

**BUTTERS DAVID GREY LLP**  
**CLIENT CONFIDENTIALITY POLICY**



At Butters David Grey LLP we take client confidentiality very seriously and put in place this policy to ensure all employees abide by this firm's rules to ensure confidential information and client's affairs are dealt with securely and confidentially.

Solicitors across the board have a duty to keep confidential to his or her firm the affairs of clients and to ensure that their staff do the same (Code of Conduct 16.01: general duty of confidentiality).

Disclosure of a client's confidences which is unauthorised by the client or by the law could lead to disciplinary proceedings against an employee and could also render a solicitor liable, in certain circumstances, to a civil action by the client arising out of the misuse of confidential information. The duty of confidentiality applies to all information about the client's affairs regardless of the source and is applicable:

- (a) from the commencement of any instruction (which includes the fact the firm have been instructed) and;
- (b) extends beyond the end of the case (or the death of the client).

All Partners and staff must therefore abide by the following rules to ensure confidentiality of all those involved is maintained:

**Discussion of Client Affairs**

- Client affairs should only be discussed in a professional context;
- In reception and general office areas, discussion of client affairs should be avoided or kept to an absolute minimum;
- Clients should be taken to a meeting room or away from public areas when they attend the offices for whatever purpose so they may talk about their affairs without being overheard by other visitors;
- At Court, interview rooms should be secured if necessary;
- Consider who might overhear telephone calls on mobile phones in trains or in public places and conduct calls accordingly.

*Separate procedures regarding Conflict of Interest are detailed in the Practice Manual.*

**Protection of Client Files**

- Correspondence should not be left lying around where visitors may observe its contents;
- Faxes should always be sent, with a cover sheet so that contents cannot be seen except by the intended recipient;
- Consideration should be given to copying items of particular sensitivity where their loss could cause particular difficulty for the firm or the client;
- The firm discourages taking files home to be worked on, but if this is unavoidable, the following controls should be observed:
  - i. ensure support staff are advised and/or a note is made on computer or other means of reference to save wasted time looking for files;
  - ii. take care with files in cars – keep the car locked if you are not in it and don't leave files in the car overnight;

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- iii. do not leave files unattended on trains and ensure that when working on files, the contents cannot be read;
- iv. the same principles apply to laptop computers which should not be left unattended and file contents should not be readable to others.

*Separate procedures are in place for dealing with document/property traceability*

### **General Policies**

- Cabinets and/or rooms should be locked in the absence of the fee-earner.
- Clients will be advised if it is necessary to give third parties access to their information.
- The practice will only use typing agencies or other office services where strict confidentiality of client matters can be ensured.
- The practice will not sell its book debts to a factoring company because of the special confidential nature of a solicitor's bill and the danger of breaches of confidence which might occur.
- Client data will be managed in accordance with the Data Protection Act ensuring that client's personal data is kept secure and prevented from unauthorised disclosure or access. All third-parties are expected to abide by the same regulations.
- Client files will be disposed of by incineration or shredding and a certificate for the same obtained.

### **Breach of Confidentiality**

Where relevant, fee-earners will ensure that the limits of client confidentiality are made clear to clients for instance in respect of Prevention of Terrorism Act, child abuse, prevention of harm etc. The following is a list of all situations where the caseworker should consider whether to override client confidentiality needs:

- Information used by the client to facilitate the commission of a crime or fraud is concerned;
- Express consent has been given by the client to disclose information;
- It is considered necessary to reveal confidential information to prevent the client or third party from committing a crime that is likely to result in serious bodily harm;
- In exceptional cases involving children, information of a serious nature (e.g. sexual, mental or physical abuse) should be given to an appropriate authority;
- In proceedings under the Children Act 1989, experts reports (for the purpose of proceedings) are not privileged;
- A court orders that material should be disclosed or where a warrant permits a police officer or other authority to seize confidential material;
- A funding insurer requires information from the file and the client has a duty to allow this (see Code of Conduct 5.02);
- An act of terrorism could be prevented.

Where such circumstances arise, the caseworker must discuss the matter with the Risk Manager prior to committing the breach of confidentiality. Full details are provided in the Code of Conduct 16.02. An assessment of the facts will be undertaken and appropriate steps taken (such as obtaining further evidence or written

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authorisation) to minimise the risk of a claim being made against the firm for breach of confidentiality.