PRIVACY NOTICE

The General Data Protection Regulation ('GDPR') and how it relates to my work

I am a 'data controller' for the purposes of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

This Privacy Notice is effective from 1 May 2020 until further notice.

Whose data may be collected?

1. This notice applies to all individuals whose data is processed by me in the course of my practice as a barrister. This may apply in particular to:
    - those who instruct me to perform professional work, or send me information accompanying an enquiry as to whether I might take on their case or on what terms (including to estimate or negotiate fees);
    - those mentioned in or identifiable from statements made in meetings, consultations, or conferences when I am acting in the course of my practice;
    - those mentioned in or identifiable from statements made or documents supplied by or on behalf of clients or prospective clients; other parties or prospective parties to proceedings; arbiters, judges or decision-makers (e.g. in instructions, written pleadings or charges, witness statements, business records, documents disclosed by third parties, and rulings, judgments or decisions);
    - those contacting me by e-mail or through the Francis Taylor Building website;
    - witnesses and professionals involved in a case in which I am advising or representing a client;
    - other members of Chambers, Chambers staff and those who visit Chambers for events or work experience.

Categories of data that may be processed:

2. The information I may process may include:
    a. personal details
    b. family details
    c. lifestyle and social circumstances
    d. things you have said, done or experienced (or are alleged to have said, done or experienced)
    e. property and land ownership information
    f. details about goods and services
    g. financial details
    h. education, training and employment details
    i. physical or mental health details
    j. racial or ethnic origin
    k. political opinions
    l. religious, philosophical or other beliefs
    m. trade union membership
    n. sex life or sexual orientation
    o. genetic data
    p. biometric data identifying a natural person
    q. criminal proceedings, outcomes and sentences, and related security measures
    r. other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

Sources of data

3. The personal information I obtain may include information which has been obtained from clients; other legal professionals; experts and other witnesses; public authorities, courts and tribunals; other parties in legal, private or administrative disputes or proceedings; family and associates of the person

whose personal information I am processing; other data processors such as Chambers staff or suppliers; regulatory authorities; in the event of a complaint, the Bar Standards Board or Legal Ombudsman; current, past or prospective employers; education providers and examining bodies; business associates, professional advisers and trade bodies; the intended recipient of a reference that you have asked me to provide; the general public or public sources such as the press, law reports, public registers, or the Internet.

Consent

4. In the case of individuals who provide me with information (directly or through an intermediary), in addition to any other applicable lawful reasons to process data (see below) I rely on their consent and will require clients to agree to the terms of this Privacy Notice before commencing work. You have the right to withdraw this consent at any time, but I will reserve the right not to continue to act in those circumstances, and that will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. Where I have legitimate reasons for processing your information, you may not be able to prevent processing of your data if consent is not given or is withdrawn. For example, if you have asked me to work for you and I have spent time on your case, I would be entitled to retain and use some information for billing purposes and in case of any dispute about the work performed.

Purposes of data processing:

5. I may collect and use individuals' personal data for any or all of the following 'legitimate interest' purposes:
   i. to advise, represent and advocate for clients and otherwise provide legal services;
   ii. to keep accounting records and administer my practice;
   iii. to take or defend legal or regulatory proceedings;
   iv. to check for potential conflicts of interest in relation to future cases or potential cases;

v. to generally promote and market my services;

vi. in direct marketing if you have opted into this;

vii. to carry out anti-fraud, anti-money laundering and terrorist financing checks;

viii. for my own professional development and to improve the service I offer;

ix. to train, educate or assess others within Chambers (including Chambers staff, pupil barristers and students undertaking work-shadowing opportunities);

x. to produce academic, educational or training materials for third parties;

xi. when procuring goods and services (though no confidential information would be disclosed to third parties without the consent of the individual concerned);

xii. to publish decisions or judgments,

xiii. to respond to or make professional complaints (including anticipated complaints);

xiv. to respond to requests for references from the individual concerned;

xv. to protect vital interests of a person in an emergency;

or as required or permitted by law.

6. If they have not consented for me to use their data, I will use an individual's personal data only:

   (a) where necessary in the context of a contract or intended contract with that individual;

   (b) where required by a legal obligation; or

   (c) where it is done for one or more of the purposes set out in paragraph 3 above or otherwise in the legitimate interests of myself or others, and the fundamental rights and interests of the individual are not overriding.

7. In the case of personal data falling into categories in paragraphs 2(i) to (p) above, I will only process this:

(a) with the explicit consent of the data subject;

(b) where the data was manifestly made public by the data subject;

(c) where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure; or

(d) where necessary for reasons of substantial public interest (such as the administration of justice).

With whom will I share your personal information?

8. I may need to share your personal information with third parties where I have your consent or consider this to be lawful and necessary as set out above. These may include:

   (a) clients or prospective clients, courts, tribunals, mediators, arbiters, public authorities or decision-making bodies, regulators such as the Information Commissioner's Office or Bar Standards Board, experts, witnesses, other legal professionals and parties to proceedings;

   (b) data processors acting on my behalf such as my e-mail provider and the operator of my 'cloud' IT systems that I use to perform my work;

   (c) Francis Taylor Building Chambers and its staff, who will perform administration, marketing, complaints handling and billing/accounting on my behalf;

   (d) IT support staff;

   (e) Trainees ('pupils') or persons on work experience placements;

   (f) intended recipients of references or communications sent on behalf of clients or the individual concerned;

   (g) the general public in relation to the publication of decisions of courts or tribunals or other information already in the public domain.

9. I may transfer your personal information outside the European Economic Area to remote 'cloud' data storage or processing services based in any state that has been determined by the EU Commission to have an adequate standard of data protection for the purpose of Article 45(1) of the GDPR, in circumstances authorised by the relevant decision by the Commission. I will not otherwise

transfer personal information outside the EEA except as necessary for providing my professional services or for any legal proceedings, or with your specific consent. If you write to me at the address provided below, I can provide details of any such services that are relevant.

How long will I store your personal information?

10. I will minimise the data that I retain. Clients will be under a contractual obligation to retain copies of all materials sent to me and notes of conferences or advice given my me. Where clients are under obligations to retain hard-copy material, I will not usually retain a copy once I have finished a particular piece of work unless it is required to provide legal services in respect of ongoing proceedings or matters (including proceedings that are still subject to rights of appeal), although I reserve the right to do so.

11. I will retain copies of instructions received, electronic communications, and advice given, beyond the period required to provide legal services. I will normally store your information as follows:

- Information related to anti-money laundering checks will be retained for the purpose of evidencing such checks until 5 years after the completion of the transaction or the end of the business relationship, whichever is the later.
- Data will be retained for at least 1 year after the expiry of any relevant limitation period (which will usually be 6 years, but may be 12 years, or longer where the case includes information relating to a minor), from the date of the last item of work carried out, because it may be needed for potential legal proceedings. At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.
- I will store information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to clients' name and contact details, the name of the case and a brief note as to the subject-matter. This will not include any information within paragraph 2 categories (i) to (p) above.

- Names and contact details supplied for marketing purposes will be stored indefinitely or until I or my clerks become aware or are informed that the individual has ceased to be a potential client, or no longer wishes the data to be held for those purposes.

Your rights as a 'data subject'

12. You have a number of rights that you can exercise in certain circumstances, free of charge except in cases where requests are manifestly unfounded, excessive or repetitive.

13. In summary, you have the right to:

    - ask for access to your personal information and other supplementary information;
    - ask for correction of mistakes in your data or to complete missing information;
    - ask for your personal information to be erased, in certain circumstances (such as where no longer required in connection with a lawful purpose);
    - receive a copy of the personal information you have provided to me or have this information sent to a third party. This will be provided to you or the third party in a structured, commonly used and machine readable format where it has been processed by automated means, e.g. a Microsoft Word or Outlook file;
    - object at any time to processing of your personal information for direct marketing;
    - object in certain other situations to the continued processing of your personal information;
    - restrict my processing of your personal information in certain circumstances;
    - request not to be the subject to automated decision-making which produces legal effects that concern you or affect you in a significant way (I do not currently engage in any such automated decision-making and cannot envisage circumstances in which this would be relevant).

If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioner's Office (ICO) on Individual rights under the GDPR.

14. If you want to exercise any of these rights, please:
    - Use the contact details at the end of this document;
    - Please provide a contact address so that you can be contacted to request further information to verify your identity;
    - Provide proof of your identity and address (I may need to ask you to provide other information so that you can be identified);
    - State the right or rights that you wish to exercise.

I will respond to you within one month from when I receive your request.

15. Please note that the usual rights of data subjects to request and access information may not apply if the information was provided in confidence to myself as a legal adviser or in circumstances in which a claim to legal professional privilege could be maintained in legal proceedings (by virtue of paragraph 19 of Schedule 2 to the Data Protection Act 2018). Nor will the usual rights to request, access and request erasure or rectification of information apply to data that is required to be disclosed in connection with legal proceedings (by virtue of paragraph 5 of Schedule 2 to the Data Protection Act 2018).

Contact details

16. My name is James Pereira KC and you may contact me at Francis Taylor Building, Temple, London, EC4Y 7BY or clerks@ftbchambers.co.uk. I am registered with the Information Commissioner's Office under number Z4659485.
17. To make a Data Protection Complaint, please use Chambers' Data Protection Complaints Procedure.