

Policy on Data Privacy for Clients

1. Introduction

This Policy has been put in place by us, the WP Thompson Group, in order to provide an understanding of and assurance over the way we collect, use, manage and protect **Personal Data**, in compliance with the provisions of the Data Protection Act 2018 (“**DPA**”), the General Data Protection Regulation (“**GDPR**”) and all other applicable legislation and regulations.

We have put this policy in place because the members of the WP Thompson Group are collectively a Data Controller within the meaning of the DPB and GDPR. This policy supersedes all previous policies or parts of policies implemented by members of the WP Thompson Group in connection with the processing of Personal Data for clients of the WP Thompson Group.

2. Definitions

The following definitions shall apply throughout this Policy:

“**Controller**” means the legal person (which may be an Individual, Company or other entity) that determines the purposes and means of the processing of Personal Data.

“**DPA**” means the Data Protection Act 2018 of the United Kingdom.

“**GDPR**” means the General Data Protection Regulation (Regulation (EU) 2016/679).

“**Individual**” means any natural person, whether living or deceased.

“**Personal Data**” means data that are capable of identifying an Individual, whether on their own or in conjunction with other data accessible to the WP Thompson Group.

“**Processor**” means the legal person (which may be an Individual, Company or other entity) that processes Personal Data on behalf of the Controller.

“**WP Thompson Group**” means WP Thompson Limited (“**WPTL**”), a company registered in England under number 08794195, and any subsidiary or associated entity of WPTL.

“**Your Third Party**” means a third party whose **Personal Data** you provide to us, or a third party who provides us with their **Personal Data**, in order for us to provide services to you and/or to act on your behalf.

3. The Personal Data we collect

We collect Personal Data in order to provide our clients with the services that we undertake on their behalf and in order to perform any contractual obligations that exist. Any processing of Personal Data that takes place is necessary for the performance of the contract for services that exists between us and our clients.

The Personal Data collected will at most comprise:

- Name;
- Telephone numbers;
- Fax number;
- Email address;
- Postal address;
- Nationality;
- Gender.

We do not collect special category Personal Data such as information about health, ethnic origins, religious beliefs, criminal convictions or sexual orientation.

As our client, you are able to decline to disclose any Personal Data to us. If you exercise your right to do so, we may be unable to provide you with our services in full, or complete our contractual obligations. In exercising your right in this way, you agree that no entity of the WP Thompson Group is in breach of contract with you.

In filing a patent application, it is a statutory requirement to disclose the name and address of the inventor. In acting on your behalf to file a patent application, or procure a filing in another jurisdiction, you should be aware that we will consequently fulfil the statutory obligation to provide Your Third Party's Personal Data.

4. What we do with the Personal Data collected

We use the Personal Data we collect for the purposes set out below:

- i. Your Personal Data may be used to contact you in order to receive instructions from you and keep you updated whilst providing services to you or conducting business on your behalf;
- ii. In undertaking your instructions and acting on your behalf, we need to use your Personal Data and Your Third Party's Personal Data to file applications, meet the statutory obligations arising therefrom, and generally correspond with the Official Bodies with which we are qualified to act on your behalf;
- iii. In undertaking your instructions and acting on your behalf, we also must from time to time instruct third parties who are qualified to act in the jurisdictions where we are not ourselves qualified to act, and share your and/or Your Third Party's Personal Data so that they may

file applications, establish and protect your legal rights, and generally correspond with the Official Bodies in their jurisdiction;

- iv. We will not sell, distribute or lease your Personal Data and or Your Third Party's Personal Data to third parties unless we seek and have your permission, or are required by law to do so;
- v. We may use your Personal Data to contact you in relation to any **Intellectual Property** ("IP") matters we think may be of interest to you including news items, law updates and events, unless you tell us that you do not wish this to happen.

5. The legal basis for processing information

We will process your Personal Data and Your Third Party's Personal Data only on a lawful basis, in accordance with the GDPR, (or such other enactment of the DPB or any subsequent legislation that replaces or amends it).

We will process your Personal Data within the United Kingdom and elsewhere within the European Union in accordance with the basis that is set out in Paragraph 1(b) of Article 6 of the GDPR which states that processing is lawful where it is necessary:

"For the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract."

We will process Your Third Party's Personal Data within the United Kingdom and elsewhere within the European Union in accordance with the basis that is set out in Paragraph 1(c) of Article 6 of the GDPR which states that processing is lawful where it is necessary:

"For compliance with a legal obligation to which the controller is subject"

We may transfer your Personal Data and Your Third Party's Personal Data outside the European Union in accordance with the derogation contained within Paragraph 1(e) of Article 49 of the GDPR which states that a transfer of Personal Data to a third country shall take place only on the condition that the transfer is necessary:

"For the establishment, exercise or defence of legal claims"

When engaging with us and instructing us to provide services and act on your behalf, you accept our Terms of Business and enter into a contractual relationship under which you agree the purposes set out in this policy for which we will use your Personal Data and Your Third Party's Personal Data.

6. Disclosure of Personal Data to third parties

From time to time we will sub-contract aspects of the business you have engaged us to carry out on your behalf to third party legal service providers who are qualified to act in jurisdictions where

we are not ourselves qualified to act. This will involve the disclosure of certain of your Personal Data and of Your Third Party's Personal Data collected by us from you. When Personal Data are disclosed to a third party in this way, regardless of which country they operate in, they will handle your information confidentially and will have security measures in place that meet the requirements of relevant local laws and regulations. These local laws and regulations may confer rights and impose obligations that are less than those that apply within the United Kingdom.

By entering into this contract, you agree that we may transfer your Personal Data and Your Third Party's Personal Data to third party legal service providers identified by us to undertake services on your behalf, and acknowledge that this is necessary for the performance of the contract between us, or the implementation of pre-contractual measures taken at your request.

7. Our Service Providers acting as Data Processors

We use the following service providers to act as Data Processors on our behalf:

- Bistech Group for data hosting;
- CPA Global for managing the work flow of cases and, where our contract with you so provides, for processing renewals; and
- Microsoft for business system recovery in the event of a catastrophe impacting our main servers.

We have taken the necessary steps to ensure that all our service providers are compliant with all relevant Data Protection legislation and regulations.

8. Retention periods

The WP Thompson Group will retain your Personal Data and Your Third Party's Personal Data for the time it is necessary to do so and no longer. Our retention periods are as follows:

- After a case has been completed, the paper case file is stored for a minimum of 6 months, after which it will be electronically copied, and the paper copy will then be destroyed;
- Electronically stored case files will be held indefinitely for record and reference purposes, although we do limit the amount of Personal Data held in this file to that which is necessary in order to be in a position to provide continuing services to you should this be necessary.

We reserve the right to retain any papers and materials until all payments due to us have been made. Our own files remain our own property. If work is transferred from us to another representative, the files remain with us and we reserve the right to charge for copying the contents in order to provide them to the new representative. You will continue to have access to these files free of charge.

9. Your rights and the rights of Your Third Party in connection with Personal Data held about you and Your Third Party

Within the WP Thompson Group, the Practice Director acts as Data Protection Officer and any correspondence in respect of Personal Data should be directed to him or her at the following address:

The Practice Director
WP Thompson
1 Mann Island
Liverpool
L3 1BP

You have the following rights in respect of your Personal Data held by the WP Thompson Group. Your Third Party has the same rights and the rights set out in 9i) to v) below apply equally to them and Personal Data that we hold about them. You or Your Third Party as the case may be will receive acknowledgement of a submitted request, which will be dealt with within one calendar month from the date we receive the request. There will be no charge for responding to such a request for Personal Data.

i. Right to Access

You have the right to request access to all Personal Data held about you by the WP Thompson Group.

ii. Right to Rectification

You have the right to request rectification of any inaccurate or missing Personal Data that the WP Thompson Group holds about you.

iii. Right to Erasure

You have the right to request erasure of all Personal Data the WP Thompson Group holds about you.

iv. Right to Restriction of Processing

You have the right to request the WP Thompson Group not to process the Personal Data that it holds about you. This right exists in the following circumstances:

- You contest the accuracy of the Personal Data and processing needs to be restricted while the accuracy is verified;
- Processing of the Personal Data is unlawful but you oppose erasure;
- We no longer need the Personal Data but you or Your Third Party need them for the establishment, exercise or defence of legal claims; or

- You object to the processing of the Personal Data on the grounds that it is not lawful or because the data are being used in connection with direct marketing.

v. Data Portability

You have the right to receive the Personal Data that the WP Thompson Group hold about you in a commonly used, machine-readable format. You may request that the Personal Data be given to you or to a third party.

10. Automated decision making

You or Your Third Party will not be subject to any decision based on automatic processing of your Personal Data.

11. Security

We are committed to ensuring that your information and the information relating to Your Third Party is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures and controls to safeguard and secure the information we collect online and in person.

i. Physical Data

Physical data are stored on premises to which access is controlled by security pass. Security passes are issued only to employees and approved contractors.

ii. Electronic Data

Electronic data are protected by various technical security measures that are designed to prevent loss, damage or unauthorised disclosure and access. These measures include a fully managed centralised firewall, application controls, intrusion detection and prevention, antivirus protection and web filtering. Our hosted data management environment is certified to ISO 27001 standard for security management.

12. Complaints

Our complaints procedure is available to view on our website. If you or Your Third Party have a complaint in respect of the way we handle your or Your Third Party's Personal Data, as the case may be, we encourage you or them to contact us in the first instance.

If you or Your Third Party do not feel that the WP Thompson Group is processing Personal Data in accordance with the legal basis stated in section 5 of this Privacy Policy or you or Your Third Party feel the protection in place to secure your or their Personal Data, as the case may be, is not adequate, then you or Your Third Party have the right to make a complaint to the Information

Commissioners Office (ICO), which is the governing authority for data protection in the United Kingdom.

You can make a complaint to the ICO at the following web address: <https://ico.org.uk/concerns/>

13. Governing law

This privacy policy shall be governed and construed in accordance with English law. Any dispute arising out of or in connection with our privacy policy including any question regarding its existence, validity or termination, shall be referred to and finally resolved by the courts of England and Wales.