

Document	Kings Chambers Privacy Notice - Legal Services
Version	1.5
Date	February 2023
Barrister	Gerard McDermott KC
Classification	Public

1. NOTE

- 1.1 Please read the following information carefully. This Privacy Notice (“Notice”) contains information about the data we collect, process, store, and the reasons for obtaining and processing the data.
- 1.2 The Notice also sets out who we share data with, the steps we take to ensure that data is kept secure, the rights of data subjects in respect of personal data, and how to contact us in the event of a complaint.

2. ABOUT US

- 2.1 Gerard McDermott KC (“Barrister”) provides legal services (“Legal Services”) in accordance with instructions received from a professional client (“Client”) and/or the lay client (“Lay Client”).
- 2.2 Legal Services may include acting as an arbitrator, expert determiner, early neutral evaluator, or mediator.
- 2.3 The provision of Legal Services by the Barristers through Kings Chambers (“Chambers”) and its employees is hereafter referred to as the Practice.

Kings Chambers

T: 0345 034 3444
E: clerks@kingschambers.com

Manchester

36 Young Street,
Manchester, M3 3FT
DX: 718188 MCH 3

Leeds

5 Park Square,
Leeds, LS1 2NE
DX: 713113 LEEDS PARK SQ

Birmingham

Embassy House, 60 Church Street,
Birmingham, B3 2DJ
DX: 13023 BIRMINGHAM

2.4 The Barrister is the data controller for the purposes of applicable data protection legislation including the General Data Protection (“GDPR”) and the Data Protection Act 2018 (“DPA”) in respect of personal data supplied to the Practice in order for it to provide the Legal Services.

2.5 Chambers and its employees act as a data processor on behalf of the Barrister.

2.6 If you have any questions about this Notice or about personal data you can contact the Barrister and/or the Chambers Compliance Manager as follows:

By email: compliance@kingschambers.com

By post: Chambers Compliance Manager, Kings Chambers, 36 Young Street, Manchester, M3 3FT.

2.7 The Chambers Compliance Manager will forward all relevant enquiries to the Barrister.

3. TYPES OF PERSONAL DATA WE MAY COLLECT

3.1 In order to allow us to provide Legal Services we may collect the following information from the Client and/or the Lay Client in relation to the matter we are instructed on:

(i) name of Client / Lay Client

(ii) Client or Lay Client’s organisation or business name

(iii) contact information for the Client or the Lay Client (for e.g., address, email address, contact telephone numbers)

(iv) ID documents (if required)

(v) case name

(vi) case details (which may include personal information relating to third parties involved in the case, further personal information relating to the Client and/or Lay Client, special categories of data such as medical, rehabilitation, sexual orientation, social care history and records, details of religious or other beliefs, details of any relevant criminal convictions and details about actual or potential witnesses in the case); and

(vii) fee and/or billing details.

3.2 The Client and/or the Lay Client will usually be the source of any personal data that we hold.

4. HOW PERSONAL DATA IS USED

4.1 All personal data that we collect in relation to the provision of Legal Services will be recorded, used, and protected by the Practice in accordance with applicable data protection legislation and this Notice.

4.2 We will process and store the personal data and sensitive personal data (if applicable) provided by the Client and/or the Lay Client to us in order to provide the Legal Services.

4.3 In the case of personal data, the legal bases that we rely upon are:

(i) the processing is necessary for the performance of the contract to provide the Legal Services to the Client and/or the Lay Client.

(ii) the processing is necessary in order to comply with legal obligations to which the Practice is subject, such as, complying with court directions or investigations by the Legal Ombudsman,

the Bar Standards Board, the Information Commissioner's Office, or any other statutory regulatory; and/or

(iii) the processing is necessary for the purposes of legitimate interests pursued by the Practice, such as, for the purpose of conflict checking, for use in the defence of potential complaints, legal proceedings, or fee disputes/recovery, for keeping anti-money laundering check records, for training pupils and mini-pupils in confidence, for exercising a lien, or for otherwise complying with our professional obligations as set out in the Bar Standards Board Handbook.

4.4 In the case of sensitive personal data, the legal bases that we rely upon are:

(i) in some cases, the personal data may have been manifestly made public by the Client and/or the Lay Client.

(ii) the processing is necessary for the establishment, exercise or defence of legal claims. Where litigation is contemplated by the Client and/or the Lay Client, these claims may be the claims that we are asked to advance or defend on your behalf. Alternatively, the personal data may be retained for the defence of potential complaints and legal proceedings against the Practice; and/or

(iii) the processing is necessary for reasons of substantial public interest, such as complying with court orders, submitting skeleton arguments or minutes of orders to court, to comply with investigations carried out by the Legal Ombudsman, the Bar Standards Board, the Information Commissioner's Office, or any other statutory regulator and/or to otherwise comply with our professional obligations as set out in the Bar Standards Board Handbook.

4.5 In the case of criminal convictions, we will only use or process this data to provide the Legal Services, either in connection with legal proceedings (including prospective legal proceedings), providing legal advice, or for the purposes of establishing, exercising, or defending legal rights, including claims brought on behalf of the Client and/or Lay Client and also against the Practice.

5. **DATA COLLECTED FROM OTHER SOURCES**

5.1 In the provision of the Legal Services, it is likely that information will be provided solely by the Client and/or the Lay Client, however from time to time and depending on the nature of the instructions, data may be collected from another party.

5.2 Such information will only be processed in order to provide the Legal Services or to enable the Practice to act as an arbitrator, expert determiner, early neutral vendor, or mediator and where applicable, for the purpose of conflict checking, for use in the defence of potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, for training pupils and mini-pupils in confidence, for exercising a lien, or for otherwise complying with our professional obligations as set out in the Bar Standards Board Handbook, for complying with court directions, or for cooperating with investigations by the Legal Ombudsman, the Bar Standards Board, the Information Commissioner's Office, or any other statutory regulator.

6. **RECIPIENTS OF CATEGORIES OF PERSONAL DATA**

6.1 We will not use personal data for purposes that are not clear at the time of the provision of the Legal Services and personal data will not be disclosed outside of the Practice except where

necessary for the provision of Legal Services and in accordance with the Barrister's or the Practice's professional obligations.

- 6.2 Personal data may be shared with the following parties:
- (i) courts and other tribunals that we are instructed to represent the Lay Client before or to whom documents are presented.
 - (ii) representatives of other parties, in accordance with our instructions.
 - (iii) the Legal Ombudsman and other regulatory authorities.
 - (iv) the Client and/or the Lay Client; and
 - (v) pupils and mini-pupils in confidence.
- 6.3 In the course of providing the Legal Services it may also be necessary to share personal data with potential witnesses, including experts, and friends or family of the Lay Client where we are authorised to do so and in accordance with our instructions.
- 6.4 We may share some personal data with third parties in limited circumstances, which may include (a) if we are under a legal or regulatory duty to do so, (b) if it is necessary to do so to enforce our contractual rights, (c) to lawfully assist the police or security services with the prevention and detection of crime or terrorist activity, (d) where such disclosure is necessary to protect the safety or security of any persons and/or (e) otherwise as permitted under applicable law. We will only share personal data in these circumstances in accordance with our professional obligations as set out in the Bar Standards Board Handbook.
- 6.5 Personal data will not be used for any other purpose than has been set out in this Notice.

7. **TRANSFER OF DATA OUTSIDE THE EEA**

- 7.1 Please note that the Practice does not transfer data outside of the EEA in general. There may however be a requirement from time to time to transfer some or all of your personal data outside of the EEA if so required in order to progress your case or to provide the Legal Services. Where this happens, all necessary steps will be taken to ensure that data transferred outside of the EEA is afforded the same or similar safeguards and processes that we undertake within the EEA.

8. **MARKETING**

- 8.1 Chambers carries out marketing activities which include events, seminars, and conferences and other communications via email, social media, and other digital platforms. In the provision of marketing activities we may collect your name, address, email address, name of your organisation (if applicable), telephone number and details of your enquiry and/or your marketing preferences.
- 8.2 Any personal data that you provide to us will only be used to administer and provide products and services you request or have expressed an interest in and to tailor marketing communications from us.
- 8.3 We will not use personal data for purposes that are not clear when you provide your details and will not disclose your data outside of Chambers except in limited circumstances.
- 8.4 Further information and a copy of our Marketing Privacy Notice can be found on our website: <https://www.kingschambers.com/privacy-policy>

9. DATA RETENTION

- 9.1 The Practice will retain personal data for no longer than is reasonably necessary for the provision of the Legal Services and personal data will not be retained indefinitely or for reasons incompatible with relevant data protection legislation and the requirements of regulatory bodies such as the Bar Standards Board.
- 9.2 Our standard data retention period for personal data provided to us for the purpose of providing the Legal Services is 15 years from the date of the last work performed or carried out on a case. Once the retention period has been reached, any personal data held will be securely destroyed, unless the case remains outstanding in some material respect after that period has expired. The period of 15 years is the long stop period specified for claims in section 14B of the Limitation Act 1980.
- 9.3 The Lay Client's name and contact information may be retained beyond this period in the event it is needed longer for conflict checking.
- 9.4 In certain cases, personal data related to Legal Services may be retained for longer than 15 years where it is stored, for example, together with notes on other cases and the standard retention period has not expired in respect of those other cases and it is not reasonable or proportionate to separate the personal data relating to one case from another.

10. DATA SECURITY

- 10.1 We take the security of personal data seriously and the Practice has appropriate measures, safeguards and protocols in place to ensure that data is kept secure, is only accessed by those individuals authorised to do so and where there is a legitimate need to access the data.
- 10.2 Appropriate and reasonable steps are in place to reduce the risk of unauthorised access to personal data held by the Practice (either through accidental disclosure or deliberate act) and in line with the Practice's obligations under applicable data protection legislation.

11. RIGHTS

- 11.1 Under the GDPR and the DPA, data subjects have a number of important rights regarding their personal information. In summary these rights are as follows:
- (i) the right to request access to personal data
 - (ii) the right to request the correctio of inaccurate information held about you by the Practice
 - (iii) the right to request a restriction of the processing of your personal data
 - (iv) the right to request that personal data held by the Practice is erased (in certain circumstances)
 - (v) the right to request a copy of the personal data that has been provided to the Practice
 - (vi) the right to object to the processing of personal data or the continued processing of personal data; and
 - (vii) the right to request not to be subject to automated decision making
- 11.2 These rights are subject to the conditions and restrictions set out in the GDPR and DPA.
- 11.3 Further information regarding your rights can be found by visiting <https://www.ico.org.uk>

11.4 Should you wish to make a request to exercise any of these rights you should contact the Chambers Compliance Manager in the first instance:

By email: compliance@kingschambers.com

By post: Chambers Compliance Manager, Kings Chambers, 36 Young Street, Manchester, M3 3FT.

11.5 When contacting us please ensure that you provide relevant information to allow us to identify you (this can include confirmation of the unique or personal identifiers we hold about you such as proof of identity or address) and state the right or rights that you wish to exercise. We may need to contact you to request further information to verify your identity.

11.6 We will respond within one month from the date we receive a valid request.

12. **COMPLAINTS**

12.1 If you have a complaint regarding how your personal data has or is being processed by the Practice you should contact the Chambers Compliance Manager in the first instance.

12.2 In the event you are not satisfied with the outcome of your complaint, you may wish to refer it to the Information Commissioner's Office:

Online: <https://www.ico.org.uk>

By post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

13. **CHANGES TO THIS NOTICE**

13.1 We aim to meet high standards and as such our policies are subject to regular review. From time to time we may amend this Notice and publish updated versions to our website.