

Privacy Notice to be provided to the lay client/s

Introduction

Farrar's Building is committed to safeguarding the privacy of those whose personal data comes into our possession. We take your privacy rights and the security of your personal data very seriously.

Please read this Privacy Notice carefully. It explains how the barrister instructed in your case will use any personal information about you that is provided or made available to the barrister.

The barrister instructed in your case will be the 'controller' of your personal information for the purposes of the General Data Protection Regulation 2018 and the Data Protection Act 2018. If you need to contact your barrister about your personal information or the processing they have carried out, the relevant contact details are:

Farrar's Building

Temple

London

UK

EC4Y 7BD

Topics covered by this Privacy Notice:

- What information will be used by the barrister
- How and why this information is used
- Who your information will be shared with
- How long your information will be held by the barrister
- International data transfers
- Your rights
- Further information / complaints

What information will be used by the barrister

Where it is necessary to do so, the barrister will collect, use, share, retain and otherwise process personal information about you in order to provide you with legal services.

This personal information will be collected by the barrister upon receipt of initial instructions to provide legal services to you and in the course of the provision of those legal services.

This personal information may be obtained from a number of different sources provided to or made available to the barrister, for example instructions received directly from you or your solicitor, information from third parties such as your family, friends and associates, court documents, witness statements, medical records, employment records, educational records, HMRC records, DWP records, financial records, investigation documents, police reports, expert reports, regulatory authorities, courts and other tribunals, government departments, prosecution authorities, and public records and registers.

The personal information processed by the barrister may include information about your:

- Name, address, telephone number(s), e-mail and other contact details
- Gender
- Marital status

- Family background
- Education, training and employment details
- Financial details
- Lifestyle and social circumstances
- Visual image, appearance or behaviour
- Any other personal information necessary for the purposes of providing legal services to you
- Any other information that you choose to send to the barrister

The personal information processed by the barrister may also include particularly sensitive personal information, including information about your:

- Physical or mental health
- Past medical history
- Genetic data
- Biometric data
- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Sex life or sexual orientation
- Trade union membership
- Any civil and criminal proceedings in which you have been involved
- Any criminal convictions

How and why this information is used

The barrister will only use your personal information if they have a proper reason for doing so.

The barrister may collect, use, share, retain and otherwise process your personal information for the following purposes:

- To provide legal services, including (without limitation) the provision of legal advice and representation in courts, tribunals, arbitrations and mediations
- To conduct checks to identify clients and verify their identity
- To keep accounting records and carry out administration of the barrister's own professional practice
- To take or defend legal or regulatory proceedings
- To respond to any potential or actual complaints
- To provide experience and training to pupils (trainee barristers) and when providing work-shadowing opportunities (for example to students or mini-pupils)
- To publish legal judgments and decisions of courts and tribunals
- To check for potential conflicts of interest in relation to future potential cases
- To carry out anti-money laundering and terrorist financing checks
- To promote and market their services
- To comply with professional, legal and regulatory obligations
- As otherwise required by law

The barrister will collect, use, share, retain and otherwise process your personal information on the following legal grounds:

- Where you have consented to them processing your personal information. You have the right to withdraw your consent to the processing at any time. Please see the 'Your rights' section of this Privacy Notice for more details
- To enable them to provide legal services or to fulfill their obligations under the contractual terms of work

- To take steps at your request prior to entering into any contract to provide legal services
- To comply with any legal obligation to which they are subject, for example retaining records required by anti-money laundering legislation
- Where it is necessary for the legitimate interests of the barrister, for example for the purpose of conflict-checking, or for use in the defence of potential complaints, legal proceedings or fee disputes
- Where it necessary for the legitimate interests of a third party, for example the establishment, exercise or defence of legal claims of a third party, or for the purposes of training of pupils at Farrar's Building
- In respect of any personal information relating to criminal convictions and offences: Where it is necessary for the establishment, exercise or defence of a legal claim or whenever a court is acting in a judicial capacity
- Where you have made the information public

Who your information will be shared with

Some of the personal information you provide will be protected by legal professional privilege. Your barrister has an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

The barrister may share your information with the following categories of recipients for the purposes described above:

- Courts and other tribunals
- Your solicitor or any other legal or non-legal professional advisor
- Lay witnesses or potential lay witnesses
- Expert advisors or witnesses
- Solicitors, barristers or other legal or non-legal representatives acting for any other party in your case
- The barrister's clerks or other employees of Farrar's Building
- Pupils (trainee barristers)/ mini-pupils undertaking pupillage/ mini-pupillage at Farrar's Building, or students undertaking work shadowing at Farrar's Building
- The barrister's own professional advisors
- Legal expenses insurers
- In the event of any complaint, the Head of Chambers, other members of Farrar's Building who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- Prosecution authorities
- Any law enforcement agency, court, regulator or government authority or other third party where this is deemed by the barrister to be necessary to comply with a legal or regulatory obligation or process

Your barrister may also disclose your personal information to any of Farrar's Building's employees, agents or service providers (such as IT contractors, email providers, data storage providers) insofar as reasonably necessary for the purposes as set out in this Privacy Notice, but only if Farrar's Building is satisfied that they take appropriate measures to protect the security of your personal information.

The barrister will not share your personal data with any other third party unless they have your specific permission to do so.

How long your information will be held by the barrister

The barrister will retain your personal information for as long as is necessary, but no longer, for them to fulfil the purposes described in this Privacy Notice.

Whilst the barrister's involvement in your case is ongoing, the barrister will retain your personal information for as long as is necessary to enable them to provide legal services.

After the barrister's involvement in your case has ended, the period for which they will retain your personal information will depend on various criteria:

- The length of the limitation period for bringing any professional negligence claim or contribution proceedings against the barrister in respect of the legal services they have provided. The expiry of the relevant limitation period will depend upon, amongst other things, the age and capacity of the client
- In respect of clients who lack mental capacity and to whom no limitation period might apply, a balance will be struck between the barrister's legitimate interest in retaining personal information in case files to defend any professional negligence action and the privacy rights of the client
- Whether the retention of the personal information is necessary for regulatory requirements, for example in order to carry out anti-money laundering checks
- Some of your information which is needed to carry out conflict checks may be retained indefinitely but this is likely to be limited to your name, contact details and the name of the case.

There will be certain circumstances in which your personal information needs to be preserved beyond the default retention period set by the barrister, and specifically where one of the following conditions applies:

- Legal action or a regulatory or similar investigation is known to be likely, threatened or actual
- A legal or regulatory obligation to produce information is known to be likely, threatened or actual
- A crime is suspected or detected.

Further information about how long your information will be held is contained in the barrister's Data Retention Policy.

International data transfers

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. However, if you reside outside the EEA or if the instructions you provide come from outside the EEA or your case involves persons, organisations, courts or tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA. These transfers are subject to special rules under European and UK data protection law. 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.

Your rights

You have a number of rights in relation to the personal information held by the barrister.

Where you have provided your consent to the barrister processing your personal information, you are entitled to withdraw your consent at any time, but this will not affect the lawfulness of any processing activity carried out by the barrister prior to you withdrawing your consent. In certain cases, the barrister may continue to process your information after you have withdrawn consent if they have a legal basis to do so or if your withdrawal of consent is limited to only certain processing activities.

Where there is a direct contract between you and the barrister, the provision of your personal information is a contractual requirement under the contractual terms of work and failure by you to

provide such personal information could mean that the barrister will not be able to provide the legal services under the contract and may have the right to terminate the contract.

In other cases, whilst there may not be a contractual obligation owed to the barrister to provide them with your personal information, failure to do so may prevent the barrister from providing you with legal services and may require them to withdraw from acting for you under the barrister's professional code of conduct.

You are entitled to ask the barrister to provide access to any personal information they hold about you and you can request a copy of some or all of your personal information.

You also have the following rights:

- Right of rectification – you have a right to correct information that is held about you that is inaccurate or incomplete
- Right to be forgotten – in certain circumstances you can ask for the information that is held about you to be erased
- Right to restriction of processing – where certain conditions apply you have a right to restrict the processing of your personal information
- Right of portability – you have the right to have the information held about you transferred to another organization
- Right to object – you have the right to object to certain types of processing such as direct marketing
- Right to object to automated processing, including profiling – you also have the right to be subject to the legal effects of automated processing or profiling

Where your personal information is being processed by the barrister for the purposes of their own legitimate interests or those of a third party, you can object to this processing in certain circumstances. In such cases, the barrister will cease processing your information unless they have compelling legitimate grounds to continue processing or where it is needed for legal reasons.

Any request to exercise any of the above rights should be made in writing (with a contact address and proof of your identity and address) to the barrister at the contact address set out above.

Further information/ complaints

If you have any concerns or wish to make a complaint about how the barrister has collected, used or shared your personal information, please contact the Director of Compliance at Farrar's Building, Temple, London EC4Y 7BD.

We hope that we can resolve any query or concern you may raise about the use of your information. However, you do have the right to complain to the Information Commissioner's Office (ICO), whose website is at www.ico.org.uk, 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.

This Privacy Notice was published on 25 May 2018 and was last updated on 11 June 2018.

The barrister may change this Privacy Notice from time to time and will inform you of any such changes.