



**POLLOCK &
GALBRAITH**
Consulting
Actuaries

LEGAL NOTICES & GENERAL DATA PROTECTION REGULATION

Pollock & Galbraith Ltd accept instructions from firms of Solicitors and other professional advisers to act as an Expert Witness in legal proceedings relating to Personal Injury, Fatal Accident, Employment and Family matters. The company also acts as an Expert Adviser in Trust & Probate matters. In these matters we act as Data Controllers as defined in the General Data Protection Regulation (hereafter referred to as 'GDPR' or 'the regulations'). This document outlines our approach and policy in several key areas. It also contains details of our terms of business.

Terms of Business

Pollock & Galbraith offer a free initial inspection of papers after which a fixed fee will be quoted. It is essential that we are provided with copies of documents, not originals, given our data retention policy. Fees are based on Dr Pollock's hourly charge out rate which will be advised at the time of quotation. If substantial time is expended on the assignment by non-qualified staff this will be charged at a lower rate, also advised at the time of quotation. All secretarial, postage and accounting overheads are met internally. The cost of peer review is also met internally.

We appreciate that there can be a delay in legal matters being resolved, particularly litigated matters, and payment can be deferred until conclusion of the litigation or one year if earlier. In exceptional circumstances delays in payment beyond one year may be agreed subject to written acceptance of the additional fees involved.

Work completed beyond the preparation of the original report is charged for on an hourly basis. This includes preparation of supplementary reports, consultations with Counsel (by telephone or in person), when agreeing joint statements with other experts and when attending Court. Travel time is charged at between half and full rates depending on mode of travel and disbursements are generally waived, with the exception of international travel.

Cases going to Court require both preparation and diary management and details of cancellation fees will be provided on receipt of requests to attend Court.

Pollock & Galbraith Ltd have professional indemnity insurance and copy of cover notices can be made available on request.

GDPR – General Principles

Pollock & Galbraith are aware of the impact of GDPR and our staff have been made aware of the duties incumbent upon them to be compliant with new legislation. We are documenting the information we hold and its purpose to ensure compliance with GDPR legislation. Appropriate procedures have been implemented to ensure we catalogue what personal data we hold, its source and the use to which it is put. We are content that we have a lawful basis for using personal data; it forms the basis of the calculations that are required of us, most commonly in connection with legal proceedings. No data is shared with others without express permission from our instructing client.

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The majority of the company's activities relate to UK litigated cases but we do occasionally act in foreign jurisdictions, within the EU and outwith the EU. We ensure that appropriate regard is given to the impact of cross-border processes and retention of data in these cases.

We confirm that we have secured premises with key-holders limited to staff members. Personal computers are password protected. Archived files, when stored off-site, are retained by Dataspace (Scotland) Ltd in secured premises at Kippen Station, Kippen, Stirling, FK8 3JA.

No instructing solicitors/advisers, or their clients, are ever contacted outwith the framework of the case in which we are instructed.

Our staff have been trained in procedures to ensure compliance with GDPR, relating to information supplied on paper and in electronic form. In particular detailed mechanisms are in place to ensure that all instructions are time marked, with information on what personal data is held and for what purpose, when personal data in these files will be removed after archival and when files will be completely destroyed.

Data Retention Policy

Pollock & Galbraith Ltd are provided with personal information in order to respond to instructing Solicitors (or other advisers). As an example when instructed to perform a pension loss calculation in a case of personal injury we will invariably be provided with the claimant's date of birth, educational and career background, pay information and medical reports.

Our general policy, given our extensive experience of how long cases tend to take before resolution, is that files containing personal data will be archived after a period of two years. Files will be archived immediately if we are told the case has been finalised within that two year period. At the time of archival all personal data, in paper and/or electronic form will be destroyed with the exception of a paper copy and an electronic copy of our report, our calculations and correspondence with our instructing client, including accounting material relating to the case. If a matter has to be revisited after the personal data has been destroyed we expect to be provided with copies of the material originally provided by our instructing client. After ten years from the date of receipt of instructions files will be completely and confidentially destroyed. This timescale has been chosen in accordance with the statutory limitation periods for legal claims.

Records are kept on the dates that files containing personal data have been destroyed, or returned to instructing solicitors if this has been requested as an alternative to destruction.

Privacy Notice, Subject Access and Breach Policy

Pollock & Galbraith Ltd is a Data Controller for personal data provided to us to enable us to respond to instructions from solicitors or other professional advisers. We confirm that Dr John Pollock is a Data Controller for the purposes of the Data Protection Act 1998 as amended and as referenced to in the GDPR. Privacy is respected and is only used for specific and lawful purposes as defined by the GDPR. Information is used and handled responsibly and we take other appropriate organisational and technical measures to safeguard personal data from accident or unlawful destruction, loss, alteration, unauthorised access or disclosure. Types of personal information held may include names, addresses, medical details, employment and remuneration details. As we are acting as a Data Controller, our instructing client will need to pass to their own client our Privacy Notice. We require this personal data to lawfully perform the calculations requested of us and this may be discussed with the party that has instructed us. It will not be shared with any third party without express consent from the instructing party and their underlying client.

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Access can be requested to personal information that we hold. Requests should be made in writing to Dr John Pollock at Pollock & Galbraith, Stirling Business Centre, Wellgreen Place, Stirling, FK8 2DZ. We may require the underlying client to provide verified form of identification in order to process such a subject access request. Copies of data held will be provided free of charge in paper or electronic format as appropriate. If individuals wish to exercise any of their rights under GDPR, such as where they believe any information we hold is incorrect, inaccurate or incomplete, or where they wish to restrict or object to processing then they should contact our Data Protection Officer being Dr John Pollock at Pollock & Galbraith, Stirling Business Centre, Wellgreen Place, Stirling, FK8 2DZ. If clients are dissatisfied with the way in which Pollock & Galbraith Ltd had used personal data then Dr Pollock should be contacted directly.

Clients have the right to refer any concerns they may have regarding Pollock & Galbraith Ltd's use personal data to the Information Commissioners Office (ICO) – more information can be found by visiting the ICO's website at: www.ico.org.uk.

The GDPR requires that personal data be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are provided”. This is the principle of data minimisation. It is preferable that personal information proved electronically is transmitted securely and password protected. Instructing Solicitors/Advisers should send only what personal data is relevant for the purposes of the instruction.

Pollock & Galbraith Ltd have implemented technical and organisational procedures for managing, processing, securely storing and destroying personal data, in paper or electronic form. In order to meet the requirements of the regulations we will request and retain only personal data that is relevant for the purposes of our instructions. Premises are secured and computers are password protected. We have firewalls and anti-virus protection. Our data retention policy outlined above is designed to ensure that individuals have the ‘right to be forgotten’.

The GDPR requires Pollock & Galbraith Ltd to report certain types of personal data breach to the relevant authority, the ICO, within 72 hours of becoming aware of the event. We will contact the instructing Solicitor/ Adviser within 24 hours to inform them of any breach, together with details of the nature and extent of that breach, and will request they inform their underlying client of any such breach.

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