

# 8 NEW SQUARE

INTELLECTUAL PROPERTY

## Privacy Notice - Chambers

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 Chambers acting collectively, in contrast to the data protection responsibilities of each individual barrister which arise principally in connection with instructions to an individual barrister to provide legal advice or services. The data protection responsibilities of each individual barrister are set out in a separate document entitled ‘Privacy Notice – individual Barrister’, available on the Chambers website at [www.8newsquare.co.uk](http://www.8newsquare.co.uk).

This privacy notice contains information about the personal data collected, stored and otherwise processed about individuals and the reasons for the processing. It also tells you who Chambers shares this data with, the security mechanisms Chambers has put in place to protect your personal data and how to contact Chambers in the event you need further information or wish to exercise any relevant data subject rights.

### Data controller

8 New Square Intellectual Property Chambers may collect, use and be responsible for personal data about you. When Chambers does this it is the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act. The data controller is the Head of Chambers, *James Mellor QC*.

If you need to contact Chambers about your information or the processing carried out you can use the contact details below. Chambers is registered with the Information Commissioner’s Office (ICO) as a data controller for the personal data that Chambers holds and processes.

Chambers’ registered address is 8 New Square, Lincoln’s Inn, London, WC2A 3QP. The Chambers ICO registration number is *Z3467503*, and the Chambers Data Protection Manager (DPM) is *Harri Gibson*, who can be contacted at the above address, on *020 7405 4321* or by email at [harri.gibson@8newsquare.co.uk](mailto:harri.gibson@8newsquare.co.uk).

### What does Chambers do with your information?

#### Information collected

Chambers may collect the following personal information:

- a. Information that you provide to Chambers in the course of instructing and communicating with members of Chambers (for example, personal details, family details, lifestyle and social circumstances, financial details, education, training and employment details).

- b. Information that you provide to us in the course of applying for employment, pupillage, mini-pupillage or other roles in Chambers.
- c. Information concerning civil and criminal proceedings involving you, including remedies, outcomes and sentences, or related court orders.
- d. Information about you that may be contained in instructions, engagement letters, evidence, privileged communications among members of Chambers, or between members of Chambers and those instructing them.
- e. Other personal information relevant to instructions to provide legal services, including information specific to the instructions in question.
- f. If you opt in to Chambers marketing communications, your email address and related personal details.

The same categories of information may also be obtained from third parties, such as members of Chambers and the other sources specified in the next section.

### **Sources of information**

The personal information Chambers obtains 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 Chambers deals in the course of its activities
- experts and potential experts (including IT specialists and other specialists instructed in relation litigation, whether or not intended or required to give evidence), witnesses and potential witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers, mini pupils or others carrying out placements or work experience
- 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 Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory or administrative 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
- data processors, such as IT support staff in 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 Chambers uses your personal information:**

#### *Purposes of processing*

Chambers may use your personal information for the following purposes (the ‘Purposes’):

- i. to promote and market the services of the Barristers;
- ii. to train barristers and provide work-shadowing opportunities;
- iii. to recruit staff and pupils;
- iv. to respond to requests for references;
- v. to assess applications for tenancy, pupillage, mini-pupillage and work-shadowing opportunities;
- vi. to fulfil equality and diversity and other regulatory requirements;
- vii. to procure goods and services from our suppliers;
- viii. to manage matters relating to the employment of Chambers staff;
- ix. to publish legal judgments and decisions of courts and tribunals and information about them;
- x. to respond to or deal with complaints or potential complaints or make complaints;
- xi. to comply with or facilitate compliance with the professional obligations of our Members, in accordance with the Bar Standards Board Code of Conduct;
- xii. to check for potential conflicts of interest;
- xiii. to carry out anti-money laundering and terrorist financing checks;
- xiv. pursuing, establishing, exercising or defending legal claims;
- xv. for the purposes of members of Chambers acting in a judicial capacity;
- xvi. to assist members of Chambers in carrying out their professional activities, including providing legal services to their clients (including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations), carrying out wider duties and activities in their profession or professions 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, taking or defending legal or regulatory proceedings or proceedings relating to conduct or fees and the other activities referred to above; and
- xvii. as otherwise required or permitted by law.

### *Marketing and promotion*

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

- names, contact details (including, if applicable, email address), and name of organisation;
- the nature of your interest in Chambers' marketing; and
- your attendance at, and registration for, Chambers events.

This will be processed so that you can be provided with information about Chambers and the barristers, mediators and arbitrators and to invite you to events.

You may opt out of receiving emails and other messages from our organisation by following the instructions in those messages and may contact Chambers using the contact details above if you no longer wish to receive such invitations or information.

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

If you apply to Chambers for a position, a mini-pupillage, other placement or work experience, or if you are seeking a reference or if you are a member of staff your personal information has to be provided to Chambers, so that your application or reference can be properly assessed and/or your mini-pupillage or other placement, 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 provision.

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

Chambers relies on the following as the lawful bases to collect and use your personal information:

- pursuing, investigating, establishing, exercising or defending legal claims;
- for members of Chambers acting in a judicial capacity, acting in such a capacity;
- if 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 all personal data, 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 and by members of Chambers acting in a judicial capacity;
- in relation to information which is not sensitive personal data, Chambers relies on its legitimate interests and/or the legitimate interests of a third party (including lay and professional clients of members of Chambers), in carrying out the processing for one of the Purposes;
- in relation to information about you which is not sensitive personal data, Chambers relies on your consent for any processing for the purposes set out in purposes (i),

(ii), (iv) and (vii) above (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 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 information which 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 publish judgments or other decisions of courts or tribunals;
- 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; and
- 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, or complying with obligations imposed on members of Chambers by their professional regulator).

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

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

- members of Chambers (including barristers, arbitrators and mediators);
- courts, tribunals and their staff, if the relevant personal data is being processed in the context of legal proceedings and Chambers is instructed to do so;
- solicitors who are instructing members of Chambers;
- direct access clients who are instructing direct-access qualified members of Chambers;
- clerks and administrative staff who are employees or contractors of Chambers or the Head of Chambers;
- information processors, such as IT support staff, email providers, information storage providers and telephone service providers;
- in the event of complaints, the Head of Chambers and members of Chambers who deal with complaints, the Bar Standards Board and the Legal Ombudsman;
- regulatory or administrative 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 (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 litigation, whether or not intended or required to give evidence), witnesses and potential witnesses;
- prosecution authorities;
- pupil barristers, mini pupils or others carrying out placements or work experience in accordance with Chambers' confidentiality policies;
- 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; and
- the general public in relation to the publication of public 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, 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 any of 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 members of Chambers work for clients in countries outside the EEA and instructions can come from outside the EEA information can be transferred to those countries. 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.

Chambers may transfer your personal information to the following which are located outside the EEA:

- Cloud information and/or storage services based in the USA who have agreed to comply with the EU–US Privacy Shield, in order to enable storage of your information and/or backup copies of your information so that Chambers may access your information when they need to. The USA does not have the same information protection laws as the EU but the EU–US 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 storage of your information and/or backup copies of your information so that Chambers may access your information when it needs 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.

Chambers staff and barristers 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 to be necessary to access or have available the information in order to deal with the case to which it relates. When this occurs, the information will be retained under Chambers' or the relevant barrister's control, will be subject to adequate safeguards, and the rights of data subjects under United Kingdom law will continue to apply.

If Chambers publishes 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 in the world.

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

### **How long will Chambers store your personal information?**

Chambers may store your 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 your employment terminates, the date of the last provision of service or goods, 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 under the Limitation Act preferred by the Bar Mutual Indemnity Fund.

- 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, archiving to 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 the relevant member of Chambers retires or resigns from Chambers.
- 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 barristers which record or are examples of legal analysis, research, legal practice and other background may be kept whilst members of Chambers 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 members of Chambers' careers and, where appropriate, Chambers' activity in providing legal services.
- Equality and diversity data may be retained for 15 years in pseudonymised form for the reasons concerning the limitation period set out above and 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.
- Personal information held for recruitment purposes or in relation to pupillage or mini-pupillage may be stored for 7 years after the end of recruitment process, the period of pupillage or mini-pupillage, as the case may be.

## **Consent**

As explained above, Chambers is relying on your explicit consent to process your sensitive personal data. Insofar as you provide data in these categories (for example, information about your physical or mental health, racial or ethnic origin, political opinions, sexual orientation, or other sensitive data), you provided or will provide this consent when you applied or apply to become a member of staff, tenant, pupil, mini-pupil or for any other placement or work experience, or if 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.

## **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 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 Chambers holds on you;
- ask for your personal information to be erased, in certain circumstances;
- receive a copy of the personal information you have provided to Chambers 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.

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 beginning 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.

### **Marketing emails**

You may opt out of receiving emails and other messages from our organisation by following the instructions in those messages and may contact Chambers using the contact details above if you no longer wish to receive such invitations or information.

### **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 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.

Chambers periodically reviews its privacy practices and may change this policy from time to time. When it does an amended privacy notice will be placed on the Chambers' website at [www.8newsquare.co.uk](http://www.8newsquare.co.uk).