

# THE DESIGNERS' ADVISOR

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**There are certain topics, like fees and the art of negotiation, that repeatedly arise with my clients. One of the areas I always ask them to consider is how to build a strong business foundation through increasing their legal obligations.**

In addition to contracts and the Construction (Design and Management) Regulations 2015 (CDM Regs 2015), it is useful to look at insurance cover and the EU General Data Protection Regulations (GDPR) that came into force in May 2018. Whilst those topics don't always spark enthusiasm in interior designers, having the proper insurance coverage and being fully compliant with GDPR are an integral part of running a successful business and it is always worth consulting a legal advisor for guidance specific to your business to gain further clarification.

## **INSURANCE**

Ask yourself these essential questions: Are you insured properly for the projects you are working on? Do you check your suppliers and contractors' insurance documents and keep a copy on file? If you project coordinate, is the insurance company aware of your added level of involvement and, therefore, risk? Furthermore,

what constitutes project coordination or indeed project management?

It's a grey area! Interior designers can sleepwalk into the project coordination role and the regulatory and commercial minefield that accompanies it. We all want to make our clients happy and, for many interior designers, taking on the burden of project coordination seems like a natural progression. Indeed, it is, but, as with all things, risk should equal reward. The risk element is frequently mitigated emotionally. As a result, the reward is downplayed. Be honest with yourself: Can you deliver the role legally, morally and cost-effectively? If not, the better business decision is not to engage. It's not worth it.

## **GDPR**

The acronym on everyone's lips last spring as the new EU regulation started to be enforced. It's important to recognise this is the most important change in data privacy regulation in 20 years, fundamentally altering the way personal information is handled and protected. The emphasis is on the individual knowing exactly how their data is being used – in other words: transparency. What is the impact on designers? At the very minimum, you need to have updated

your privacy policy on your website and made sure that any of your images, drawings or proposals that contain personal client information are password protected. Next, are you aware you can only pass on personal information to third party suppliers if you have a valid legal basis to do so? Not having one could mean a data protection breach, so if you have personal information about a client's family member that will influence how you design and source, make sure you do not unwittingly pass it on to your third-party supplier. Failure to have consent, or another legal basis, to share personal information could constitute a breach of GDPR and leave you liable to fines and penalties from the Information Commissioner who enforces the regulation. Furthermore, the individual can ask for compensation for the misuse of their information. As with all decisions, best practice is a choice. It is a choice to stop, breathe and contemplate: what do I know that I don't know? How can I make sure that I am compliant? And, as always, knowledge is power, so listen, read and learn, and seek formal legal advice for your business. Get the answers and foundations in place now to build a responsible and profitable design business for the future.

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