct and that you notify us of any changes to enable us to correct our records.

International Transfers of Personal Information

We and our other group companies have offices and facilities in Spain and the UK. The European Commission has made an “adequacy decision” which means that personal data can be transferred between the EU and the UK freely.

Important Information

Controller and Processor

This Notice aims to give you information on how we collect and process your personal information. It is issued on behalf of Nockolds Lawyers Spain S.L and where the term ‘we’, ‘us’ or ‘our’ is used in this Privacy Notice, we are referring to the relevant company responsible for processing your personal information.

We are the ‘Controller’ and ‘Processor’ of the personal information you provide us with.

Your personal information will be securely stored confidentially on our computer systems and/or in paper files. Nockolds Lawyers Spain’s main IT systems are located in the UK, and most of its internal business operations are also centralised in the UK, operating out of Nockolds Solicitors Limited to support the business. Nockolds Solicitors Ltd is the data controller for these centralised services and is therefore subject to data protection legislation in the UK.

Where we transfer your personal data to third parties, those third parties may also be data controllers – see below.



or defending a legal claim. If we require sensitive personal information for any other purpose, we will seek your prior consent.

Sources of Personal Information

Personal information about you may also be obtained from a number of other sources during our instruction e.g. banks and building societies, medical or financial institutions, employers and other relevant organisations/third parties.

We will also receive personal data from you if you provide your identity documents to us via a client onboarding and/or ID verification platform.

Why We Need It

We need to know your personal information in order to carry out our contract with you for the provision of legal services and generally administer and take care of our relationship with you. We will not collect any personal information from you which we do not need. The following are some examples of what we may use your personal information for (non-exhaustive):

- › Verifying your identity;
- › Verifying your source of funds;
- › Communicating with you;
- › Obtaining insurance policies on your behalf;
- › Processing your legal transaction including providing you with advice, carrying out litigation on your behalf, attending hearings on your behalf, preparing documents or to complete transactions;
- › Keeping financial records of your transactions and the transactions we make on your behalf;
- › Seeking advice from third parties such as legal and non-legal experts.

What We Need From You

Under EU GDPR, personal information is defined as 'any information relating to an identified or identifiable natural person'. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

The type of information we require will vary depending on the nature of your instruction and the work you require us to do. There are two types of information that you may need to provide us with:

Personal Information: This is the general information that you supply about yourself - such as your name, address, gender, date of birth and contact details.

Sensitive Personal Information: This is, by its nature, more sensitive information and may include racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, information concerning health or sex life and sexual orientation, genetic information or biometric information. We are permitted to process this type of information if your matter relates to establishing, exercising

How We Will Use Your Personal Information

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- › **Performance of a Contract** means processing your personal information where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract;
- › **Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interests. We do not use your personal information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law);
- › **Comply with a legal or regulatory obligation** means processing your personal information where it is necessary for compliance with a legal or regulatory obligation which we are subject to.

Marketing and Your Personal Information

We may use your personal information that we have collected in accordance with this privacy notice to contact you about our products or services, events etc. which we feel may interest you. These direct marketing communications may be provided to you by social media channels, email or post. We will never send marketing communications via SMS or call you without your specific consent; nor do we ever pass on or sell your details to third parties. If you wish to opt out of receiving marketing mailings please email gdpr@nockolds.es.

Purposes for Which We Will Use Your Personal Information

The table below provides a description of all of the ways we plan to use your personal information and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Please note that we may process your personal information for more than one lawful ground depending on the specific purpose for which we are using it.

Purpose / Activity	Lawful Basis for Processing Including Basis of Legitimate Interest
To register you as a new client	<ul style="list-style-type: none"> › Legitimate interest › Performance of a contract with you › Compliance with a legal or regulatory obligation
To process and deliver legal services	<ul style="list-style-type: none"> › Performance of a contract with you › Necessary for our legitimate interest (to recover debts due to us) › Compliance with a legal or regulatory obligation
To manage our relationship with you, which will include: <ul style="list-style-type: none"> › Notifying you about changes to our terms of privacy policy. › Asking you to leave a review or take a survey. We use an online review site called Trustpilot to conduct the survey on our behalf on conclusion of your matter. › Sending you information about other services or events we provide which may be of interest to you. 	<ul style="list-style-type: none"> › Performance of a contract with you › Compliance with a legal or regulatory obligation › Necessary for our legitimate interest (to keep our records updated and to study how customers use our products/services) › Legitimate interest

Any personal data received from you in order to comply with money laundering regulations will only be processed for the purpose of preventing money laundering or terrorist financing unless such processing is permitted by law or you consent to alternative use of the data.

Who Has Access To It?

We may disclose your personal data to any member of our Nockolds group of companies insofar as reasonably necessary for the purposes, and on the legal bases, set out in this policy.

Outside of our group of companies, we will keep your personal information confidential except where:

- › We are acting in accordance with your instructions;
- › We are under a legal, regulatory or professional obligation to (for example to comply with anti-money laundering regulations);
- › We engage other professional advisers on your behalf, such as barristers and experts for the provision of specialist advice;
- › We are required to make a disclosure for the purpose of our business (this includes our auditors, external assessors and our insurers);
- › We outsource legal activities or any operational functions. We will always seek a confidentiality agreement with these outsourced providers and ensure that they are UK GDPR compliant.

Examples of third parties whom we may disclose your personal information to and why (non-exhaustive):

- › Spanish Land Registry and local Councils;
- › Agents used in Spain and England;
- › Courts in Spain (and in England)
- › The Procurador
- › Legal Counsel in Spain if a second opinion needs to be sought
- › Non legal experts to obtain advice, opinion or assistance to include tax administrators accountants tax advisers ;
- › Contracted suppliers/consultants;
- › External auditors to include the appropriate local law Society who may need to review our files
- › Bank, building society or other financial institutions;
- › Insurance companies;
- › Providers of identity verification;
- › Contracted agencies for electronic ID verification;
- › Any disclosure required by law such as the prevention of financial crime and terrorism;
- › If there is an emergency and we think you or others are at risk.

Please note this list is not exhaustive but an example of the third parties who may need to see your information.

Before we share any of your personal information with third parties we will ensure that they comply strictly and confidentially with our instructions and that they do not use your personal information for their own purposes unless you have explicitly given your prior consent to this. There may be some personal information which we will require your prior consent to obtain. If this is the case then we will contact you to request your consent in writing and you are free to withdraw this consent at any time.

How We Protect Your Personal Information

We recognise that your personal information is valuable and we take all reasonable measures to protect it whilst it is in our care.

We have exceptional standards of technology and operational security in order to protect personally identifiable information from loss, misuse, alteration or destruction. Similarly, we adopt a high threshold when it comes to confidentiality obligations and both internal and external parties have agreed to protect confidentiality of all information; to ensure all personal information is handled and processed in line with our stringent confidentiality and data protection policies.

We use computer firewalls as safeguards and physical access controls to our buildings and files to keep personal information safe.



How Long We Will Keep It For

We will only retain your personal information 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 information, we consider the amount of your personal information, the nature and sensitivity of it, the potential risk of harm from unauthorised use of disclosure, the purposes for which we processed it and whether we can achieve these purposes through other means, and the applicable legal requirements.

Once you have settled our final bill, we will retain your file in a physical and/or digital format following conclusion for between 7 and 15 years dependent upon the nature of the matter. Some files we will retain indefinitely. If you would like more information on our file retention policy relating to your specific matter then please contact us.

Your Rights

Request Access to Your Personal Information

EU GDPR gives you the right to see a copy of the personal information that we hold about you. You can ask us to supply you with copies of both paper and/or computer records and related information. This is called a 'Subject Access Request'. If you wish to put your request in writing then this can be sent to us by post to the relevant office address or by email to gdpr@nockolds.es. We will respond within one month from receipt of your request.

Where we consider requests to be manifestly unfounded or excessive, in particular because they are repetitive, we are entitled to charge a reasonable fee taking into account the administrative costs of providing the information or we can refuse to respond. If we refuse to respond to your request, we will explain why and may ask you to specify the information the request relates to.

Request Correction of Your Personal Information

We take all reasonable steps to ensure the personal information we have for you is accurate and up to date. If you think that what we have is not accurate or up to date, please tell us as soon as possible and we will correct it.

It is your responsibility to ensure that the personal information you provide is correct and that you notify us of any changes to enable us to correct our records e.g. address and telephone number/s. We may need to verify the accuracy of any new information you provide to us.

Request Erasure of Your Personal Information

You are entitled to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons and the right to erasure does not apply where there is a lawful reason for us to continue processing. If applicable, we will explain these to you at the time of your request.

Object to Processing of Your Personal Information

You may object where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights.

Request Restriction of Processing Your Personal Information

You are entitled to ask us to suspend the processing of your personal information in the following scenarios: (a) if you want us to establish its accuracy; (b) where our use is unlawful but you do not want us to erase it; (c) where you need us to hold it even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use but we need to verify whether we have overriding legitimate grounds to use it.

Request Transfer of Your Personal Information

If we are asked to transfer your personal information to you or to a third party, we will provide this to you, or a third party you have chosen, in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you. This right does not require us to provide a copy of your whole file and relates to portability of your personal information only.

Right to Withdraw Consent

You can only exercise this right where we are relying on 'consent' to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Queries About Our Use of Your Personal Information

If you have a query about how we have handled your personal information, you can contact us by email at gdpr@nockolds.es and we will be happy to look into this for you.

The EU GDPR and certain other applicable data protection laws give you the right to lodge a complaint with AEPD, www.aepd.es/es.

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www.nockolds.es

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