

## **GDPR – PRIVACY POLICY**

**Richard Carron**

**Queen Square Chambers**

**56 Queen Square**

**Bristol**

**BS1 4PR**

**ICO – Z4698758**

1. For those who have instructed me - Thank you for choosing to instruct me in your case. I will need to collect and hold your personal information in order to represent you. I will take all possible steps to protect your personal information. I am determined to do nothing that would infringe your rights or undermine your trust. This Privacy Notice describes the information I collect about you, how it is used and shared, and your rights regarding it.

### **Data Controller**

2. 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 Queen Square Chambers, 56 Queen Square, Bristol and my registration number is Z4698758

### **Data Collection**

3. The vast majority of the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. Your solicitor and/or I will tell you why we need the information and how we will use it. On occasion I may also obtain information that is available publicly.

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

4. The General Data Protection Regulation (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
- 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 ourselves, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

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.
5. My Lawful Basis is the legitimate interest of myself or of a third party and/or the performance of a task in the public interest and/or compliance with a legal obligation and my Legitimate Interest is in the processing your data as my client to enable me to perform my contractual obligations with you and/or to enable me to comply with my obligations to the courts in the interests of justice. I will need to process some data for internal administrative purposes.
6. In the unlikely event that information you provided showed a criminal or other illegitimate purpose of such magnitude that the interests in the prevention of crime meant that overrode my duty of confidentiality then consonant with that duty and the code of conduct for barristers I may be required to disclose and report such matters.

7. I use your information to:

- Provide legal advice and representation
- Assist in training pupils and mini-pupils
- Investigate and address your concerns;
- Communicate with you about news, updates and events;
- Investigate or address legal proceedings relating to your use of my services/products, or as otherwise allowed by applicable law;
- Make statutory returns as required by HMRC (eg income tax + VAT)
- Assist in any tendering or panel membership applications;(with appropriate anonymisation)
- Assist in any other applications for the purpose of professional development or career progression; (with appropriate anonymisation)
- Communicate legal updates and judgments to other legal professionals;
- For marketing purposes. (with appropriate anonymisation)

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

I collect and process both personal data and special categories of personal data as defined in the GDPR. This includes:

**Client and other personal data can include information relating to**

- Name;
- Email;
- Phone number;
- Address;
- Payment or bank details;
- Date of birth;
- Location details;
- Device IP address;
- Financial information
- Medical Records
- Criminal Records
- Education and Employment records
- Information on your background and current circumstances
- Social services records
- Racial or ethnic origin
- Political opinions
- Religious and philosophical beliefs

- Trade Union members
- Genetic data
- Biometric information which can identify a unique person
- Sex life and sexual information.

9. I may share your personal data with

- Instructing solicitors or other lawyers involved in your case
  - Pupil or mini pupil, under my training
  - Opposing Counsel, or solicitors or other opponent or their representatives for the purposes of resolving the case and as required by law and practice
  - To communicate with you my client
  - My Chambers management and staff who provide administrative services
  - My regulator or legal advisors in the event of a dispute or other legal matter;
  - Law enforcement officials, government authorities, or other third parties to meet my legal obligations;
  - Legal directories, for the purpose of professional development;
  - Any relevant panel or tendering committee, for the purpose of professional development;
  - Accountants and banking officials; HMRC (in relation to my accounts)
  - Regulators or arbitrators, where complaints or disputes arise;
  - Any other party where I ask you for consent, and you consent, to the sharing.
- On an anonymised basis and taking care to prevent jigsaw identification for the purpose of illustrating the complexity of the cases I am involved in to inform my chambers profile and for marketing.

Where your data has been shared by the publishing of a judgement by the court and/or in court reports then I may note my involvement in the case publicly and for the purposes above. Further personal information will not be shared.

10. **If you are not my client.** Whether as a witness, potential witness or another party to a case I may hold personal data on you – including sensitive personal data – arising from the disclosure and instructions I receive as part of my involvement in the case. I will be holding that information as I have legitimate interest in so doing in the interests of justice and the interests of my client as a result of which I have received such information. I will keep private your information– save for the legitimate purpose of the

litigation or advice or potential litigation in the same way as if you were my client. Your right to obtain details and copies of the information which I hold on you may be severely limited by the effect of legal professional privilege and/or by undertakings and agreements I have made with 3<sup>rd</sup> parties about how I will treat such data (eg the Police).

The Data I hold on you will be retained in line with the policy outlined above and below and in My Retention and Disposal Policy

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

If you travel overseas and use an email to communicate with me – then my reply may be to you in that third country. If your email account is based in a third country then my communications will be inevitably to servers in that country.

I use Apple products. Some of your data may be backed up on the Apple icloud. I am advised that the level of encryption and protection is to a very high standard and satisfied the requirements of the GDPR.

**12. I retain your personal data** while you remain a client unless you ask me to delete it.

My Retention and Disposal Policy (copy available on request) details how long I hold data for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your information at your 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.

However I will require to retain limited personal data for billing and tax purposes in any event and will also need to retain details so that if necessary I can do future 'conflict of interest' checks (for instance).

## **13. Your Rights**

The General Data Protection Regulation 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 ICO's 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.

#### **14. Accessing and Correcting Your Information**

You may request access to, correction of, or a copy of your information by contacting me at Queen Square Chambers, Bristol.

#### **15. Marketing Opt-Outs**

You may opt out of receiving emails and other messages from my Chambers by following the instructions in those messages.

#### **16. Cookies**

Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. The Chambers website use cookies to:

- Validate users;
- Remember user preferences and settings;
- Determine frequency of accessing our content;
- Measure the effectiveness of advertising campaigns; and
- Analyse site visits and trends

**I will occasionally update my Privacy Notice.** When I make significant changes, I will notify you of these [through either mail or post]. I will also publish the updated Notice on my website profile.

Privacy Notice – updated 9 November 2020