Barrister – Privacy Notice – General Data Protection Regulation ("GDPR")

Please read the following information carefully. This privacy notice is addressed to individuals whose personal data I process, and it contains information about: the data I collect, record, store and use; the reasons for this processing; who I share these data with; the security mechanisms I have put in place to protect them; and how to contact me in the event you need further information.

Who Am I?

1. I, Martha Holmes, collect, record, store, use and am responsible for personal information about you.

2. 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 a "controller" of this information for the purposes of the GDPR and the Data Protection Act 2018.

3. 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.

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

5. If you need to contact me about your data, or the processing I carry out, you can use the contact details at the end of this privacy notice.

What do I do with your information?

Information collected from you when providing legal services or references 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.

I may collect personal information in the following categories from you:

- biographical information;
- biometric data;

- criminal convictions, disposals, offences, proceedings and sentences and related security measures;
- education, training and employment details;
- family details;
- financial details;
- genetic data;
- goods and services;
- lifestyle and social circumstances;
- other personal data relevant to instructions to provide legal services, including data specific to the case or instructions in question;
- personal details;
- physical or mental health details;
- political opinions;
- racial or ethnic origin;
- relationships;
- religious, philosophical or other beliefs;
- trade union membership;
- sex life or sexual orientation.

Information collected from other sources

I may also collect information in the same categories from third parties, such as:

- clerks, members, mini-pupils, pupils and staff in/of my and other chambers;
- current, past or prospective employers or referees;
- education and examining bodies;
- government departments and other public authorities, including investigators,
- ombudsmen, prosecutors and regulators;
- lay and professional clients and their staff;
- members of the public;
- other legal professionals or experts;
- publicly accessible sources of information, including databases, law reports,
- records and registers and the mainstream and social media;
- the intended recipient, where you have asked me to provide a reference;
- the members and staff of courts, tribunals and inquiries;
- professional advisers, associations and trade bodies, e.g. Bar Associations, the Bar
- Council or the Inns of Court;
- witnesses;
- your associates, family and friends.

Purposes

I may record, store and use your personal information for the following purposes:

- as permitted or required by law and by my professional obligations, including
- under the Bar Standards Board Handbook and Code of Conduct;
- to carry out anti-money laundering and terrorist financing checks;
- to check for actual or potential conflicts of interest in connection with actual or potential cases or instructions;
- to keep accounting and professional records and carry out office administration;
- 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 (in such circumstances, I may be acting as a data processor on behalf of my chambers);
- 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);
- to promote or market my services;
- to provide legal services to my clients, including taking instructions and providing legal advice and representation in arbitrations, courts, inquiries, mediations and tribunals;
- to publish judgments or decisions of courts or tribunals;
- to respond to potential complaints or make complaints;
- to respond to subject access requests;
- to take or defend actual or potential legal or regulatory proceedings or to exercise a lien;
- to train other barristers, mini-pupils and pupils and when providing work experience or work shadowing opportunities;
- to train students and qualified or trainee legal professionals or experts using personal information which is already in the public domain;
- to respond to requests for references;
- when procuring goods and services.

Whether information has to be provided by you, and why

If I have been instructed by you or on your behalf, if you have asked for a reference 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;
- 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;
- comply with my legal or professional obligations;
- keep accounting records.

The legal basis for processing your personal information

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

1. If you have consented to the processing, then I may carry it out for the purposes set out above to the extent to which you have consented to me doing so.
2. If you are a client, the processing may be 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.
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:
    - 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;
    - the operation and management of professional associations and trade bodies, e.g. Bar Associations, the Bar Council or the Inns of Court.
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.
5. In certain circumstances, the processing may be necessary in order that I can comply with my legal or professional obligations, including accounting to HM Revenue and Customs, carrying out anti-money laundering or terrorist financing checks, 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. The processing may also be necessary when publishing judgments or decisions of courts or tribunals.

7. In relation to information which is in categories (2)-(3), (7), (12)-(14) or (16)-(18) at para.2.1 above, which are considered particularly sensitive:
    - I rely on your consent for any processing for the purposes set out in purposes (4)-(7), (10)-(13) and (15) at para.2.3 above, but if you do not consent to processing for purposes (4), (10)-(12) and (15), I will be unable to take your case or instructions or provide a reference. 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 and to provide an informed and complete reference.
- I am further entitled to process such information in accordance with (1), (2), (3), (4), (5) and/or (6) above, where this is necessary for the purposes legal proceedings, legal advice, 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.

With whom will I share your personal information?

Some of the information I collect as set out above, will be protected by legal professional privilege unless and until it becomes public in the course of any proceedings or otherwise.

As a barrister I also have an obligation to keep personal information confidential and private, except where it otherwise becomes public or its publication or disclosure is necessary as part of the case or proceedings. It may be necessary to share your information with the following:

- clerks, members, mini-pupils, pupils and staff in/of my and other chambers;
- current, past or prospective employers or referees;
- education and examining bodies;
- the general public in relation to the publication of judgments or decisions of courts or tribunals;
- government departments and other public authorities, including investigators,
- ombudsmen, prosecutors and regulators;
- in the event of complaints, my head of chambers, other members of my chambers who deal with complaints, my clerks and chambers director, the Bar Standards Board and the Legal Ombudsman;
- in the event of legal proceedings, my head of chambers, my clerks and chambers director, my insurers and my own legal advisers;
- IT support staff, email providers and data storage providers;
- lay and professional clients and their staff;
- other legal professionals or experts;
- the intended recipient, where you have asked me to provide a reference;
- the members and staff of courts, tribunals and inquiries;
- professional advisers, associations and trade bodies, e.g. Bar Associations, the Bar Council or the Inns of Court;
- witnesses;
- your associates, family and friends or those of my clients.

I may be required to provide your information to regulators, such as the Bar Standards Board, the Legal Ombudsman, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the latter, there is a risk that your information may lawfully be disclosed by that Office for the purpose of other

civil or criminal proceedings, without my consent or yours, which includes privileged information. I may also be required to disclose your information to the police or intelligence services in accordance with my legal or professional obligations.

Transfer of your information outside the European Economic Area ("EEA")

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 or tribunals outside the EEA, then it may be necessary to transfer some of your personal information 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. Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures have been found to provide adequate protection.

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.

I may transfer your personal information to the following which are located outside
the EEA:

1. Cloud data storage services 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 them when I 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.

If I decide to publish a judgment or decision of a court or tribunal containing your information then this will be published to the world. I will not otherwise transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

Security measures

Publication of details about my security arrangements would risk their compromise, but my accounts, equipment, premises and records are backed-up, encrypted, locked, password-protected, secured and/or subject to anti-virus and

firewall protection as appropriate and having regard to Bar Council guidance on IT issues

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.

What is my retention policy with respect to your personal data?

I will normally store your information for a maximum of 30 years from whichever is the latest of: the date of the last item of work carried out by me on the case; the date on which time for any further appeal expired; the date of the last payment received by me; or the date on which all outstanding payments are written off.

Further retention is likely to occur where: a longer limitation period applies (e.g. the case involved a minor); the case involved an order which remains effective, contains an injunction or undertakings to the court and is subject to a penal notice; or connected complaint, legal or regulatory proceedings are active or reasonably in prospect. In such circumstances, I will carry out as much minimisation as is practicable and set a date for a further review on a case by case basis.

Deletion / destruction / minimisation will be carried out (without further notice) as soon as reasonably practicable after the information is marked for this to done.

I will store some of your information which I need to carry out conflict checks for the rest of my career in practice as a barrister. However, this is likely to be limited to your name and contact details, solicitors and outline information relating to the case or instruction.

This will not include any information within categories (2)-(3), (7), (12)-(14) or (16)-(18) at para.2.1 above. 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.

Consent

I am relying on your consent to process your information as set out above. You provided this consent when you agreed that I would provide legal services, 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. 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 doing so. Furthermore, where I also rely on other legal bases for processing your information, you may not be able to prevent me doing so.

Your rights

Under the GDPR, you have a number of rights that you can exercise free of charge in certain circumstances. In summary, and subject to certain legislative exemptions and restrictions, you may 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;
- receive a copy of the personal information you have provided to me or have this
- information sent to a third party in a structured, commonly used and machine-readable format, e.g. a Word document file;
- object at any time to processing of your personal information for direct marketing;
- object in certain circumstances to the continued processing of your personal information;
- restrict my processing of your personal information;
- ask not to be the subject of automated decision-making which produces legal effects that concern you or affect you in a significant way (albeit that I do not myself carry out any such decision-making).

If you want more information about your rights under the GDPR, please see the Information Commissioner's guidance.

If you want to exercise any of the above rights, please:

- use the contact details at the end of this privacy notice;
- provide proof of your identity and address;
- provide a contact address;
- state the right(s) you wish to exercise.

I may need to ask you to provide other information so that you can be identified and, provided I am not on leave, I will respond within one month from receipt of your request.

How to make a complaint

The GDPR also gives you the right to lodge a complaint with the Information

Commissioner's 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 here.

Future Processing

I do not intend to process your personal information except for the reasons stated within this privacy notice. If these reasons change, this privacy notice will be amended and placed on my chambers website.

Changes to this privacy notice

This privacy notice was first published on 23 May 2018 and last updated on 23 May 2018.

I continually review my privacy practices and may change this policy from time to time. When I do it will be placed on my chambers website.

9. Contact Details

If you have any questions about this privacy notice or the information I hold about you, please contact me or my chambers' Data Protection Officer

My contact details
Address: 1 King's Bench Walk, Temple, EC4Y 7DB
Tel:020 7936 1500
Email:mholmes@1kbw.co.uk