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# **Appendix 19D**

# **Privacy Notice - General Data Protection Regulation (“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. It also tells you who Chambers shares this information with, the security mechanisms Chambers has put in place to protect your information and how to contact Chambers in the event you need further information.

Two Harcourt Buildingscollects, uses and is responsible for personal information about you. When Chambers does this it is the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act 2018. Data protection enquiries should be directed to James Dawes KC, 2 Harcourt Buildings, Temple, London, EC4Y 9DB or by email to clerks@2hb.co.uk. A copy of our Data Protection Policy may be found here.

Chambers collects some or all of the following personal information that you provide:

1. personal details
2. family details
3. lifestyle and social circumstances
4. goods and services
5. financial details
6. education, training and employment details
7. physical or mental health details
8. racial or ethnic origin
9. religious, philosophical or other beliefs
10. sex life or sexual orientation
11. criminal proceedings, outcomes and sentences, or related security measures
12. other personal information relevant to instructions to provide legal services, including information specific to the instructions in question.

The same categories of information may also be obtained from third parties, such as members of Chambers, experts, members of the public, your family and friends, witnesses, courts and other tribunals, suppliers of goods and services, investigators, government departments, regulators, public records and registers.

All personal data that Chambers processes is for the purposes of recruitment, training, staff management including payroll and pensions, promoting and marketing the services of our barristers, fulfilling equality and diversity and other regulatory requirements, procurement of goods and services, responding to requests for references, providing legal services and support services, complaints and disputes handling, and compliance with anti-money laundering checks.

In relation to personal information collected for marketing purposes, the personal information consists of

* names, contact details, and name of organisation
* the nature of your interest in Chambers' marketing
* your attendance at Chambers’ events.

This will be processed so that you can be provided with information about Chambers and our Barristers and to invite you to events.

You may contact Chambers at any time if you no longer wish to receive such invitations or information.

If you apply to Chambers for a position; or are seeking a reference; or are a member of staff; your personal information has to be provided to Chambers so that your application/reference can be properly assessed; your employment records, pay and pensions can be administered;and to enable Chambers to comply with its regulatory obligations, and to keep accounting records.

If you are offering or providing Chambers with goods or services your information may be processed in relation to such offers or contracts.

Depending upon the circumstances, the legal bases upon which Chambers processes personal data are:

* The performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract
* The processing is necessary to comply with legal obligations to which Chambers is subject
* The processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedom of the data subjects which require protection of personal data, in particular where the data subject is a child.
* you have consented to the processing of your personal information, then Chambers may process your information for the purposes set out above to the extent to which you have consented to Chambers doing so.
* In relation to information in categories (g) to (k) above (these being categories which are considered to include particularly sensitive information and which include information about criminal convictions or proceedings), Chambers is entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for the establishment, exercise or defence of legal rights.
* In relation to information which is not in categories (g) to (k) above, Chambers relies on its legitimate interests and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.
* In relation to information which is in categories (g) to (k) above (these being categories which include particularly sensitive information and which include information about criminal convictions or proceedings), Chambers relies on your consent for any processing for the purposes of marketing, training, procuring goods & services, and responding to requests for references. However, if you do not consent to processing for the purpose of providing a reference Chambers will be unable to take or provide a reference. This is because Chambers needs to be able to retain all information about you to provide an informed and complete reference.
* The processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on Chambers or you in connection with employment, social security or social protection.
* The processing is necessary for the assessment of your working capacity or health or social care purposes.
* The processing of some sensitive information is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between members of staff, tenants, pupils and mini-pupils with a view to enabling such equality to be promoted or maintained.
* The processing is necessary to prevent or detect unlawful acts where it is in the substantial public interest and it must be carried out without consent so as not to prejudice those purposes.
* In certain circumstances processing may be necessary in order that Chambers can comply with a legal obligation to which it is subject (including carrying out anti-money laundering or terrorist financing checks).

### Who will Chambers share your personal information with?

It may be necessary to share your information with the following:

* information processors, such as IT support staff, email providers and information storage providers
* in the event of complaints, the Heads of Chambers and members of Chambers who deal with complaints, the Bar Standards Board and the Legal Ombudsman
* other regulatory authorities
* current, past or prospective employers or employees
* in the case of recruitment of barristers to or from other chambers, your current, past and prospective chambers
* education and examining bodies
* legal professionals
* experts and other witnesses
* prosecution authorities
* courts and tribunals
* Chambers’ staff
* trainee barristers
* lay and professional clients of members of Chambers
* family and associates of the person whose personal information Chambers is processing
* current, past or prospective employers
* education and examining bodies
* business associates, professional advisers and trade bodies, e.g. the Bar Council
* the intended recipient, where you have asked Chambers to provide a reference
* the general public in relation to the publication of legal judgments and decisions of courts and tribunals.

Chambers may be required to provide your information to regulators, such as the Bar Standards Board, the Financial Conduct Authority 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 Chambers’ consent or your consent, which includes privileged information.

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

Sources of information

The personal information Chambers obtains may include information obtained from:

* legal professionals
* experts and other witnesses
* prosecution authorities
* courts and tribunals
* trainee barristers
* lay and professional clients of members of Chambers
* family and associates of the person whose personal information Chambers is processing
* in the event of complaints, the Heads of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
* other regulatory authorities
* current, past or prospective employers
* education and examining bodies
* business associates, professional advisers and trade bodies, e.g. the Bar Council
* the intended recipient, where you have asked Chambers to provide a reference.
* the general public in relation to the publication of legal judgments and decisions of courts and tribunals
* data processors, such as IT support staff, email providers and data storage providers
* public sources, such as the press, public registers and law reports.

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 or the role for which you require a reference involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your information to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions you provide come 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 instructions.

Some countries and organisations outside the EEA have been assessed by the European Commission and their information protection laws and procedures found to show adequate protection. The list can be found [here](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en#dataprotectionincountriesoutsidetheeu). 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.

If Chambers decides to publish a judgment or other decision of a Court or Tribunal containing your information then may be published to the world.

Chambers will not [otherwise] transfer personal information outside the EEA [except as necessary for the conduct of any legal proceedings].

## How long will Chambers store your personal information?

Chambers will normally retain personal data until after the expiry of any relevant limitation period in relation to legal proceedings, for example:

* Contracts of employment, general personnel records, payroll and salary records will be retained for seven years after employment ends.
* Employee bank details will be deleted as soon as possible after final payment has been made.
* Staff recruitment records will be retained for six months after notifying candidates of the outcome of the recruitment exercise.
* Pupillage recruitment records will be retained for three years in line with current policy
* Records relating to tenancy recruitment from pupillage will also be retained for three years in order to provide external references.
* Records relating to the provision of services or goods will be retained for seven years from the date of the last payment made or received or the date on which all outstanding payments are written off whichever is the latest, to comply with accounting conventions.
* Equality and diversity data may be retained for up to six years in pseudonymised form for the purpose of research and statistics and complying with regulatory obligations in relation to the reporting of equality and diversity data.
* Names and contact details held for marketing purposes will be stored indefinitely or until Chambers becomes aware or is informed that the individual has ceased to be a potential client.

Any further retention will be reviewed and the information will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out as soon as reasonably practicable after the information is marked for deletion.

## Consent

As explained above, Chambers is relying on your explicit consent to process your information in categories (g) to (l) above. You provided this consent when you applied to become a member of staff, tenant, pupil or mini-pupil /you asked Chambers to provide a reference.

You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity carried out prior to you withdrawing your consent. However, where Chambers also relies on other bases for processing your information, you may not be able to prevent processing of your information.

If there is an issue with the processing of your information, please contact Chambers using the contact details below.

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## Your Rights

Under the GDPR, data subjects whose personal data Chambers processes have the right to request access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing and the right to data portability. If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](http://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/).

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

* Use the contact details at the end of this document;
* Chambers 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.

Chambers will respond to you within one month from when it receives 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 information protection laws occurred. The Information Commissioner’s Office can be contacted at <http://ico.org.uk/concerns/>.

## Future Processing

Chambers does 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 updated on the Chambers’ website at [www.2hb.co.uk](http://www.2hb.co.uk) .

## Contact Details

If you have any questions about this privacy notice or the information Chambers holds about you, please contact Chambers using the contact details below:

Mr James Dawes KC (Joint Head of Chambers)

2 Harcourt Buildings

Temple

London

EC4Y 9DB

Clerks@2hb.co.uk