

# CHARTER CHAMBERS

## Neil Hawes QC 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 I share this information with, the security mechanisms I have put in place to protect your data and how to contact me in the event you need further information.

### Who Am I?

I am Neil Hawes QC. I will collect, use and I am responsible for the personal information I may collect about you in the course of providing you with legal services. When I do this, I am the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act 2018. I am a registered controller with the ICO for these purposes.

If you need to contact me about your data or the processing carried out, you can use the contact details at the end of this document.

### What do I do with your Information?

#### Information collected

When I provide you or your organisation with any legal services or I am asked in connection with my role as a Head of Chambers to, for example, provide a reference, I may collect some or all of the following personal information (or ‘data’) about you, that you will provide to me. This may include:

- 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. political opinions
- j. religious, philosophical or other beliefs
- k. trade union membership
- l. sex life or sexual orientation
- m. genetic data
- n. biometric data for the purpose of uniquely identifying a natural person
- o. criminal proceedings, outcomes and sentences, and related security measures

- p. other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

#### Information collected from other sources and/or Sources of Information.

I may collect the same categories of information from third parties.

The categories of information I may obtain could include information obtained from:

- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head 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 me 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 my Chambers staff, IT support staff, email providers, data storage providers
- public sources, such as the press, public registers and law reports.

#### How I use your Personal Information: Purposes

I may use your personal information for the following purposes:

- i. to provide legal services to you personally or my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
- ii. to keep accounting records and carry out office administration
- iii. to take or defend legal or regulatory proceedings or to exercise a lien
- iv. to respond to potential complaints or make complaints or to deal with other regulatory issues connected to my professional role
- v. to check for potential conflicts of interest in relation to future potential cases
- vi. to promote and market my services
- vii. to carry out anti-money laundering and terrorist financing checks as required by law
- viii. to train other barristers and when providing work-shadowing opportunities
- ix. to respond to requests for references
- x. when procuring goods and services
- xi. to publish legal judgments and decisions of courts and tribunals
- xii. or as otherwise required or permitted by law.

## Whether Information has to be provided by you, and why

If I have been instructed by you or on your behalf to supply any legal service to you or on your behalf or if you have asked for a reference or you have communicated with me in my professional capacity, your personal information will have been provided to me to enable me to provide you or my client with legal advice or representation or for the giving of a reference or for me to assist you in some other professional capacity. Your information is also collected by me to enable me to comply with my professional obligations and keep appropriate business records.

## The Legal Basis for Processing your Personal Information

I rely on the following as the lawful bases on which I collect, store and use your personal information:

- If you have consented to the processing of your personal information, I may process your information for the Purposes set out above to the extent to which you have consented to me doing so.
- If you are a client, processing of this information is essential to allow me to provide legal services to you and for my personal regulatory and legal compliance.
- In relation to information which is in categories (g) to (o) above (these being categories which are considered to include particularly sensitive personal information and which include information about criminal convictions or proceedings) I rely on your consent for any processing for the purposes set out in purposes (ii), (iv), (vi), (viii) and (ix) above. I need your consent to carry out processing of this data for these purposes. If you do not consent to processing for purposes (iv) and (ix) (responding to potential complaints and providing a reference) I will be unable to take your case or to provide a reference. This is because I need to be able to retain all the material about your case until there is no prospect of a complaint and to provide an informed and complete reference.
- In relation to information in categories (g) to (o) above (these being categories which are considered to be particularly sensitive information and include information about criminal convictions or proceedings), I am entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights.
- In relation to information which is not in categories (g) to (o) above, I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the Purposes set out above.
- In certain circumstances processing may be necessary in order that I can comply with a legal obligation imposed on me (including carrying out anti-money laundering or terrorist financing checks) or by my regulatory body or other law enforcement agencies. Nothing in this Policy impacts on or undermines any legal professional privilege that may arise from litigation or legal advice being tendered to you as a client.
- The processing may include the publication of judgments or other decisions of courts or tribunals and associated articles about those (public) judgments.

## Who will I Share your Personal Information with?

If you are my client, some of the information you provide will be, as stated, protected by legal professional privilege unless and until the information becomes public in the course of any proceedings or otherwise or you expressly waive that right. As a barrister I have an obligation under the Bar Standards Board Code of Conduct to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings, where you otherwise consent to its disclosure or where I am required to disclose such information under the law.

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

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head 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 me to provide a reference.
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals.

I 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, criminal or regulatory 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, as stated, I am required or permitted to do so by the law.

## 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 data 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 your initial instructions.

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. The list can be found [here](#). 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 I decide to publish a judgment or other decision of a Court or Tribunal containing your information, then this will be published to the world.

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

If you would like any further information, please use the contact details at the end of this document.

#### How do I store your Personal Information?

I will usually store your information on a personal computer or another electronic device, such as an iPad or via email on my iPhone. Each device is encrypted, and password protected, with a minimum 9 digit pass key to it. Where appropriate entry can be gained through biometric data such as my fingerprint or face recognition system with the device.

Where your information is held on any form of electronic device or supplied to me through a CD Rom or via USB stick I comply with my chambers policy on information management and security. I keep a data log of where I hold digital material, and when I receive new data through an external source (other than attachments to email), but for example instructions or papers delivered on CD Rom or a USB stick, I log the receipt of that data. The log will identify where that data will be stored once accessed or how it will be destroyed (once downloaded) or if it has been returned to you or the firm you have instructed. In accordance with my wider professional obligations under the BSB Code rC15.5 (2018 ver) I will take all reasonable and necessary steps to ensure that your data is kept safe and confidential.

I will follow my chambers wider Information Management Policy, which includes protections afforded to data including the receipt and handling of physical papers. This policy is available on request.

#### How Long will I store your Personal Information for?

I will normally store all your information:

- Until at least 1 year after the expiry of any relevant limitation period (which will usually be 6 years, but may be 12 years, or longer where the case includes information relating

to a child or youth). This time is calculated by reference to the date when the last item of work was carried out, the date of the last payment received or the date on which all outstanding payments are written off, whichever is the latest. This is because it may be needed for potential legal and/or regulatory proceedings (which may include appellant proceedings by you). At this point any further retention will be **reviewed** and the data 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 (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.

- I will continue to store some of your information which I will need to carry out conflict checks for the rest of my career. However, this is likely to be limited to your name and contact details/ the name of the case/your company and any other parties' names and addresses that may be connected to your legal instruction. This will not include any information within categories (g) to (o) above.
- Information related to anti-money laundering checks must be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later;
- Names and contact details held for marketing purposes will be stored indefinitely or until I [or my clerks] become aware of or I am informed (or my clerks are informed) that the you as an individual or you as a firm have ceased to be a potential client.

## Consent

As set out above, I rely on your explicit consent to process your information in categories (g) to (o) above. You provide this consent to me when you agreed that I would provide legal services to you or your client and/or you have asked me to provide you with a reference or any other service connected to my professional position, including acting as a Head of Chambers or acting on behalf of the Bar Council.

You have the right to withdraw this consent at any time, **but** this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. However, where I also rely on other bases for processing your information, you may **not** be able to prevent the processing of your data. For example, if you have asked me to work for you and I have spent time on your case, you may owe me money which I will be entitled to claim. I will also still be required to retain and process your data to ensure that I maintain my regulatory compliance and to ensure that I can conduct and maintain my business records in accordance with the law.

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

## 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 you 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 the 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 Commissioners 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 and the bases upon which you exercise those rights.

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 will be available on request.

### Changes to this Privacy Notice

This Privacy Notice was last updated and published on 25<sup>th</sup> May 2018.

I continually review my privacy practices and may change this policy from time to time. When I do it will be available on request. My chambers's Privacy Policy is available on <https://www.charterchambers.com/privacy-policy-2/>

### Contact Details

If you have any questions about this privacy notice or the information I hold about you, please contact me or my Chambers Director, [Ian.Payn@CharterChambers.com](mailto:Ian.Payn@CharterChambers.com).

The best way to contact me is to write to me at my Charter Chambers, 33 John Street, London WC1N 2AT or contact my clerks by email at email address [Clerks@CharterChambers.com](mailto:Clerks@CharterChambers.com) or by phone at 020 7618 4400