

Privacy Policy - Trust Beneficiaries, Estate Beneficiaries and Attorneys

Clarion Solicitors Limited when acting in relation to an estate, a trust, or preparation of a power of attorney or Will is required to hold personal data about you as a beneficiary or attorney, as "data controllers".

This means that Clarion Solicitors Limited is responsible for deciding how to hold and use (process) your personal data (Clarion Solicitors Limited is collectively referred to as "we", "us" or "our" in this privacy policy).

This policy is to make you aware of how and why your personal data will be used and how long it will usually be retained for. It provides you with information that must be provided by us under the UK General Data Protection Regulation and the Data Protection Act 2018 ("Data Protection Legislation") including how to contact us and/or the Information Commissioner's Office ("ICO") in the event you have a complaint. We will comply with Data Protection Legislation to make sure that your information is properly protected and used appropriately.

1 Our Responsibilities

As above, we are the data controller of your personal data when acting in relation to an estate, a trust, or preparation of a power of attorney or Will. We have appointed our Head of Risk and Regulatory to have day to day responsibility for ensuring we comply with the Data Protection Legislation and have oversight of any requests we receive from individuals exercising their rights under the Data Protection Legislation. Our Head of Risk and Regulatory can be contacted at dataprotection@clarionsolicitors.com.

2 Changes to the Privacy Policy and your duty to inform us of changes

- 2.1 We keep our privacy policy under regular review.
- 2.2 It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

3 The Personal Data we collect about you

- 3.1 In connection with the administration of a trust or estate and the preparation of a Will or power of attorney, we may collect, store, and use the following categories of personal data about you:
 - 3.1.1 personal data in the information set out in the trust deed, Will or power of attorney;
 - 3.1.2 personal data in the information you have provided when we contacted you about registering with HMRC's Trust Registration Service;
 - 3.1.3 any personal data you provide to us during the administration;
 - 3.1.4 any personal data provided by a third party that is relevant to the administration or preparation of a Will or power of attorney; and
 - 3.1.5 personal data in the information set out in any letter of wishes relevant to the matter.

4 How is your Personal Data collected?

- 4.1 Personal data means any information about an individual from which that person can be identified. We will process personal information about you from the following sources:
 - 4.1.1 you;
 - 4.1.2 a Will or trust deed (or ancillary Will/trust documents) containing your details;

- 4.1.3 the donor of the power of attorney;
- 4.1.4 an executor or trustee;
- 4.1.5 a bankruptcy search provider;
- 4.1.6 a credit reference agency; and
- 4.1.7 data from third parties, for example from a publicly accessible source.

5 How we will use information about you

- 5.1 We will only use your personal data when the law allows us to. Most commonly we will use your personal data in the following circumstances:
 - 5.1.1 where we need to comply with a legal obligation; and
 - 5.1.2 where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- 5.2 We do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending third party direct marketing communications to you. You have the right to withdraw consent to marketing at any time by contacting us.
- 5.3 We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

6 How we use sensitive information

We may also collect, store and use special category data from the sources listed at 4.1 above. This will be in the context of the wishes of the settlor, testator or donor of a power of attorney.

Special category data may include personal data revealing an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data used for identification, health data, or data concerning sex life or sexual orientation.

7 Who will receive Your Personal Data?

- 7.1 We will only share your personal information with third parties for the purposes of administering the trust, estate or power of attorney such as:
 - 7.1.1 other solicitors involved in the administration of the trust, estate or power of attorney;
 - 7.1.2 government agencies such as the Office of the Public Guardian and HMRC;
 - 7.1.3 accountants and financial advisers involved with, or advising on, the trust, estate or power of attorney; and
 - 7.1.4 third parties providing services in the course of the administration of the trust, estate or power of attorney such as banks, building societies, investment providers, tracing agents, bankruptcy searches, actuarial services, insurance.
- 7.2 All third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.
- 7.3 We will only transfer your personal data to countries that have been deemed by the UK to provide an adequate level of protection for personal data or where appropriate safeguards are in place such as where

we have an agreement in place with the organisation that includes appropriate safeguards in respect of the transfer of your data.

8 How we keep your Personal Data secure

- 8.1 We have appropriate technical and organisational measures in place to protect data. We limit access to data to those who have a genuine business need to access it. Those processing data will do so only in an authorised manner and are subject to a duty of confidentiality. We continually test our systems and are Cyber Essentials PLUS certified which means we follow industry standards for information security.
- 8.2 We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

9 How long will we keep your Personal Data?

We will retain your personal information for as long as necessary to fulfil our legal obligations in relation to the trust, estate or power of attorney. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have administered the trust, estate or power of attorney correctly. After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

10 What are your Rights?

- 10.1 We will always seek to process your data in accordance with our obligations, our rights and your rights. You benefit from a number of rights in respect of the personal data we hold about you. We have summarised your rights below and they apply for the period in which we process your data.
- 10.2 You have a right of access to your data processed by us commonly known as a 'subject access request'. In certain circumstances, you have the right to seek the erasure or correction of your data, to object to particular aspects of how your data is processed, and otherwise to seek the restriction of the processing of your data. You also have the right to request the transfer of your data to another party in a commonly used format.
- 10.3 If you wish to exercise any of your rights, please contact dataprotection@clarionsolicitors.com. Please note that we may need to take appropriate steps including making enquiries of you to help us confirm aspects such as your identity and to ask further information about your rights request. Generally, we will respond to your rights requests without undue delay and within one calendar month of receiving the request.
- 10.4 Please note that you will not be subject to decisions based solely on automated data processing (automated data processing means making a decision solely by automated means without any human involvement). For more information on your rights, please see the ICO's website ([For the public | ICO](#)).

11 Your Right to Complain about our Processing

- 11.1 If you think we have processed your personal data unlawfully or that we have not complied with the Data Protection Legislation, please let us know in the first instance so we can help. Please send your concern/complaint to dataprotection@clarionsolicitors.com. We will acknowledge receipt of all data protection related complaints within 30 days and will take steps to respond to the complaint and inform of the outcome without undue delay.
- 11.2 Please note that we may need to take appropriate steps including making enquiries of you to help us confirm aspects such as your identity and to ask further information about your complaint so that we may speed up our response.
- 11.3 You also have the right to raise any concern or complain to the ICO. The ICO's contact details are as follows:

ICO complaints: <https://ico.org.uk/make-a-complaint/data-protection-complaints/>
Telephone: +44 (0) 303 123 1113

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

12 Any Questions?

If you have any questions or would like more information about the ways in which we process your data, please contact our Head of Risk and Regulatory at dataprotection@clarionsolicitors.com.

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Clarion is the trading name of Clarion Solicitors Limited incorporated and registered in England and Wales with company number 07185479 whose registered office is Elizabeth House, 13-19 Queen Street, Leeds, LS1 2TW.