

Ann Darian : Barrister

Privacy Notice

Annual Review undertaken
20 October, 2020.
Next Review October,
2021.

Contact details

Name: Ann Darian

Address: Queen Square Chambers, 56 Queen Square, Bristol BS1 4PR.

Phone Number: 0117-9211966. Mobile : held by Chambers

E-mail: AnnDarian@qsc.law

Revised Privacy Notice as at 20 October, 2020

Since 18 March, 2020 all work is undertaken remotely following Covid-19.

Ann Darian therefore currently undertakes all work from her home address at held by Chambers.

Work is provided by solicitors acting for their clients.

Solicitors are therefore responsible for advising these clients of the personal data / information which is collected by them, in line with the ICO guidelines on what constitutes personal information.

All solicitors wef May 2015 have been advised by me / Chambers of the requirements on which I act in the attached format by way of Data Sharing Agreement.

The type of information which I collect and process is outlined in the attached Data Sharing Agreement.

No court appearances are currently undertaken personally; all work is undertaken remotely until further notice.

Data is stored by me at the above address in the following formats :

Paper, i.e. briefs, personal computer, mobile phone, all subject to security provisions, as follows :

Property secured day & night by high security window locks & door locks, and overnight and when property unattended, by alarm system remotely monitored by Securitas.

Overnight and when property unoccupied all records are stored in locked cabinet.

Personal computer and mobile phone are protected by password.

No cloud storage is utilised.

- **Data Sharing Agreement**

- (Controller to Controller)

- This Agreement is dated
- PARTIES
- (1) Ann Darian, practising from Queen Square Chambers, 56 Queen Square, Bristol BS1 4PR (Party 1)
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- (2)(Party 2)
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- AGREED PURPOSE
- The purpose of this agreement is to facilitate the lawful, appropriate and effective sharing of data between the Parties for the provision of legal services to third parties.
- DEFINITIONS
- Controller, data controller, processor, data processor, data subject, personal data, processing and appropriate technical and organisational measures: as set out in the Data Protection Legislation in force at the time.
- Data Protection Legislation: (1) the General Data Protection Regulation ((EU) 2016/679) (GDPR) and any national implementing laws, regulations and secondary legislation, for so long as the GDPR is effective in the UK, and (ii) any successor legislation.
- Permitted Recipients: The parties to this agreement, the employees / workers/ consultants of each party and any third parties engaged to perform obligations in connection with this agreement
- Shared Personal Data: the personal data to be shared between the parties under clause 1.1 of this Agreement. Shared Personal Data shall be confined to the following categories of information relevant to the following categories of data subject:
- a) Details of client(s) including name, address, telephone numbers, email addresses and social media accounts.
- b) Details of client (s) criminal convictions, court orders, bankruptcy issue and financial orders.
- c) Details of client (s) medical and health issues.
- d) Details of clients and third parties relating to the subject matter for which the parties are engaging.
- e) Photographs, images, recording or any other electronic record relating clients and third parties that are the subject of the Parties engagements.
- f) Information relation to the Parties that are necessary to conduct the subject matter that the Parties have engages.
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- 1. DATA PROTECTION
- 1.1 Shared Personal Data.
- This clause sets out the framework for the sharing of personal data between the parties as data controllers. Each party acknowledges that one party (the Data Discloser) will regularly disclose to the other party (the Data Recipient) Shared Personal Data collected by the Data Discloser for the Agreed Purposes.
- 1.2 Effect of non-compliance with Data Protection Legislation.

- Each party shall comply with all the obligations imposed on a controller under the Data Protection Legislation, and any material breach of the Data Protection Legislation by one party shall, if not remedied within 30 days of written notice from the other party, give grounds to the other party to terminate this agreement with immediate effect.
- 1.3 Particular obligations relating to data sharing. Each party shall:
 - (a) ensure that it has all necessary notices and consents in place to enable lawful transfer of the Shared Personal Data to the Permitted Recipients for the Agreed Purposes;
 - (b) give full information to any data subject whose personal data may be processed under this agreement of the nature such processing. This includes giving notice that, on the termination of this agreement, personal data relating to them may be retained by or, as the case may be, transferred to one or more of the Permitted Recipients, their successors and assignees;
 - (c) process the Shared Personal Data only for the Agreed Purposes;
 - (d) not disclose or allow access to the Shared Personal Data to anyone other than the Permitted Recipients;
 - (e) ensure that all Permitted Recipients are subject to written contractual obligations concerning the Shared Personal Data (including obligations of confidentiality) which are no less onerous than those imposed by this agreement;
 - (f) ensure that it has in place appropriate technical and organisational measures, reviewed and approved by the other party, to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
 - (g) not transfer any personal data received from the Data Discloser outside the EEA unless the transferor:
 - (i) complies with the provisions of Articles 26 of the GDPR (in the event the third party is a joint controller); and
 - (ii) ensures that (i) the transfer is to a country approved by the European Commission as providing adequate protection pursuant to Article 45 GDPR; (ii) there are appropriate safeguards in place pursuant to Article 46 GDPR; or (iii) one of the derogations for specific situations in Article 49 GDPR applies to the transfer.
 - (h) ensure that appropriate persons are only given access to personal data where it is needed in order to perform contractual a duty.
- 1.4 Mutual assistance. Each party shall assist the other in complying with all applicable requirements of the Data Protection Legislation. In particular, each party shall:
 - (a) consult with the other party about any notices given to data subjects in relation to the Shared Personal Data;
 - (b) promptly inform the other party about the receipt of any data subject access request;
 - (c) provide the other party with reasonable assistance in complying with any data subject access request;
 - (d) not disclose or release any Shared Personal Data in response to a data subject access request without first consulting the other party wherever possible;
 - (e) assist the other party, at the cost of the other party, in responding to any request from a data subject and in ensuring compliance with its obligations under the Data

Protection Legislation with respect to security, breach notifications, impact assessments and consultations with supervisory authorities or regulators;

- (f) notify the other party without undue delay on becoming aware of any breach of the Data Protection Legislation;
- (g) at the written direction of the Data Discloser, delete or return Shared Personal Data and copies thereof to the Data Discloser on termination of this agreement unless required by law to store the personal data;
- (h) use compatible technology for the processing of Shared Personal Data to ensure that there is no lack of accuracy resulting from personal data transfers;
- (i) maintain complete and accurate records and information to demonstrate its compliance with the Agreement and allow for audits by the other party or the other party's designated auditor; and
- (j) provide the other party with contact details of at least one person as point of contact and responsible manager for all issues arising out of the Data Protection Legislation, including the procedures to be followed in the event of a data security breach, and the regular review of the parties' compliance with the Data Protection Legislation.
- Party 1
- Signed.....
-
- Dated
-
- Party 2
- Signed.....
-
- Dated

How we get the personal information and why we have it

Most of the personal information we process is provided to us directly by you for one of the following reasons:

- [Add the reasons you collected personal information]

[If applicable] We also receive personal information indirectly, from the following sources in the following scenarios:

- [Add the source of any data collected indirectly and why you collected the personal information]

We use the information that you have given us in order to [list how you use the personal information].

We may share this information with [enter organisations or individuals].

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are: **[delete as appropriate]**

(a) Your consent. You are able to remove your consent at any time. You can do this by contacting [contact details]

(b) We have a contractual obligation.

(c) We have a legal obligation.

(d) We have a vital interest.

(e) We need it to perform a public task.

(f) We have a legitimate interest.

Tell people how you collect their personal information and where you collect the information from.

Tell people the reasons why you need to collect or hold their information. Include your lawful basis for doing this in this section (visit our [lawful basis guidance and interactive tool](#) to help you work this out).

Tell people about any instances in which you pass personal information to a third party and outline your reasons for this.

If you are relying on consent to process individual's information, then you should also tell people about their right to withdraw consent and how they can do this.

How we store your personal information

Your information is securely stored [enter location].

We keep [type of personal information] for [time period]. We will then dispose your information by [explain how you will delete their data].

Tell people how or where you keep their personal information, how long you intend to keep it for and then how you intend to securely destroy or dispose of it. You need to do this for every type of information you hold.

Your data protection rights

Under data protection law, you have rights including:

Your right of access - You have the right to ask us for copies of your personal information.

Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing - You have the the right to object to the processing of your personal information in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [\[insert email address, phone number and or postal address\]](#) if you wish to make a request.

Tell people about their data protection rights. Their rights will differ depending on your lawful basis for processing, so once you know this then you can select the relevant sections from the text in the template below to include in your Privacy Notice. The [lawful basis](#) page of our Guide to the GDPR has a useful table that shows the varying rights that apply depending on the lawful basis.

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at [\[Insert your organisation's contact details for data protection queries\]](#).

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

Tell people how to make a complaint to you here. Include the ICO's address.