

## PRIVACY NOTICE TO LAY CLIENT

### THOMAS DANCE

Please read the following information carefully. This privacy notice contains information about the information collected, stored and otherwise processed about you and the reasons for the processing. It also tells you who I may 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. You are referred to in this document as the “data subject”.

#### **Data Controller – Thomas Dance**

I am registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that I hold and process as a barrister. My registered address is 1 King’s Bench Walk, London EC4Y 7DB and my registration number is **Z354044X**.

#### **Data Collection**

I may collect, use and be responsible for personal data about you. When I do this, I am the “controller” of the information for the purposes of the UK GDPR. I may also collect, use and be responsible for special categories of sensitive personal data as defined in the UK GDPR. This includes, but is not limited to:

- Biographical information: name, email, phone number, addresses, date of birth
- Criminal convictions or related information
- Education, training and employment details
- Family details and details of your children
- Financial details and history
- Goods and services
- Lifestyle and social circumstances and contacts;
- Physical or mental health details
- Political opinions
- Race or ethnic origin
- Details of past, or current relationships
- Religious or other beliefs
- Details as to sex life or sexual orientation
- Other personal data related to the instructions to provide legal services

All the information that I may hold about you is provided to me either by you directly, or by your solicitor, or may be gathered by me from information/documentation provided to me by you or your solicitor in the course of being instructed to act in your case. Your solicitor and/or I will tell you why we need the information and how we will use it. The information is almost always transferred directly from you or your solicitor, but often it is information provided by third parties, for example it may be from:

- My clerks, or my staff, or from any of the other parties from the litigation in which you are involved
- Employers (past or present)
- Educational bodies
- Government departments or public bodies
- Ombudsmen, or regulators
- Lay and professional clients and their staff
- Other legal professionals or experts
- Publicly accessible sources of information, e.g. the Land Registry
- Social media
- The court, court staff, the judiciary etc.
- Witnesses in proceedings
- Associates, family and friends

My Chambers, 1 Kings Bench Walk, has a Data Protection Consultant (DPC) who can be contacted directly by email here: [Jpickersgill@1kbw.co.uk](mailto:Jpickersgill@1kbw.co.uk).

### **The Lawful Basis for processing your information**

The UK General Data Protection Regulation (UK GDPR) requires all organisations that process personal data to have a Lawful Basis for doing so. The Lawful Bases identified in the GDPR are:

- Consent of the data subject
- Performance of a contract with the data subject or to take steps to enter into a contract
- Compliance with a legal obligation

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- To protect the vital interests of a data subject or another person
  - Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
  - The legitimate interests of myself, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.
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Examples of legitimate interests include:

- Where the data subject is a client or in the service of the controller;
- Transmission within a group of undertakings for internal administrative purposes;
- Processing necessary to ensure network and information security, including preventing unauthorised access;
- Processing for direct marketing purposes, or to prevent fraud; and
- Reporting possible criminal acts or threats to public security.

The Lawful Basis on which I process your personal information is either if you have consented to the processing as part of my instruction as your barrister and/or where such processing is necessary in order that I might perform a contract for the provision of legal services (or take steps prior to entering into that contract).

I further rely on the Legitimate Interest of myself and/or third parties in the processing of your information insofar as I rely on my Chambers, my employees within Chambers and certain professional bodies (e.g. the Bar Council and the Inns of Court) in order best to carry out the provision of legal services.

In some instances processing may be necessary to perform a task in the public interest, for example if I am assisting on a case *pro bono*.

Further processing may be necessary to comply with my own professional or legal obligations, including by not limited to HMRC, anti-money laundering or terrorist financing checks, checking for conflicts of interest and complying with common law duties of care.

### **Purpose of data processing**

I will use your data for the following purposes:

- To provide legal advice, representation and any other legal services I am instructed to provide;
- To assist in training pupils and mini-pupils in my Chambers;
- To investigate and address any complaints made about my services;
- To investigate or address legal proceedings relating to your use of my services/products, or as otherwise allowed by applicable law;
- To comply with any professional or legal obligations imposed upon me;
- To check for actual or potential conflicts of interest;
- To communicate with you about news, updates and events – limited to professional clients;
- Promote or market my services – limited to professional clients;
- To respond to subject access requests.

I do not use automated decision-making in the processing of your personal data.

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; and/or
- keep accounting records.

## Will I share your personal data?

Almost all of the information that I collect as set out above will be protected by legal professional privilege unless and until such privilege is waived by you or is required to be waived.

Further, as a barrister I 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.

Therefore, I will only share your personal data (where appropriate) with the following persons/bodies:

- My instructing solicitors;
- The relevant lay and professional clients and their staff;
- A pupil or mini pupil under my training, who will themselves be subject to confidentiality conditions;
- Opposing Counsel in your case;
- Any judge, arbitrator or third party nominated or appointed to resolve your case;
- My Chambers management and staff who provide administrative services;
- In the event of a complaint, dispute or legal matter, my head of Chambers, other members of my Chambers who deal with complaints, administrative staff, clerks, my Chambers Director, the Bar Standards Board, the Legal Ombudsman and/or my insurers;
- Law enforcement officials, government authorities, or other third parties to meet our legal obligations;
- The general public only as part of the publication of any court judgments or decisions which are by themselves published and publicly available;
- Witnesses in your case;
- Your associates, family and friends;
- Any other party where I ask you and you consent to the sharing

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

### **Transfers to third countries and international organisations**

Where possible I limit the amount of your data that I retain in hard copy. Therefore, I store most of your data using third party cloud storage with servers outside of the EEA. As part of such process only I transfer personal data to servers held in the United States pursuant to my Dropbox Professional paid subscription. I am satisfied that such transferred data is fully protected and safeguarded as required by the UK General Data Protection Regulation and I will only use any such software as complies with the EU-US Privacy Shield. Furthermore, the information held on those servers is all held within an encrypted folder, and all my personal hardware is encrypted with third-party encryption software. I review from time to time the mechanism by which the data is stored in the cloud.

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 to countries within the EEA or outside of the EEA in any particular case. All countries in the EEA are subject to the EU General Data Protection Regulation (EU GDPR), which is effectively identical to the data protection provided by the UK GDPR. Of course, if you reside outside the EEA or your case or the role for which you require my services or for which you have provided me with your personal data is outside the EEA then it may be necessary to transfer data outside of the EEA for that purpose.

If you would like any further information or wish me to take additional precautions in respect of your information, please use the contact details at the end of this document.

### **Security measures**

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

Furthermore, where my Chambers acts as a data processor on my behalf it does so in with UK 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.

## Retention of data

**I retain your personal data** unless you ask me to delete it because of the nature of the services that I provide. My Retention and Disposal Policy is available on request and contains full details on this issue, but in summary I will hold your data for 8 years from the later of (i) the conclusion of an individual case or (ii) the expiry of any time-period for an appeal as provided for in the relevant procedural rules. Thereafter, I will dispose of your data, absent any particular and fully considered reason why I need to continue to retain your data.

I will delete or anonymise your information at your earlier request unless:

- There is an unresolved issue, such as claim or dispute;
- I am legally required to; or
- There are overriding legitimate business interests, including but not limited to fraud prevention and protecting customers' safety and security.

## 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

The UK GDPR gives you specific rights around your personal data. For example, you have to be informed about the information I hold and what I use it for, you can ask for a copy of the

personal information I hold about you, you can ask us to correct any inaccuracies with the personal data I hold, you can ask us to stop sending you direct mail, or emails, or in some circumstances ask us to stop processing your details. Finally, if I do something irregular or improper with your personal data you can seek compensation for any distress you are caused or loss you have incurred. You can find out more information from the Information Commissioner's Office website [http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information) and this is the organisation that you can complain to if you are unhappy with how I dealt with you.

### **Accessing and Correcting Your Information**

You may request access to, correction of, or a copy of your information by contacting me at 1 King's Bench Walk, Temple, London EC4Y 7DB.

### **Future processing**

I do not intend to process your information except for the reasons stated in this Privacy Notice. If these reasons change, this Privacy Notice will be amended and be made available on my Chambers website profile.

If I was to make significant changes, I will notify you of these through either mail or e-mail in addition to publishing the updated Notice on my Chambers website profile.

### **Other Documentation Available**

I have the following personal policies which are available on request:

- Policy on Data Disposal and Retention
- Policy on Data Protection
- Data Protection Risk Assessment
- Device and Security Register
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Tom Dance

7 February 2023



