

With regard to the Isle of Man Law Society Practice Rules 2024 please note the following:-

Standard terms and conditions of business

Dear

RE:

Further to our meeting at this office on XXXXXXXXXXXXXXXXXX, we write to confirm with you the question of costs and the handling of your matter.

Responsibility for your Case

All of the work in this matter will be carried out by Mr Ian Kermode Advocate personally unless you are notified to the contrary. If Mr Kermode is unavailable to answer your queries for any reason, his secretary will be able to assist in the first instance and will advise Mr Kermode of your query as soon as practicable.

Legal Aid

An initial assessment in respect of eligibility for Legal Aid was carried out but you were advised that you would not be eligible for Legal Aid/Legal Aid has been refused/Legal Aid is not available for this matter (delete as appropriate).

Fees

Our charges will be calculated by reference to the time spent on your matter. This includes advising, attending on you and others, dealing with papers, correspondence, telephone calls, travelling, preparation for Court, waiting at Court and attendance at Court.

Mr Kermode's current Private client charge out rate is XXXXXXX per hour plus VAT in relation to all work undertaken on your file. Secretarial/administrative support is charged at XXXXXXX per hour plus VAT.

Method of Payment

This firm will not ask you to pay any funds on account of costs nor handle any client monies at any time.

However, you will be sent regular Requests for Payment which must be paid in full within 7 days. Failure to pay any particular Request for Payment in full within 7 days is likely to result in Mr Kermode not being able to continue to act for you.

Under Schedule 2 of the Advocates Scale of Fees 1963, without prejudice to the provisions of the Advocates Act 1874 (which relates to taxation of costs) you may require your Advocate to obtain a Certificate from the Isle of Man Law Society certifying whether the sum charged is fair and reasonable or if it is not which is a fair and reasonable sum and the sum so certified if less than the sum charged shall in the absence of taxation be the sum payable.

Advocates (Law Society Assessment of Fees) Regulations 2000

You may make a complaint/request to the Isle of Man Law Society for independent assessment in respect of your Advocate's fees and the procedure/time limits for such is set out at Rule 8.9 of the Law Society Rules Book.

Complaints

Should you have any complaint in respect of the handling of your case generally, a copy of our complaints procedure can be provided to you upon request.

Data Protection/Privacy Policy

Details of our Data Protection/Privacy Policy are set out in our attached document and we request that you consider and sign such document in order to confirm that you give your consent accordingly.

Anti-Money Laundering Requirements

In order to comply with Isle of Man Government Anti Money Laundering Legislation and Regulations we are required to follow Know Your Customer (KYC) formalities.

For all private clients, this in effect entails you providing proof of your identity and address.

Please therefore attend this office as soon as possible with the following original documentation:-

- i) A currently valid passport or driving licence or other photographic proof of identity.
- ii) A recent bank statement or utility bill (such as electricity, gas or telephone) confirming your current residential address. Any such statement or bill must be within the last 3 months.

Photocopies of all your documents will be taken and retained by this office and the originals returned to you.

Your agreement to the above terms will be indicated by signing and dating the enclosed copy letter and returning to this office as soon as possible, together with the signed Data Protection/Privacy Policy document.

We look forward to hearing from you.

Yours sincerely

Ian Kermode Advocate

Email: ian@ik.im

- Enc:
- i. Copy Letter
 - ii. Data Protection/Privacy Policy

I/We agree to the above Terms of Engagement.

Signed:

Date:

Internal Client complaints Procedure

Dear Client,

We are disappointed that you have a complaint in respect of the handling of your case by this office but we will endeavour to resolve matters if at all possible.

Our complaints procedure is as follows:-

- i). Your complaint will be treated seriously and handled in a professional and courteous manner.
- ii). Please provide a written letter of complaint clearly setting out the grounds of your complaint together with any supporting documentation.
- iii). You should clearly identify whether your concern relates to the conduct of your file or to the level of our fees.

- iv). Upon receipt of your letter of complaint Mr Kermode will personally review your file and consider the issues raised.
- v). A written response within seven days will be provided.
- vi). If you wish, your complaint will be discussed at a face to face meeting with Mr Kermode. Such meeting will be held within fourteen days of receipt of your letter of complaint and you will not be charged for such meeting.
- vii). Every effort will be made to resolve your complaint through discussion and remedial action taken by this office.
- ix). However, if your concerns cannot be resolved internally, this office can assist in the transfer of your file to another firm of Advocates.
- x). Alternatively, a report and copy of your file can be forwarded to the Law Society for independent consideration of your complaint.
- xi). This firm will co-operate fully in any such independent enquiry.
- xii). We hope that your complaint can be resolved without the need for third party involvement.

Note

Number of Client complaints from establishment of legal practice in 2009 to 2024 is 0.

Privacy policy

1. Introduction

- 1.1 We are committed to safeguarding the privacy of our service users.
- 1.2 This policy applies where we are acting as a data controller with respect to the personal data of our service users; in other words, where we determine the purposes and means of the processing of that personal data.

2. Retaining and deleting personal data

- 2.1 This section sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.
- 2.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 2.3 Notwithstanding the other provisions of this section, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

3. Your rights

- 3.1 In this section 3, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 3.2 Your principal rights under data protection law are:
 - (a) the right to access;
 - (b) the right to rectification;
 - (c) the right to erasure;
 - (d) the right to restrict processing;
 - (e) the right to object to processing;
 - (f) the right to data portability;
 - (g) the right to complain to a supervisory authority; and
 - (h) the right to withdraw consent.
- 3.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.

- 3.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.
- 3.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: [the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed]. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: [for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims].
- 3.6 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 3.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 3.8 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you make such an objection, we will cease to process your personal data for this purpose.
- 3.9 You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 3.10 To the extent that the legal basis for our processing of your personal data is:
- (a) consent; or
 - (b) that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract, and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.
- 3.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.
- 3.12 To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 3.13 You may exercise any of your rights in relation to your personal data [by written notice to us], in addition to the other methods specified in this Section 3].

4. Cookies used by our service providers

4.1 Our service providers use cookies and those cookies may be stored on your computer when you visit our website.

5. Our details

5.1 This website is owned and operated by Ian Kermode Advocate.

Data Protection/Privacy Policy

Dear Client

In order to comply with current Data Protection legislation including the General Data Protection Regulation (GDPR) 2016/679, we set out below our data policy.

We currently hold/will hold the following personal data about you:-

Name, address and date of birth, telephone number and all relevant documentation in relation to your case (including where relevant your Police file and copy previous criminal convictions).

All such personal data is held and stored in a variety of media including paper form and may also be held electronically on our secure computer system.

Your personal data will only be used/processed in order for us to perform and deliver our service to you and to manage our relationship.

Your file and any hard copies of material in relation to your case will be held in our archive system for 6 years from the completion of your case, in order to fulfil professional and legal obligations including compliance with Manx Anti-Money Laundering legislation.

By signing below you herein give your consent that Ian Kermode Advocate may use and hold your personal data on the terms as set out above.

You can of course request access to your personal data at any time and equally you may indicate withdrawal of your consent at any time to the use of your personal data by Ian Kermode Advocate, although we will continue to hold your data where we are legally obliged/entitled to do so.

Should you require any further information regarding our data protection policy please contact this office using the contact details as set out above.

Signed:

Name:

Date: