

1KBW

PRIVACY NOTICE FOR CHRISTOPHER MCCOURT – GENERAL DATA PROTECTION REGULATION (“GDPR”)

1. Please read the following information carefully. This privacy notice is addressed to individuals whose personal data I process, and it contains information about the information collected, recorded, stored, used and otherwise processed about you and the reasons for the processing. It also tells you who I share this information with, the security mechanisms I have put in place to protect your data and how to contact me in the event you need further information.

2. WHO AM I?

2.1. I, Christopher McCourt collect, record, store, use and am responsible for personal information about you (whether or not held in chambers or at my domestic address or at such place as I may from time to time be working).

2.1.1. When I do this by automated means or a filing system and, alone or jointly with others, determine the purposes and means of the processing I am the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act 2018.

2.1.2. When I do this by automated means or a filing system on behalf of another data controller and without determining the purposes and means of the processing, I am a “processor” of this information for the purposes of the GDPR and the Data Protection Act 2018.

2.2. This privacy notice relates to processing carried out by me as a data controller.

2.3. If you need to contact me about your data or the processing carried out you can use the contact details at the end of this document.

3. WHAT DO I DO WITH YOUR INFORMATION?

Information collected from you

3.1. When carrying out the provision of legal services or participating in the operation and management of my chambers, the assessment, recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its mini-pupils, pupils and members and the delivery of its marketing and training programmes may include some or all of the following personal information about you:

3.1.1. General Personal Information:

- 3.1.1.1.** personal details;
- 3.1.1.2.** biographical information;
- 3.1.1.3.** education, training and employment details;
- 3.1.1.4.** family and relationship details;
- 3.1.1.5.** financial details;
- 3.1.1.6.** goods and services;
- 3.1.1.7.** lifestyle and social circumstances;
- 3.1.1.8.** other personal information and data relevant or specific to instructions to provide legal services

3.1.2. Special Category Information:

- 3.1.2.1.** genetic data;
- 3.1.2.2.** biometric data;
- 3.1.2.3.** criminal proceedings, convictions, disposals, offences, proceedings and sentences and related security measures;
- 3.1.2.4.** physical or mental health details;
- 3.1.2.5.** political opinions;
- 3.1.2.6.** racial or ethnic origin;
- 3.1.2.7.** religious, philosophical or other beliefs;
- 3.1.2.8.** trade union membership;
- 3.1.2.9.** sex life or sexual orientation.

I refer to the information under §3.1.1 as “General personal information” and to the information under §3.1.2 “Special category information” (being information considered to be particularly sensitive, including information about health and convictions or offences).

I may also collect all of the above information if acting in a judicial capacity or when asked to provide a reference.

Information collected from other sources

3.2. The same categories of information may also be obtained from third parties, the opposing party in any litigation (and disclosure provided by them or their advisors) such as other legal professionals or experts, members of the public, your family and friends, witnesses, courts and other tribunals, government departments, regulators, public records and registers.

4. HOW I USE YOUR PERSONAL INFORMATION: PURPOSES

4.1. I may use your personal information for the following purposes:

- 4.1.1.** to provide legal services to my clients, including taking instructions, the provision of legal advice and representation in courts, tribunals, arbitrations, inquiries and mediations
- 4.1.2.** to respond to potential complaints or make complaints
- 4.1.3.** to promote and market my services
- 4.1.4.** when procuring goods and services
- 4.1.5.** to publish legal judgments and decisions of courts and tribunals
- 4.1.6.** as required or permitted by law and by my professional obligations, including under the Bar Standards Board Handbook and Code of Conduct;
- 4.1.7.** to carry out anti-money laundering and terrorist financing checks;
- 4.1.8.** to check for actual or potential conflicts of interest in connection with actual or potential cases or instructions;
- 4.1.9.** to keep accounting and professional records and carry out office administration;
- 4.1.10.** to participate in the operation and management of my chambers, the assessment,
- 4.1.11.** recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its mini-pupils, pupils and members and the delivery of its
- 4.1.12.** marketing and training programmes (in such circumstances, I may be acting as a data processor on behalf of my chambers);
- 4.1.13.** to participate in the operation and management of professional associations and trade bodies, e.g. Bar Associations, the Bar Council or the Inns of Court (in such circumstances, I may be acting as a data processor on behalf of the body in question);
- 4.1.14.** to respond to subject access requests;
- 4.1.15.** to take or defend actual or potential legal or regulatory proceedings or to exercise a lien;
- 4.1.16.** to train other barristers, mini-pupils and pupils and when providing work experience or work shadowing opportunities;
- 4.1.17.** to train students and qualified or trainee legal professionals or experts using personal information which is already in the public domain;
- 4.1.18.** to respond to requests for references.

5. WHETHER INFORMATION HAS TO BE PROVIDED BY YOU, AND WHY

- 5.1.** If I have been instructed by you or on your behalf or to advise generally in respect of any legal issues relating to you, or if you have applied to be or are a clerk,

member, mini-pupil, pupil or staff member in/of my chambers, your personal information may have to be provided to enable me to provide you with legal services, or a reference or to provide you with advice or representation, and to enable me to participate in the operation and management of my chambers, the assessment, recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its mini-pupils, pupils and members and the delivery of its marketing and training programmes, and comply with my professional obligations, and to keep accounting records.

6. THE LEGAL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION

6.1 I rely on the following as the lawful bases on which I collect and use your personal information:

- 6.1.1** If you have consented to the processing of your personal information, then I may process your information for the Purposes set out above to the extent to which you have consented to me doing so.
- 6.1.2** If you are a client, processing is necessary for the performance of a contract for legal services or in order to take steps at your request prior to entering into a contract.
- 6.1.3** I rely on my legitimate interests and/or the legitimate interests of third parties in carrying out the processing for the purposes set out above as a provider of legal services and references and when participating in:
 - 6.1.3.1** the operation and management of my chambers, the assessment, recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its mini-pupils, pupils and members and the delivery of its marketing and training programmes;
 - 6.1.3.2** the operation and management of professional associations and trade bodies, e.g. Bar Associations, the Bar Council or the Inns of Court.
- 6.1.4** In certain circumstances, the processing may be necessary for the performance of a task in the public interest, e.g. if I am assisting a pro bono organisation.
- 6.1.5** In certain circumstances processing may be necessary in order that I can comply with a legal or professional obligation to which I am subject (including carrying out anti-money laundering or terrorist financing checks, accounting to HM Revenue & Customs, checking for actual or potential conflicts of interest and complying with common law duties of care and other legal or professional obligations and subject access requests).
- 6.1.6** The processing is necessary to publish judgments or other decisions of courts or tribunals.
- 6.1.7** In relation to Special Category Information:

- 6.1.7.1.** I rely on your consent for any processing for the purposes set out at §§4.1.1 to 4.1.3; 4.1.5; 4.1.8, to 4.1.11, and 4.1.15 above.
- 6.1.7.2.** I need your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purposes set out at §§4.1.2, 4.1.5, 4.1.8, 4.1.9 and 4.1.15 above responding to potential complaints I will be unable to take your case. This is because I need to be able to retain material about your case until there is no prospect of a complaint, fee dispute, legal or regulatory proceedings or subject access request being made.
- 6.1.7.3.** I am entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights or otherwise for establishing, exercising or defending legal rights or where it has been manifestly made public by you or for reasons of substantial public interest connected with the administration of justice.
- 6.1.8.** In relation to information which is not Special Category Information, I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.

7. WHO WILL I SHARE YOUR PERSONAL INFORMATION WITH?

- 7.1.** If you are a client, some of the information you provide will be protected by legal professional privilege unless and until the information becomes public or is disclosed in the course of any proceedings or otherwise.
- 7.2.** As a barrister I have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.
- 7.3.** It may be necessary to share your information with the following:
 - 7.3.1.** data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
 - 7.3.2.** other legal professionals
 - 7.3.3.** experts and other witnesses
 - 7.3.4.** prosecution authorities
 - 7.3.5.** courts and tribunals
 - 7.3.6.** clerks, members, mini-pupils, pupils and staff in/of my and other chambers
 - 7.3.7.** lay and professional clients and their staff
 - 7.3.8.** family and associates of the person whose personal information I am processing

- 7.3.9.** in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, The Inns of Court and the Legal Ombudsman
 - 7.3.10.** other regulatory authorities
 - 7.3.11.** current, past or prospective employers
 - 7.3.12.** education and examining bodies
 - 7.3.13.** business associates, professional advisers (including my accountant) and trade bodies, e.g. the Bar Council, Family Law Bar Association and other Bar Associations, or an Inn of Court
 - 7.3.14.** my professional indemnity insurers (including BMIF and TLO)
 - 7.3.15.** the general public in relation to the publication of legal judgments and decisions of courts and tribunals
 - 7.3.16.** publishers of and researchers for the legal directories including but not limited to Chambers and Partners, and the Legal 500.
 - 7.3.17.** publishers of legal text books and journals
 - 7.3.18.** Her Majesty's Revenue & Customs.
- 7.4.** I may be required to provide your information to regulators, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the Information Commissioner's Office, there is a risk that your information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or yours, which includes privileged information.
- 7.5.** I may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

8. SOURCES OF INFORMATION

- 8.1.** The personal information I obtain may include information which has been obtained from third parties such as:
- 8.1.1.** clerks, members, mini-pupils, pupils and staff in/of my and other chambers;
 - 8.1.2.** other legal professionals
 - 8.1.3.** experts and other witnesses
 - 8.1.4.** the other party in any case or legal dispute or matter (including their representatives)
 - 8.1.5.** prosecution authorities
 - 8.1.6.** courts and tribunals
 - 8.1.7.** trainee barristers
 - 8.1.8.** lay and professional clients and their staff
 - 8.1.9.** family and associates of the person whose personal information I am processing

- 8.1.10.** in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- 8.1.11.** other regulatory authorities
- 8.1.12.** current, past or prospective employers
- 8.1.13.** education and examining bodies
- 8.1.14.** My professional indemnity insurers (Bar Mutual and TLO)
- 8.1.15.** business associates, professional advisers and trade bodies, e.g. the Bar Council or Inns of Court
- 8.1.16.** the general public in relation to the publication of legal judgments and decisions of courts and tribunals
- 8.1.17.** data processors, such as my Chambers staff, IT support staff, email providers, data storage providers.
- 8.1.18.** Members of the public, public sources, such as the press, databases, the internet, public registers and law reports.

9. TRANSFER OF YOUR INFORMATION OUTSIDE THE EUROPEAN ECONOMIC AREA (EEA)

- 9.1.** This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your information out of the EEA in any particular case or for a reference. However, if you reside outside the EEA or your case or the role for which you require a reference involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your information please indicate this when providing initial instructions.
- 9.2.** Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. The list can be found here https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en#dataprotectionincountriesoutsidetheeu . Most do not. If your information has to be transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.
- 9.3.** I may transfer your personal information to the following which are located outside the European Economic Area (EEA):

9.3.1. cloud data storage services (including but not limited to dropbox) based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection see https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en.

9.4. If I decide (in cases where such publication is permissible) to publish a judgment or other decision of a Court or Tribunal containing your information, then this will be published to the world.

9.5. If you would like any further information, please use the contact details at the end of this document.

10. HOW LONG WILL I STORE YOUR PERSONAL DATA?

10.1. I will normally store all your information:

10.1.1. For the date of 1 year after the expiry of 15 years from the date of the last item of work carried out, the date of the last payment received or the date on which all outstanding payments are written off, whichever is the latest. This is because it may be needed for potential legal proceedings, regulatory matters, complaints or similar. This is under advisement from my professional indemnity insurers, The Bar Mutual Indemnity Fund, who state:

“Our preference is for documents to be retained for 15 years as this is the long-stop period under the Limitation Act”

10.1.2. However, the period may be longer where:

10.1.2.1. the case includes information relating to a minor;

10.1.2.2. or the case involved an order which remains effective (e.g. an injunction or undertakings to the court and/or is subject to a penal notice);

10.1.2.3. or relates to matters which could possibly give rise to a complaint or action against me for which the limitation period may not start to run from very considerably after the end of any case or proceedings (including but not limited to any case with deferred payments, ongoing maintenance, the drafting of a pre-nuptial agreement, variation of any settlement, pension related matters or

provision in respect of or upon death of a relevant party or individual)

- 10.2.** At the end of the period of retention, 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.
- 10.3.** I will store some of your information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to your name and contact details. the name of the case, the identity of involved solicitors and outline information in relating to the case or instruction. This will not include any Special Category Information
- 10.4.** Names and contact details held 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.
- 10.5.** Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later.
- 10.6.** If you are an applicant to Chambers for pupillage, a work-shadowing opportunity or for a tenancy, your data will be stored in line with the Chambers pupillage and recruitment policies.
- 10.7.** If you are an established practitioner applying for tenancy, I may store your data for a period of 3 years (to assist with Chambers' administration), save where you are a successful applicant in which case the data will be stored indefinitely.
- 10.8.** If your data is held by me as a result of my position on the Chambers' Management Committee, I will hold your data in line with Chambers' Privacy Policy.

11. SECURITY MEASURES

- 11.1.** Publication of details about my security arrangements would risk their compromise, but my accounts, equipment, premises (chambers and domestic) and records are all backed-up, encrypted, locked or secured, password-protected, secured and/or subject to anti-virus and firewall protection as appropriate and having regard to Bar Council guidance on IT issues.

- 12.** When working from my home residence I do so from an external office which has its own lock and is alarmed but in order for me to provide you with legal services you must consent for me to store your data at my home residence you must consent to my transporting physical paperwork to and from my home residence, and also to various court facilities by public transport, including trains, underground trains, taxis and buses, and also by motor vehicle. You must acknowledge and consent to the fact that during these periods of transportation, your data will not be stored in a secure or locked premises, but will be stored in such luggage as I may deem suitable for transporting it. You must consent to the fact that although my chambers premises and office premises at my home residence are secure and locked facilities, it is possible that your data could be obtained from those premises as a result of criminal activity. You must also consent to the fact that it is possible that your data could be accessed, as a result of criminal activity such as the theft of my luggage, from any luggage used for transporting it (as referred to above), and/or such luggage being lost or misplaced by me.
- 12.1.** Furthermore, where my chambers act as a data processor on my behalf it does so in with GDPR-compliant constitutional, contractual, technical and organisational arrangements, policies and procedures and subject to guarantees and obligations of confidentiality. In this regard, the clerks and staff in my chambers and my chambers' IT support staff provide me with assistance and support and communicate and liaise with others on my behalf and I also use my chambers' IT systems, including email servers, fee, diary, practice-management and record-keeping software, internet and intranet, network and other shared drives and servers.

13. CONSENT

- 13.1.** As explained above, I am relying on your explicit consent to process your information. You provided this consent when you agreed (as applicable) that I would provide legal services, or you asked me to provide a reference or you applied to be or became a clerk, member, mini-pupil, pupil or staff member in/of my chambers.
- 13.2.** You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. However, where I also rely on other bases for processing your information, you may not be able to prevent processing of your data. For example, if you have asked me to work for you and I have spent time on your case, you may owe me money which I will be entitled to claim.

- 13.3.** If there is an issue with the processing of your information, please contact my clerks using the contact details below.

14. YOUR RIGHTS

- 14.1.** Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are free of charge. In summary, you may have the right to:

- 14.1.1.** Ask for access to your personal information and other supplementary information;
- 14.1.2.** Ask for correction of mistakes in your data or to complete missing information I hold on you;
- 14.1.3.** Ask for your personal information to be erased, in certain circumstances;
- 14.1.4.** 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, e.g. a Word file;
- 14.1.5.** Object at any time to processing of your personal information for direct marketing;
- 14.1.6.** Object in certain other situations to the continued processing of your personal information;
- 14.1.7.** Restrict my processing of your personal information in certain circumstances;
- 14.1.8.** Request not to be the subject to automated decision-making which produces legal effects that concern you or affects you in a significant way.

- 14.2.** If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](#).

- 14.3.** If you want to exercise any of these rights, please

- 14.3.1.** use the contact details at the end of this document;
- 14.3.2.** I may need to ask you to provide other information so that you can be identified;
- 14.3.3.** Please provide a contact address so that you can be contacted to request further information to verify your identity;
- 14.3.4.** Provide proof of your identity and address;
- 14.3.5.** State the right or rights that you wish to exercise.
- 14.3.6.** I will respond to you within one month from when I receive your request.

15. HOW TO MAKE A COMPLAINT?

15.1. The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the Member State where you work, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

16. FUTURE PROCESSING

16.1. I do not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and a link to it placed on the website.

17. CHANGES TO THIS PRIVACY NOTICE

17.1. This privacy notice was published on 14 November 2018.

17.2. I continually review my privacy practices and may change this policy from time to time. When I do it will be a link to it will be placed on the chamber website.

18. CONTACT DETAILS

18.1. If you have any questions about this privacy notice or the information I hold about you, please contact me or my clerks.

18.2. The best way to contact me is to write to me at my Chambers address or contact my clerks by email at

Christopher McCourt
1 King's Bench Walk
Temple
London EC4Y 7DB
Email: cmccourt@lkbw.co.uk

Clerks: clerks@lkbw.co.uk

Tel 020 7936 1500