

Privacy Notice of Karen Rea

Privacy Notice under The General Data Protection Regulations (the “GDPR”):

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, controlling and joint controlling. It also tells you with whom I share this information, the security mechanisms I have put in place to protect your data and how to contact me in the event that you need further information.

Introduction:

My name is Karen Rea. I am a practising Barrister and Legal Assessor Adviser to the Nursing and Midwifery Council (the NMC), the Health and Care Professions Council (the HCPC) and the General Dental Council (the GDC). I am registered and certified with the Information Commissioner’s Office (ICO) and my ICO Reference Number is: ZA800021.

I will explain my role in detail so that you can understand how it relates to the definitions of the 3 roles under the GDPR set out below, those being A) Processor, B) Controller and C) Joint Controller. It will also help you understand the methodology required by me in all those roles when handling your data, under the GDPR:

As a Legal Assessor/Adviser to 3 healthcare Regulatory Bodies, the NMC, the HCPC and the GDC, my role is to advise orally (by word of mouth only) the Bodies’ Panels/Committees who are hearing Fitness to Practise cases. My role is that of a type of legal referee, where I ensure that the hearing proceeds fairly. I check the structure and content of the written decisions of the Panels/Committees, drafted by a Panel/Committee Secretary, who is a person employed by the NMC or the GDC. Additionally, in the HCPC work I do as the Legal Assessor, I am required to draft the Panels’ Determinations, taken from the oral private discussions of the Panels. As with all 3 Bodies, I sit in on those private discussions, so as to be able, for the HCPC work I do, to draft their decisions, and with the NMC and the GDC, so as to be able to check the decisions when they are written by the Panel/Committee Secretary. The decisions I write only reflect the Panels’ decisions and not mine, as I am not permitted to take part in any decision-making process. The type of cases heard in this forum relate to Registrants’ misconduct behaviour, whether within the working environment of the Registrant under scrutiny (for example, lack of competence in their job) or outside their work or personal behaviour at work or outside work (for example, below-standard personal behaviour generally, including criminal activities, sexual misconduct, financial irregularity). The cases can also include matters relating to a Registrant’s health and/or criminal conviction/s and/or Police Cautions.

Therefore, my role in this process, which is the only role I perform as a Barrister in my working life, is purely an advisory role, where the reading of your data is necessary purely

for me to obtain a sense of the type of case I am going to be sitting on, and its background.

When I receive the date of my booked Fitness to Practise hearing sitting as a Legal Assessor/ Adviser, I usually receive all the data required for preparation at a time before the hearing date/s. This can vary from the day before to a month before the hearing date/s, but not longer. I open the link sent to me by each Body. The NMC uses Egress and the HCPC and the GDC use their own internal secure email systems to send the information. All 3 Bodies use encrypted and password-protected platforms to do this. On receipt, I immediately store the file on my Apple MacBook Air computer and delete the email. The file remains on my computer desktop or in a file within my own Documents until the case has been completed, unless it is part heard, when I delete it after the first hearing date/s and the Body sends it again in advance of the resumed date/s. During the time it is on my desktop or in my filing system on my computer, it remains locked (password-protected and encrypted) and inaccessible to anybody else other than me. After the case has been completed on any occasion, I, immediately, without any delay, delete it permanently from my computer (a double-deletion process - see below "How long I store your personal data"). During my preparation, I read the data/information, which could include data on you. I need to do this to enable me to prepare for any legal issues that might arise in the hearing so that I can be ready to advise the Panels/Committees on that/those. My advice in the hearings is always only oral and not written down by me. I only give general neutral legal advice.

In my Legal Assessor/Adviser role for each organisation/Body (the NMC, the HCPC and the GDC), with each of whom I have a written agreement, I:

- i) collect by the 3 Bodies sending to me,
- ii) I use, and,
- iii) I am temporarily responsible for personal information about you.

A) In the aforesaid Legal Assessor/Adviser role for each of the 3 Bodies, I am a "Processor":

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the Controller, in this case the NMC, the HCPC and the GDC.

In my role as a Legal Assessor/Adviser:

I follow instructions from those 3 Bodies regarding the processing of personal data. I am given the personal data by those 3 Bodies, and am not told what data to collect. I do not decide to collect personal data from individuals and I do not decide what personal data should be collected from individuals. I do not decide whether to disclose the data, or to

whom. I may make some decisions on how data is processed, but I implement these decisions under a contract with the 3 Bodies. I do not have any purpose of my own for processing the data and I only act on the instructions from the NMC, the HCPC and the GDC to act as a Legal Assessor/Adviser in their Fitness to Practise hearings. I occasionally make some technical decisions about how I process the data. The NMC has expressly stated in its contract with me that it sees me as only a Processor.

B) When I do this work I am also the “Controller” of this information.

Controller means the natural or legal person, public authority, agency or other body who, alone or jointly with others, determines the purposes and means of the processing of personal data. I make decisions about the individuals concerned as part of or as a result of the processing. I exercise professional judgement in the processing of the personal data.

C) In addition, in my role as a Legal Assessor/Adviser, I am also a “Joint Controller”:

I have a common objective with the HCPC, the GDC and possibly with the NMC, regarding the processing. I process the personal data for the same purpose as the three named organisations/Bodies, who are each Controllers. I use the same set of personal data for this processing as a Joint Controller does.

Lawful bases for Processing, Controlling and Joint Controlling:

- (a) Consent: the individual who is the subject of the data I hold in my said role has given consent to the NMC, the HCPC and the GDC for me to process their personal data for a specific purpose; namely, to advise the 3 Regulatory Bodies' Panels/Committees in their Fitness to Practise remit during the hearings and to read that data in my preparation work for those hearings. At the HCPC I also draft the decisions reached by the Panels (not by me).
- (b) Contract: the processing is necessary for a contract I have with each of the 3 Bodies mentioned herein.
- (c) Legal obligation: the processing is necessary for me to comply with the law (not including contractual obligations); namely, my legal obligation and duties as a Barrister.
- (d) Vital interests: the processing is necessary to protect someone's life; namely, where the healthcare Registrant could be a risk to the health, safety and well being of the general public if I did not perform this said role.
- (e) Public task: the processing is necessary for me to perform the said role in the public interest; namely, that public confidence in the relevant profession and in the regulatory process would be undermined if I did not perform this role.
- (f) Legitimate interests: the processing is necessary for my legitimate interests and the legitimate interests of a third party; namely, the NMC, the HCPC and the GDC, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

What do I do with your information?

Information collected:

When carrying out my role as a Legal Assessor/Adviser, I may collect some or all of the following personal information that you have provided and have consented for the NMC, the HCPC and the GDC to send to me:

- a. personal details
- b. family details
- c. lifestyle and social circumstances
- d. goods and services
- e. financial details
- f. education, training and employment details
- g. physical or mental health details
- h. racial or ethnic origin
- i. sex life or sexual orientation
- j. genetic data
- k. other personal data relevant to instructions to provide the said legal services, including data specific to the instructions in question.

Information collected from other sources:

Categories of information may also be obtained by the NMC, the HCPC and the GDC, and passed on to me, may emanate 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.

These can include:

- a. material from the legal profession, including Her Majesty's Courts and Tribunal Service (HMCTS), especially for proving criminal Convictions/Cautions
- b. material from the Police, especially for proving Police Cautions issued to Registrants
- c. material from healthcare professionals
- c. medical experts
- d. employment information from previous and current employers
- e. Department of Work and Pensions
- f. financial information.

In respect of all the information sent to me by the NMC, the HCPC and the GDC, those 3 Bodies redact all information that could provide the names and addresses of anybody who is the data subject. This includes all patients' names, addresses, email addresses, telephone numbers and hospital and NHS numbers within all their healthcare records and, with the HCPC, the Registrant's personal home address. Thus, all the information I see has already been redacted before I am sent it by the 3 Bodies.

How I use your personal information:

Purpose;

I use your personal information for the following purpose:

to provide legal advice to the Fitness to Practise Panels/Committees of the three said Regulatory Bodies and, for the HCPC only, to draft the decisions made by the said Panels (see **Introduction**, above, and the detail about my role as a Legal Assessor/Adviser).

Whether information has to be provided by me:

I do not provide any of your personal information to enable me to provide advice to the said regulatory Panels/Committees. I am provided with it by the said three Regulatory Bodies, I then read it and may suggest that it could be used, only where necessary, to quote within the decisions reached by the said regulatory Panels/Committees. The said Panels/Committees are the final arbiters of whether or not the material from the data is used; I am not the final arbiter of those decisions.

With whom I share your personal information:

As a Barrister I have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the Regulatory proceedings, but that disclosure process is entirely governed by the NMC, the HCPC and the GDC and not under my control at any time.

I share your information with the following:

The NMC, the HCPC and the GDC, but in all cases where I sit as a Legal Assessor/Adviser, those 3 Bodies share the information with me and not the other way around. They are the prime movers of sending the information about you to me. They, alone, chose to send that information to me that they consider enables me to fulfil my role as a Legal Assessor/Adviser.

I may be required to provide your information to other regulators, such as the Bar Standards Board 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 my consent or yours, which includes privileged information.

I may also be required to disclose your information to the Police or intelligence services, where required or permitted by law.

I may also share your personal data with my Chambers management and staff who provide administrative services.

Sources of information:

The personal information I obtain relates to information which has been sent to me from:

- The NMC;
- The HCPC;
- The GDC.

These 3 Bodies obtain the information in the first instance from the various sources mentioned above; for example, the Registrant's past, present and future employer/s, other healthcare providers, other regulators, the Police and HMCTS.

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 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 data you provide comes 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 data consent.

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.

I will not transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

How long will I store your personal data?

I will normally store all your information for the duration of the individual case where your data has been necessary to be used by me as set out above. That is always on that last day of the case in which I am working as a Legal Assessor/Adviser and no longer. If a case is part heard, I do not store your information beyond the day the decision is taken to adjourn the case and the Regulatory Body has to re-send your information to me on or near the the resumed date, after which it is immediately no longer stored by me in any circumstances. Some information is kept by me for only hours in a day , or for one day; some information is kept by me for the maximum period of a month. How long I am required to keep it depends: i) on when the Regulatory Body sends me the documentation for the hearing and also ii) on how long the hearing lasts.

Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked by me, as set out above, for deletion. In fact, what I do is to double-delete (see next sentence) all the case information from my computer immediately (within one minute) the case has been completed or adjourned part heard. I delete by sending your data to my computer rubbish bin, which I then immediately empty again as a permanent deletion. I call this double-deletion.

Your Rights:

Under the GDPR, you have a number of 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 I hold on you;
- Ask for your personal information to be erased, in certain circumstances;
- Receive a copy of the personal information have provided to me 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 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 GDPR please see the Guidance from the Information Commissioner's Office on Individual's rights under the GDPR.

If you want to exercise any of these rights, please:

Use the contact details at the end of this document;

I may need to ask you to provide other information so that you can be identified;

Please provide a contact address so that you can be contacted to request further information to verify your identity;

Provide proof of your identity and address;

State the right or rights that you wish to exercise.

I will respond to you within one month from when I receive your request.

How to make a complaint:

The 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:

I do 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 website.

Changes to this privacy notice:

This privacy notice was updated on 2 November 2020.

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

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, Kirsty Watt. Her email address is: kirsty@qsc.law and her landline telephone number is: 0117 921 1966

The best way to contact me is to write to me, Karen Rea, at:

Queen Square Chambers
56 Queen Square
Bristol
BS1 4PR

or,

contact my Clerks by email at email address: civil@qsc.law or by landline telephone phone at: 0117 921 1966

Updated 2 November 2020.