

**Privacy Notice – individual Barrister**

8 New Square Intellectual Property Chambers (referred to as ‘Chambers’ in this Notice) is a substantial set of chambers specialising in Intellectual Property law. Members of Chambers are all self-employed and in independent practice at the Bar. Due to the number of specialist barristers in these Chambers, individual barristers are often instructed on opposite sides in litigation. Members of Chambers and Chambers staff are fully cognisant of the duty to keep the affairs of each client confidential and to manage conflicts of interest properly (Core Duty 6 of the Bar Standards Board’s Handbook and rC89.5).

This Privacy Notice concerns the data protection responsibilities of each individual barrister (referred to as ‘I’, below) at 8 New Square Intellectual Property Chambers (referred to as ‘Chambers’) and principally in connection with instructions from you to that individual. You may also have dealings with Chambers as a collective whole, in which case the data protection responsibilities of Chambers are set out in a separate document entitled ‘Privacy Notice – Chambers’, available on Chambers website at [www.8newsquare.co.uk](http://www.8newsquare.co.uk).

Please read the following information carefully. This privacy notice contains information about the information collected, stored and otherwise processed about individuals 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 information about individuals and how to contact me in the event you need further information.

**Who Am I?**

I am a member of Chambers who carries on my practice and other professional activities from my chambers at 8 New Square, Lincoln’s Inn, London, WC2A 3QP. I may be contacted at the above address, through my Data Protection Manager (DPM), *Harri Gibson*, at 020 7405 4321 or by email [harri.gibson@8newsquare.co.uk](mailto:harri.gibson@8newsquare.co.uk).

**For whom is this Privacy Notice intended?**

In my practice, I mainly advise and act for companies (in which term I include other corporate bodies). When a company instructs me, I am often provided with personal information about employees, directors or other individuals associated with the client company. However, it is not appropriate to notify such individuals that I am acting for the client company particularly, for example, where I am advising a company on its rights as against an employee or where an employee is not sufficiently senior to be involved in the matter in relation to which I am instructed.

Therefore when I am instructed by a company, I will normally process information about individuals associated with the company (as well as information about other individuals involved in the case or the matter on which I am asked to advise) on the basis that I am entitled in law to process the information because it is necessary for legal proceedings,

providing legal advice, or otherwise for establishing, exercising or defending legal rights. Where the information is non-sensitive, I may also process it on the basis that the processing is for the legitimate interests of my client, myself or another person.

In some cases I am instructed by a client who is an individual. If you are such a client, then this Notice is intended for you. In addition, my clients who are companies may choose to make this Notice available to individuals connected with them. If you have received this Notice in that way, it explains how I will make use of your personal information.

## **What do I do with your information?**

### **Information collected**

When carrying out my role as a barrister and/or the provision of legal services, including wider duties and activities in my profession such as training others, communicating with third parties (for marketing and other purposes), pro-bono work or assisting charities, assisting with activities at the Inns of Court, participating in Bar Council, Bar Standards Board or specialist associations or institutions, providing references, supervising and assisting with pupils, mini-pupils and other work experience placements and other activities, I collect some or all of the following personal information (to be used as appropriate in accordance with my professional duties and depending on the nature of the case or matter):

- a. personal details
- b. family details
- c. lifestyle and social circumstances
- d. goods and services sought or used by individuals
- 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 information
- n. biometric information for the purpose of uniquely identifying a natural person
- o. criminal proceedings, outcomes and sentences, or related security measures
- p. other personal information relevant to instructions to provide legal services, including information specific to the instructions in question.

These categories of information may be obtained from you or from third parties, as specified in the next section.

## **Sources of information**

The personal information I obtain may include information obtained from:

- legal professionals (including solicitors, patent attorneys, trade mark attorneys, mediators, arbitrators and other lawyers and their employees and agents) and others with whom I deal in the course of the activities set out above
- experts and potential experts (including IT specialists and other specialists instructed in relation to litigation, whether or not intended or required to give evidence), witnesses and potential witnesses
- prosecution authorities
- courts and tribunals
- regulatory or administrative authorities
- trainee barristers, mini pupils or others carrying out placements or work experience
- my lay and professional clients
- 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
- data processors, such as IT support staff in my Chambers and elsewhere, email providers, data storage providers and telephone service providers
- Chambers staff
- public sources, such as the press, public registers and law reports.

## **How I use personal information: Purposes**

I may use personal information for the following purposes:

- i. to provide legal services to 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 proceedings relating to conduct or fees
- iv. to respond to or deal with complaints or potential complaints or make complaints
- v. to check for potential conflicts of interest in relation to future potential cases
- vi. to the extent that any personal information is already in the public domain (for example where it has been disclosed in open court or included in a published judgment), to promote and market my services
- vii. to carry out anti-money laundering and terrorist financing checks
- viii. to train other barristers and provide work-shadowing opportunities
- ix. to respond to requests for references
- x. to publish legal judgments and decisions of courts and tribunals and information about them

- xi. for other purposes as required or permitted by law including those referred to above.

### **Whether information has to be provided by you, and why**

If I have been instructed by you or on your behalf on a case, your personal information has to be provided, to enable me to provide you with advice or representation and to enable me to comply with my professional obligations, and to keep accounting and other records.

### **The legal basis for processing personal information**

I rely on the following as the lawful bases to collect and use personal information:

- In relation to all personal data, I am 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 (o) above, I rely on my legitimate interests and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.
- If you have consented to the processing of your personal information, then I may also 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 or otherwise contracting with me or an organisation I work with, processing is necessary for the performance of a contract (including a contract for legal services) or in order to take steps at your request prior to entering into a contract.
- In certain circumstances processing may be necessary in order that I can comply with a legal obligation to which I am subject (including carrying out anti-money laundering or terrorist financing checks or complying with obligations imposed on me by professional regulators).
- In some cases the processing is necessary to publish judgments or other decisions of courts or tribunals.
- In some cases 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.

### **With whom will I share personal information?**

If you are a client, some of the information you provide will be protected by legal professional privilege unless and until the information becomes public in the course of any proceedings or otherwise. 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 case or proceedings.

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

- information processors, such as my Chambers staff, IT support staff, email providers, information storage providers and telephone service providers

- legal professionals (including solicitors, patent attorneys, trade mark attorneys, mediators, arbitrators and other lawyers and their employees and agents), including those acting for other parties
- experts and potential experts (including IT specialists and other specialists instructed in relation to litigation, whether or not intended or required to give evidence), witnesses and potential witnesses
- courts, tribunals and their staff
- regulatory or administrative authorities
- my Chambers' staff
- pupil barristers, mini pupils or others carrying out placements or work experience in accordance with Chambers' confidentiality policies
- my lay and professional clients
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals

I may be required to provide personal 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 personal information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or the consent of the individual concerned, and this can include privileged information. I may also be required to disclose your information to the police or intelligence services, pursuant to a court order, or otherwise where required or permitted by 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. In summary, there are a number of circumstances in which your personal data may be transferred outside the EEA:

- If you reside outside the EEA and it is necessary to communicate with you;
- If your case involves persons or organisations or courts and tribunals outside the EEA; or
- If the nature of the processing is such that we are required to communicate with another person outside the EEA about you (for example, a reference you have asked us to send for a role outside the EEA).

Because I work for clients in countries outside the EEA and instructions can come from outside the EEA, I may transfer personal information to those countries. I may lawfully transfer personal information to any country, and will do so, where it is necessary for the establishment, exercise or defence of a legal claim. 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. 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 may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- Cloud information and/or storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store information and/or backup copies of information so that I may access the information when I need to. The USA does not have the same information protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection.
- Cloud information and/or storage services based in Switzerland, in order to enable me to store information and/or backup copies of the information so that I may access the information when I need to. Switzerland does not have the same information protection laws as the EU but has been recognised by the European Commission as providing adequate protection.
- Other cloud information and/or storage services elsewhere in the world.

I may temporarily take personal information outside the EEA, for example when travelling for a case or for other purposes, and when it is or appears likely to be necessary to access or have available the information in order to deal with the case to which it relates. When I do this, the information will be retained under my own control, will be subject to adequate safeguards, and the rights of data subjects under United Kingdom law will continue to apply.

If Chambers or I publish a judgment or other decision of (or information about a public hearing in front of) a Court or Tribunal containing your information then it may be published on a website or in another form which is accessible from anywhere the world.

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

### **How long will I store personal information?**

I may store personal information:

- Until at least 15 to 16 years after the case was worked on or another date relevant to the limitation period beginning to run, for example, the date on which the last item of work was done, the date of the last payment made or received or the date on which all outstanding payments are written off, whichever is the latest. That is because 15 years is the long-stop period preferred by the Bar Mutual Indemnity Fund in the light of potential limitation periods.
- At this point further retention will be reviewed and systems are under consideration to review the information (including historical information held at the time this notice is published) and mark it as appropriate for deletion or reduction in live systems and/or deletion, or archiving into secure encrypted archives or retention for a further period. The timing of moving to such an archive and subsequent deletion from the archive will be considered when I retire from practice.

- The suitable period may have to be extended depending on the type of information involved. For instance
  - clients sometimes return for advice about *copyrights* (which may last for the author's life plus 70 years), *trade marks rights* (which may last indefinitely), *design rights* (which may last for 25 years after the registration was applied for) or *patent rights* (which may last for 20 years and, in the case of a supplementary protection certificate, more than 20 years after the patent application was filed) many years after initial advice was requested or instructions provided,
  - clients sometimes require or request conflict checks to be carried out across Chambers from since members started practicing, and
  - information may be needed for potential legal proceedings in which the limitation period may be alleged not to have started to run until alleged damage or some other event occurred sometime after advice was given or instructions acted upon.
- Judgments, orders, pleadings and documents drafted by myself or other barristers or lawyers which record or are examples of legal analysis, research, legal practice and other background may be kept while I remain in practice because of the valuable archive of learning which they represent. This will be subject to regular review and assessment of risk having regard to the nature of the information, for instance when data protection policies are regularly reviewed.
- Information which is retained for the purpose of checking for conflict of interests will be retained for the rest of my career.

## **Consent**

As explained above, in most circumstances I will process personal information without seeking or requiring consent from the individual involved, including sensitive personal data (for example, information about your physical or mental health, racial or ethnic origin, political opinions, sexual orientation, or other sensitive data). If you are a client who is an individual and have provided your consent to the processing of your personal data when you agreed that I would provide legal services for you, 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. Nor will it prevent the continued processing of your information, where I also rely on other bases for processing your information.

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

## **Your rights as a data subject**

Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are generally free of charge but may be subject to a reasonable administration fee, in particular if the request is manifestly unfounded or excessive or if further copies of the data are requested after a request.

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 information 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, for example 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 the processing of your personal information in certain circumstances.

Please however note that I will not normally be able to provide access to personal information where it is covered by legal privilege. This means that unless you are an individual who has instructed me, it will often not be possible for me to comply with requests for access to your personal data. However, any requests made to me will be carefully considered and will be responded to in accordance with the law.

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 beginning 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 Chambers 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**

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 Chambers' website at [www.8newsquare.co.uk](http://www.8newsquare.co.uk).

### **Changes to this privacy notice**

This privacy notice was published on 24 May 2018.

I periodically review my privacy practices and may change this policy from time to time. When I do so, an amended privacy notice will be placed on my Chambers' website at [www.8newsquare.co.uk](http://www.8newsquare.co.uk).

### **Contact Details**

If you have any questions about this privacy notice or the information I hold about you, please contact me using the contact details on page 1 above.