



1.WHO WE ARE

This privacy notice provides you with details of who we are and how we collect and process your personal data.

Mary Bergin practising as Fagan Bergin Solicitors is the data controller and we are responsible for your personal data (referred to as “we”, “us” or “our” in this privacy notice).

Our email address is: Info@faganbergin.com

Our postal address is: **57 Parnell Square West Dublin 1,D01 FK24.**

It is very important that the information we hold about you is accurate and up to date. Please let us know if at any time your personal information changes by emailing us at Info@faganbergin.com.

2. THE DATA THAT WE COLLECT ABOUT YOU, THE PURPOSE FOR WHICH WE COLLECT IT AND THE GROUNDS UPON WHICH WE PROCESS IT

Personal data means any information capable of identifying an individual. It does not include anonymised data.

We may process the following categories of personal data about you:

- **Communication Data** includes any communication that you send to us whether that be through any contact forms on our website, through email, text, social media messaging, social media posting or any other communication that you send us. We process this data for the purposes of communicating with you, for record keeping and for the establishment, pursuit or defence of legal claims. Our lawful ground for this processing is our legitimate interests which in this case are to reply to communications sent to us, to keep records and to establish, pursue or defend legal claims.
- **Personal Contact Data** includes data such as your name, title, address, email address, phone number and contact details. We process this data to communicate with you, for record keeping and for the establishment, pursuit or defence of legal claims. Our lawful ground for this processing is our legitimate interests which in this case are to reply to communications sent to us, to keep records, to grow our business and remain in contact with you and to establish, pursue or defend legal claims.
- **Matter Data** includes any data which you may provide to us in order to enquire whether we are in a position to act for you in relation to a matter, and, in the event that we are and are willing to do so, in order to act for you as your solicitors in relation to that matter. It also includes communication and other data generated in the course of the matter. We process this data to supply our services and to act for you as your solicitors. Our lawful grounds for processing this data are (a) the performance of a contract to which you are party and (b) providing you with legal advice in relation to that matter and acting for you as your solicitors in connection with legal claims, prospective

legal claims, legal proceedings or prospective legal proceedings or otherwise for the purposes of establishing, exercising or defending legal rights in connection with that matter. We will only ever process matter data for the purpose in relation to which you instruct us to act on your behalf on that matter and to retain a record of matters to comply with our legal obligations.

- **Marketing Data** includes data about your preferences in receiving marketing from us and your communication preferences. We process this data to enable you to partake in our promotions and offers, to deliver relevant website content and advertisements to you and to measure or understand the effectiveness of this advertising. Our lawful ground for this processing is our legitimate interests which in this case are to study how customers use our products/services, to develop them, to grow our business and to decide our marketing strategy.
- **Website Data** includes data that you may provide to us if you visit our website. If you wish to see our Privacy Notice in relation to Website Data please go to: **[insert url of Website Privacy Notice]**.

Special Categories of Data

Special Categories of Data refers to data that includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data. For the purposes of this notice, we will also refer to data on criminal convictions and offences as special categories of data.

If your Matter Data includes special categories of data such as medical or health data or data in relation to criminal convictions or offences we will only process such special categories of data for providing you with legal advice and acting for you as your solicitors in connection with legal claims, prospective legal claims, legal proceedings or prospective legal proceedings or otherwise for the purposes of establishing, exercising or defending legal rights and for no other purpose.

Where we are required to collect personal data by law, or under the terms of the contract between us and you do not provide us with that data when requested, we may not be able to perform the contract (for example, to continue to act for you). If you don't provide us with the requested data, we may have to cease to act for you but if we do, we will notify you at the time.

There may also be limited circumstances where our legal basis for processing is your consent (where we have sought it and you have provided it to us), in which case you can withdraw your consent at any time. This does not affect the lawfulness of processing which took place prior to its withdrawal.

We will only use your personal data for a purpose it was collected for or a reasonably compatible purpose if necessary. In case we need to use your details for an unrelated new purpose we will let you know and explain the legal grounds for processing.

We may process your personal data without your knowledge or consent where this is required or permitted by law.

We do not carry out automated decision making or any type of automated profiling.

3. HOW WE COLLECT YOUR PERSONAL DATA

We may collect data about you by you providing the data directly to us (for example by filling in forms on our site or by sending us emails and correspondence by post or by speaking with us on the telephone and in meetings). We may collect data from

third parties who you authorize us to obtain the data from on your behalf (for example a government agency, financial institution or another professional or adviser).

4. Marketing Communications

Our lawful ground of processing your personal data to send you marketing communications is either your consent or our legitimate interests (namely to grow our business).

Under the Privacy and Electronic Communications Regulations, we may send you electronic marketing communications from us if (i) you made a purchase or asked for information from us about our goods or services or (ii) you agreed to receive marketing communications and in each case you have not opted out of receiving such communications since.

We will not share your personal data with any third party for their own marketing purposes without your express consent.

You can request us to stop sending you electronic marketing messages at any time by following the opt-out links on any marketing message sent to you.

You can request us to stop sending you marketing message by post at any time emailing us at info@faganbergin.com by writing to us at **57 Parnell Square West Dublin 1,D01 FK24**. or by telephoning us at **01 8727655**

If you opt out of receiving marketing communications this opt-out does not apply to personal data provided in connection with a matter on which we are acting or have acted on your behalf and are obliged to obtain a record of for the purposes of complying with our legal obligations.

5. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below:

Other parties involved in your matter, your barrister, doctor, expert witnesses and solicitors acting for other parties involved in your matter.

Service providers who provide IT and system administration services including cloud based services.

Service providers who provide business administration services, including third party dictation typing and transcription services, external printers and fulfilment companies (such as those that deliver our print newsletter) and external file storage and archiving services.

Professional advisers including lawyers, accountants, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.

Risk management auditors and quality control companies.

The Revenue Commissioners, the Incorporated Law Society of Ireland, the Data Protection Commission and other regulators and authorities based in Ireland and other relevant jurisdictions who require reporting of processing activities in certain circumstances.

Third parties to whom we sell, transfer, or merge parts of our business or our assets.

We require all third parties to whom we transfer your data to respect the security of your personal data and to treat it in accordance with the law. We only allow such third parties to process your personal data for specified purposes and in accordance with our instructions.

6. INTERNATIONAL TRANSFERS

[IF NO TRANSFERS OUT OF EEA OCCUR:] [We do not transfer your personal data outside the European Economic Area (EEA).]

OR

[IF TRANSFERS OUT OF EEA OCCUR:]

Countries outside of the European Economic Area (**EEA**) do not always offer the same levels of protection to your personal data, so European law has prohibited transfers of personal data outside of the EEA unless the transfer meets certain criteria.

Many of our third parties service providers are based outside the European Economic Area (**EEA**) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we do our best to ensure a similar degree of security of data by ensuring at least one of the following safeguards is implemented:

We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission; or

Where we use certain service providers, we may use specific contracts or codes of conduct or certification mechanisms approved by the European Commission which give personal data the same protection it has in Europe; or

Where we use providers based in the United States, we may transfer data to them if they are part of the EU-US Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

If none of the above safeguards is available, we may request your explicit consent to the specific transfer. You will have the right to withdraw this consent at any time.

Please email us at [insert email address] if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

7. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know such data. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8. DATA RETENTION

We will only retain your personal data 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 your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep data for six years after the conclusion of any matter in order to comply our regulatory and tax obligations. In addition in order to be in a position to establish, exercise and defend legal claims or prospective legal claims and obtain legal advice in relation thereto we have to keep data for seven and a half years after the conclusion of any matter.

Where you have requested information from us in relation to our services or where we have acted for you as your solicitors we will retain your Personal Contact Data for these minimum periods and for as long as you wish us to remain in contact with you thereafter.

In some circumstances you can ask us to delete your data: see below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for legal know-how, research or statistical purposes in which case we may use this information indefinitely without further notice to you.

9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. These include the right to:

- **Access** - you have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- **Rectification** of your personal data - you have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- **Erasure** - you have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- **Object to processing and restrict processing** - you have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- **Data portability** - you have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

If we are processing personal data based on your consent, you may withdraw that consent at any time. This does not affect the lawfulness of processing which took place prior to its withdrawal.

You can see more about these rights at:

www.dataprotection.ie

If you wish to exercise any of the rights set out above, please contact us at the contact details at the start of this Privacy Notice.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

If you are not happy with any aspect of how we collect and use your data, you have the right to complain to the Data Protection Commission (DPC), the Irish supervisory authority for data protection issues (www.dataprotection.ie). Please contact us first if you do have a complaint so that we can try to resolve it for you.

10. External Links

this privacy statement relates only to the website of Fagan Bergin Solicitors. On our website we may have links to external websites. These external websites are clearly identifiable as such. We have no control over the terms of use or privacy policies of any of these websites. If by following the link on our page or otherwise, you choose to visit one of these external websites, then we will have no responsibility or liability to you in respect of any such external websites either in relation to how your personal data is processed or at all. The placement of any link to any external website on the Fagan Bergin website should not be taken as an indication that we agree with or endorse or are publishing any statements including privacy statements on such external websites.

11. Changes to our Statement

From time to time we may make changes to this privacy statement . These changes will be reflected in our privacy statement as posted on this page. When visiting our website you should consult this page to ensure that you are aware of our current privacy statement.