



## **Barrister Privacy Notice** (PROVISION OF LEGAL SERVICES)

### **UK General Data Protection Regulation (“UK GDPR”)**

Please read the following information carefully. This privacy notice contains information about the data collected, stored and otherwise processed about you and the reasons for the processing. It also tells you who a Barrister at St Ives Chambers shares this information with, the security mechanisms that Barrister has put in place to protect your data and how to make contact in the event you require further information.

#### **About Barristers at St Ives Chambers**

The Barrister will collect, use and are responsible for personal information about you. When they do this they are the ‘controller’ of this information for the purposes of the UK GDPR and the Data Protection Act 2018.

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

#### **What the Barrister will do with your information**

When carrying out the provision of legal services on your behalf or providing a reference, the Barrister is provided with legal and other documentation which is likely to contain, collect some or all of the following personal information about you:

- a. personal details
- b. family details
- c. lifestyle and social circumstances
- d. financial details
- e. education, training and employment details
- f. physical or mental health details
- g. racial or ethnic origin
- h. political opinions
- i. religious, philosophical, or other beliefs
- j. sex life or sexual orientation
- k. criminal proceedings, outcomes and sentences, and related security measures
- l. other personal data relevant to instructions to provide legal services, including data specific to the instructions in question

### **Information collected from other sources**

The same categories of information may also be obtained from third parties, such as other legal professionals or experts, members of the public, your family and friends, witnesses, courts and other tribunals, investigators, government departments, regulators, public records, and registers.

### **How the Barrister uses your personal information**

The Barrister may use your personal information for the following purposes:

- i. to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
- ii. to keep accounting records and carry out office administration.
- iii. to take or defend legal or regulatory proceedings or to exercise a lien.
- iv. to respond to potential complaints or make complaints.
- v. to check for potential conflicts of interest in relation to future potential cases
- vi. to promote and market my services.
- vii. to carry out anti-laundering and terrorist finance checks.

- viii. to train other barristers and when providing work-shadowing opportunities.
- ix. to respond to requests for a reference.
- x. to publish legal judgments and decisions of courts and tribunals.
- xi. as required or permitted by law.

### **Whether information has to be provided by you, and why**

If the Barrister has been instructed by you or on your behalf on a case or if you have asked for a reference, your personal information has to be provided to enable the Barrister to provide you with advice or representation or the reference, and to enable them to comply with their professional obligations, and to keep accounting records.

### **The legal basis for processing your personal information**

The Barrister relies on the following as the lawful bases on which they collect and use your personal information:

- a. If you have consented to the processing of your personal information, then the Barrister may process your information for the purposes set out above to the extent to which you have consented to them doing so.
- b. If you are a client, processing is necessary for the performance of a contract for legal services or to take steps at your request prior to entering into a contract.
- c. In relation to the information which is in categories (f) to (k) above (these being categories which are considered to include particularly sensitive information and which include information about criminal convictions or proceedings) the Barrister relies on your consent for any processing for the purposes set out in purposes (ii), (iv), (vi), (viii) and (ix) above. They need your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purposes (iv) and (ix) (responding to potential complaints and providing a reference) they will be unable to take your case or to provide a reference. This is because the Barrister needs to be able to retain all the material about your case until there is no prospect of a complaint and to provide an informed and complete reference.

- d. In relation to the information in categories (f) to (k) above (these being categories which are considered to be particularly sensitive information and include information about criminal convictions or proceedings), the Barrister is 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.
- e. In relation to information which is not in categories (f) to (k) above, the Barrister relies on their legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.
- f. In certain circumstances processing may be necessary to ensure that the Barrister can comply with a legal obligation to which they are subject (including carrying out anti-money laundering or terrorist financing checks).
- g. The processing is necessary to publish judgments or other decisions of courts or tribunals.

### **Who will the Barrister share your personal information with**

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 in the course of any proceedings or otherwise. Barristers have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

It may be necessary to share your information with the following:

- data processors, such as St Ives Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals

- the staff in St Ives Chambers
- trainee barristers
- lay clients
- family and associates of the person whose personal information the Barrister is processing
- 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
- other regulatory authorities
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisors and regulatory bodies, e.g. the Bar Council
- the intended recipient, where you have asked the Barrister to provide a reference
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals

The Barrister 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 the Barrister’s consent or yours, which includes privileged information.

The Barrister may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

### **Sources of information**

The personal information the Barrister obtains may include information which has been obtained from:

- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers

- lay clients
- family and associates of the person whose personal information the Barrister is processing
- 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
- other regulatory authorities
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisors and regulatory bodies, e.g. the Bar Council
- the intended recipient, where you have asked the Barrister to provide a reference
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals
- data processors, such as St Ives Chambers staff, IT support staff, email providers, data storage providers
- public sources, such as the press, public registers and law reports

### **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 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.

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. 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.

The Barrister may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable the Barrister 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](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).
- cloud data storage services based in Switzerland, in order to enable the Barrister to store your data and/or backup copies of your data so that the Barrister may access your data when needed. Switzerland does not have the same data protection laws as the EU but has been recognised by the European Commission as providing adequate protection; see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

If the Barrister decides to publish a judgment or other decision of a Court or Tribunal containing your information then this will be published to the world.

The Barrister will not [otherwise] transfer personal information outside the EEA [except as necessary for providing legal services or for any legal proceedings].

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

## **How long will the Barrister store your personal data?**

The Barrister will normally store all your information:

- until 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, 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. 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.
- The Barrister will store some of your information which they need to carry out conflict checks for the rest of their career. However, this is likely to be limited to your name and contact details, the name of the case and any other relevant information. This will not include any information within categories (f) to (k) above.
- information related to anti money laundering checks will be retained until 5 years after the completion of the transaction or the end of the business relationship, whichever is the later.
- Names and contact details held for marketing purposes will be stored indefinitely or until the Barrister or staff at St Ives Chambers become aware or are informed that the individual has ceased to be a potential client.



## **Consent**

As explained above, the Barrister relies on your explicit consent to process your information in categories (f) to (k) above. You provided this consent when you agreed that the Barrister would provide legal services and/or you asked the Barrister to provide a reference.

You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity the Barrister has carried out prior to you withdrawing your consent. However, where the Barrister also relies on other bases for processing your information, you may not be able to prevent processing of your data. For example, if you have asked the Barrister to work for you and the Barrister has spent time on your case, you may owe the Barrister money which the Barrister will be entitled to claim.

If there is an issue with the processing of your information, please contact the Barrister's practice manager or assistant practice manager using the contact details below.

## **Your Rights**

Under the UK GDPR, you have several rights that you can exercise in certain circumstances. These are free of charge. In summary, 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 the Barrister holds on you.
- Ask for your personal information to be erased, in certain circumstances.
- Receive a copy of the personal information you have provided to the Barrister 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 or PDF 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 affects you in a significant way.

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

If you want to exercise any of these rights, please use the contact details at the end of this document.

To do so, the Barrister or St Ives Chambers may need to ask you to provide other information to respond to such requests. This is likely to include:

- A contact address so that you can be contacted to request further information to verify your identity.
- Proof of your identity and address.
- Clarifying the right or rights that you wish to exercise.

The Barrister and/or St Ives Chambers will respond to you within one month from when such request is received.

### **How to make a complaint**

The UK 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/>.

### **Future Processing**

The Barrister will 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 placed on the St Ives Chambers website [www.stiveschambers.co.uk](http://www.stiveschambers.co.uk).

### **Changes to this privacy notice**

Barristers continually review privacy practices and may change this policy from time to time. When a Barrister does an amended privacy notice this will be placed on the St Ives Chambers website [www.stiveschambers.co.uk](http://www.stiveschambers.co.uk).

### **Alternative format**

This privacy notice is available as a child friendly version. Please contact [Marketing@stiveschambers.co.uk](mailto:Marketing@stiveschambers.co.uk) or write to the Marketing Team, 1 – 3 Whittall Street, Birmingham B4 6DH.

### **Contact Details**

If you have any questions about this privacy notice or the information held about you, please contact the Barrister's Practice Manager on 0121 236 0863 or contact our Data Protection Officer at:

- email: [DPO@stiveschambers.co.uk](mailto:DPO@stiveschambers.co.uk)
- post: 1 – 3 Whittall Street, Birmingham B4 6DH
- telephone: 0121 236 0863