

Personal Data Protection and Privacy Policy (“Privacy Notice”)

Chris de Beneducci

If you do not consider that this Privacy Notice is written in a concise, transparent, intelligible and easily accessible form, using clear and plain language, then please contact me and I will be happy to discuss any questions which you may have.

Introduction

1. In the course of my practice as a barrister, I encounter and deal with personal data belonging to numerous individuals. The purpose of this Privacy Notice is to detail the basis on which I handle that personal data, the steps which I take to protect it, and the rights of “data subjects” in respect of such data.
2. I am registered with the Information Commissioner’s Office as a Data Controller in respect of personal data which I process as a barrister. My registered address is Selborne Chambers, 10 Essex Street, London WC2R 3AA and my registration number is ZA176475.
3. I will occasionally update this Privacy Notice. Whenever I make changes, I will also publish the updated Notice on my website profile.

What Do I Mean By “Processing” and “Personal Data”?

4. For the purposes of this Privacy Notice, and as defined by the General Data Protection Regulation (“GDPR”):
 - 4.1. The expression “personal data” means “any information relating to an identified or identifiable natural person” (i.e., not a company).
 - 4.2. Additionally, the expression “special category data” may include data regarding race or ethnic origin, political opinion, religious or other beliefs of a similar nature, trade union membership, genetics or biometrics (where used for ID), health (e.g. medical records), and sex life or sexual orientation.
 - 4.3. Finally, the expression “processing” means “any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction”.

Whose Personal Data Do I Process?

5. During the course of my work as a barrister, I will process personal data about my clients, my solicitors, and any witnesses (including expert witnesses) who may be involved in litigation in which I am instructed. In any matter in which I am instructed, I will also necessarily process personal data about the opposing parties (or potential parties), their representatives, and any persons who give evidence on behalf of that opposing party (or potential party). Finally, I will also process personal data about anyone who features in any matter in which I am instructed.

What Types of Personal Data Do I Process?

6. In the course of my practice as a barrister, the types of personal data which I am likely to collect, store, use, and disseminate (i.e., “process”) may include personal details, family details, financial details, information relating to education, training, and employment, information relating to lifestyle and social circumstances, and information relating to goods and services provided or obtained. On occasion, I may also process “special category data”.

How Do I Process This Personal Data?

7. In the course of my practice as a barrister, the most common ways in which I process personal data are as follows:
 - 7.1. First of all, I receive personal data either from my instructing solicitors or from my Direct Access clients in the form of (i) a hard-copy bundle of papers posted to or dropped off at my Chambers or (ii) soft-copy documents sent to my (or my clerk’s) professional email address. (Where I receive hard-copy papers, I will, as soon as I am reasonably able, scan these to PDF and then confidentially dispose of the hard-copy papers.)
 - 7.2. During the course of my instructions I may supplement the personal data which I have received with further information obtained via online research. I conduct this research using exclusively publicly-accessible information, accessed through a search engine or a public register such as those maintained by Companies House and HM Land Registry. I do not use automated decision-making or profiling to process personal data.
 - 7.3. I store all the data which I receive or obtain electronically, using Microsoft’s “cloud-based” OneDrive for Business file-hosting service. Essentially, this means that I use Microsoft’s servers to store data, rather than my own.
 - 7.4. Microsoft’s servers are items of physical IT infrastructure which are located in London. Data which is stored on Microsoft’s OneDrive for Business servers (also

known as “Sharepoint” servers) is encrypted both “at rest” and “in transit”. (That is to say, using an analogue analogy, the personal data is encrypted whilst resting on the shelves of my electronic storage system, and also whilst being taken off and put back onto those shelves in transit from my desk.)

- 7.5. I will then retrieve, consult, and use this data by signing into my OneDrive for Business account (either from a personal computer with the relevant software installed or from Microsoft’s online portal) and opening the relevant files.
- 7.6. I may in the course of my practice need (or consider it appropriate) to share personal data which I am processing or have processed. I will only disclosure, transmit, or disseminate personal data to the categories of recipient listed below (and for, and only for, the purposes listed below).

Why Do I Process This Personal Data?

8. I process personal data in the ways described above in order to provide legal services, including (i) advising and representing my clients (both within and outside of alternative and Court-based dispute resolution procedures) and (ii) training pupils and mini-pupils. I will not use the personal data which I collect in a manner which is inconsistent with this purpose.

On What “Lawful Basis” Do I Process This Personal Data?

9. I process my clients’ personal data on the grounds that such processing is necessary for the performance of the contracts which I enter into with my clients. Where I process a prospective client’s personal data prior to entering into a contract, that processing is necessary in order to fulfil the prospective client’s request for (to take one example) a fee estimate. Whilst my clients are not contractually obliged to provide me with personal data, it will typically be very difficult to carry out their instructions if they do not do so.
10. Alternatively, I process my clients’ personal data on the basis of their consent to such processing, which they give me when instructing me (and can thereafter withdraw at any time, albeit without affecting the lawfulness of any prior consent-based processing).
11. I process the personal data of those persons who are not my clients on the basis of my own, my instructing solicitors’, and my clients’ legitimate interests. Where I process data on this basis, I do so because such processing is necessary in order that I can offer legal services to my clients, as instructed by my solicitors, and so that my clients can access those services. Those legitimate interests are not overridden by interests, rights, or freedoms of the relevant data subject.

12. If I process special category data, generally such processing will only occur where (i) such it is necessary for the establishment, exercise, or defence of legal claims or (ii) Courts are acting in their judicial capacity. Alternatively, I will undertake such processing (i) if the person concerned is lawfully able to and has given explicit consent for it (for one or more specific purpose), or (ii) the processing relates to personal data which has clearly been made public by the person concerned. I process personal data concerning criminal and alleged offences in a similar way.

Sharing Personal Data

13. I sometimes need to share the personal data I process with others. Some of the individuals and organisations I may share with (where necessary or appropriate) are:

- 13.1. My client, instructing solicitor, expert;
- 13.2. Any barrister, solicitor or other representative for another party (or potential party) in existing or potential proceedings;
- 13.3. Any Court, tribunal, mediator, ombudsman or regulatory authority;
- 13.4. My Chambers management (and staff, such as clerks, who provide administrative services);
- 13.5. Any pupil (trainee barrister) or mini-pupil (work experience placement) under my supervision;
- 13.6. My regulator (the Bar Standard Boards) and/or my legal advisers if there is a complaint or dispute arising out of the services which I provide;
- 13.7. Any law enforcement official, government authority or other third party so I can meet my legal obligations; and
- 13.8. Any other party where I ask you and you agree.

Transferring Personal Data Between Countries

14. I do not ordinarily transfer any personal data to third countries or international organisations. If I do, it will only be:

- 14.1. To a third country or international organisation within the European Economic Area; or
- 14.2. To a third country or international organisation which:

- 14.2.1. Has been approved by the Commission as ensuring an adequate level of data protection (as was the case, as of February 2019, in respect of Andorra, Argentina, Guernsey, the Isle of Man, Israel, Jersey, New Zealand, Switzerland, and Uruguay; and in respect of the USA for personal data transfers covered by the EU-US Privacy Shield framework); and/or
- 14.2.2. Has itself enacted appropriate data protection safeguards (and enforceable data protection remedies) at a state or corporate level; or
- 14.3. To a third country or international organisation where an exception under Article 49 of the GDPR applies (for instance because the transfer is necessary in order for me to perform my contract with the person whose personal data is to be transferred).

Retaining and Deleting Personal Data

15. I will not keep personal data for longer than is strictly necessary. My Personal Data Retention and Disposal Policy details how long I hold data for and how I dispose of it when it no longer needs to be held.

Your Rights

16. The GDPR gives you specific rights in relation to your personal data. For example:
 - 16.1. You have the right to request that I give you access to the personal data which I hold about you;
 - 16.2. You have the right to request that I correct or complete any inaccurate or incomplete personal data which I hold about you;
 - 16.3. You have the right to request that, in certain circumstances, I erase the personal data which I hold about you;
 - 16.4. You have the right to request that I stop sending you direct mail, or emails, or in some circumstances ask me to stop processing your personal data entirely; and
 - 16.5. You have the right to request that I provide you (in a structured, commonly-used, and machine-readable format) with the personal data which I have received from you, so that you can transfer it to another controller. (Alternatively, you can request that I transfer that personal data directly to another controller.)
17. 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.

18. You can find out more information from the website of the Information Commissioner's Office (http://ico.org.uk/for_the_public/personal_information). This is the organisation that you can complain to if you are unhappy with how I have dealt with you.
19. You may request access to, correction of, or a copy of your information by contacting me at 10 Essex Street, London, London, WC2R 3AA.
20. You may opt out of receiving emails and other messages from my Chambers by following the instructions in those messages.
21. My Chambers' website may use "cookies". Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. The Chambers website may use cookies to:
 - 21.1. Validate users;
 - 21.2. Remember user preferences and settings;
 - 21.3. Determine the frequency with which content is accessed;
 - 21.4. Measure the effectiveness of advertising campaigns; and
 - 21.5. Analyse site visits and trends.

Chris de Beneducci
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