

## **PRIVACY POLICY OF:**

**ANDREW WARNOCK**

**1 CHANCERY LANE, LONDON**

**Z7997867**

**15 October**

**Policy became operational on: 15 October 2021**

**Next review date: 15 October 2022**

### **Privacy Policy**

In order to provide legal advice and representation, I need to collect and hold personal information. This may be your personal data or information relating to other parties involved in the matter. I will take all reasonable steps to protect personal information. I will ensure that I do not do anything that may infringe your rights or undermine your trust. This privacy notice describes the information I collect about you, how it is used and shared, and your rights regarding it.

#### **Data controller**

I am registered with the Information Commissioner's Office (ICO) as a Data Controller for the personal data that I hold and process as a barrister. My registered address is 1 Chancery Lane, London WC2A 1LF and my ICO registration number is Z7997867. If you need to contact me about your data or this privacy notice, you can reach me at [clerks@1chancerylane.com](mailto:clerks@1chancerylane.com)

#### **Data collection**

All the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. Your solicitor and/or I will tell you why we need the information and how we will use it. . In addition to the information you may provide to me or your solicitor, I may also obtain information from other sources as follows:

- Information that is available publicly in registers, searches or in the media
- Other legal professionals including solicitors and barristers and their associates, trainees and staff
- Chambers staff
- Expert witnesses
- Regulatory, public or administrative bodies
- Court staff & officials

- Clients
- References

### **What data do I process about you?**

I collect and process both personal data and special categories of personal data as defined in the GDPR. This may include:

- Name
- Email address
- Phone number
- Address
- Payment or bank details
- Date of birth
- Next of kin details
- Details pertaining to education and employment
- Information on your background & current circumstances
- Financial information.

Where relevant, I may also need to process special category personal data that reveals your:

- Racial or ethnic origin
- Political opinions
- Religious and philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health
- Sex life and sexual orientation.

On occasion, I may also process personal data relating to criminal convictions and offences.

### **My lawful basis for processing your information**

In order that I can provide legal services and representation for you, I must process your personal data. The General Data Protection Regulation (the GDPR) requires all organisations that process personal data to have a lawful basis for doing so. The lawful bases identified in the GDPR that I seek to rely upon are as follows:

- **Consent of the data subject** – where this required, I will ensure that I have your specific consent for processing your data. You will also have the right to withdraw your consent at any time. Where you do so this not affect the legality of data processing which had taken place prior to your withdrawal of consent.

- **Performance of a contract with the data subject or to take steps to enter into a contract.**
- **Compliance with a legal obligation** – to comply with various regulatory and professional obligations, e.g. filing tax returns with HMRC.
- **The legitimate interests of my business or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.**

Examples of legitimate interests include but are not limited to:

- Provision of legal services and advice;
- Processing is necessary to ensure network and information security, including preventing unauthorised access;
- For purposes of practice management, accounting and debt recovery;
- For completion of professional regulatory requirements;
- Processing for direct marketing purposes,
- Professional development and career progression;
- Prevent fraud; and
- Reporting threats to public security;
- Provision of training to others;
- Such other purposes as set out below.

### **Special category processing**

The UK GDPR specifies that where I process special category data, I must rely upon certain exemptions in order to do so lawfully. The following exemptions are applicable in my practice :

1. I have your explicit consent to do so; or
2. It is necessary for the exercise or defence of legal claims or judicial acts.

### **Criminal data processing**

On occasion, I process data relating to criminal offences where it is necessary for:

- The purpose of, or in connection with, any legal proceedings;
- The purpose of obtaining legal advice; or
- The purposes of establishing, exercising or defending legal rights or
- Where I have your explicit consent to do so.

### **I use your information to:**

- Provide legal advice and representation;
- Assist in training pupils and mini pupils;

- Investigate and address your concerns;
- Communicate with you about news, updates and events;
- Investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law;
- Make statutory returns as required by tax and regulatory authorities;
- Assist in any tendering or panel membership applications;
- Assist in any other applications for the purpose of professional development or career progression;
- Communicate legal updates and judgments to other legal professionals;
- For marketing purposes.
- For the management and administration of my practice
- To recover debt
- To manage complaints with regulators.
- Communications with regulators.

**I may share your personal data with:**

- Instructing solicitors or other lawyers involved in your case;
- A pupil or mini pupil, under my training;
- Opposing counsel, for the purposes of resolving the case;
- Court officials, including the Judiciary;
- Opposing lay clients;
- My chambers management and staff who provide administrative services for my practice;
- My regulator or legal advisors in the event of a dispute, complaint or other legal matter;
- Head of chambers or complaints committee within my chambers, in the event of a complaint;
- Law enforcement officials, government authorities, or other third parties to meet any legal obligations;
- Legal directories, for the purpose of professional development;
- Any relevant panel or tendering committee, for the purpose of professional or career development;
- Accountants and banking officials;
- Regulators or arbitrators, where complaints or disputes arise;
- Microsoft for secure cloud storage.
- Servers and cloud storage systems provided by my chambers (1 Chancery lane Ltd). They use firewalls and antivirus software to ensure that your data is held securely.
- Any other party where I ask you for consent, and you consent, to the sharing.
- I may also be required to disclose your information to the Police or Intelligence services where required by law or pursuant to a court order.

## **Transfers to third countries and international organisations**

I may transfer data to Microsoft for cloud storage purposes. Microsoft may use storage facilities outside the United Kingdom, but their contractual terms require them to use legal mechanisms including the European Commission's Standard Contractual Clauses to protect data protection rights.

**I retain your personal data** while you remain a client unless you ask me to delete it. My Retention and Disposal Policy (copy available on request) details how long I hold data for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your information at your request unless:

- There is an unresolved issue, such as a claim or dispute;
- I am legally required not to; or
- There are overriding legitimate business interests not to do so.

I will typically retain/dispose of papers as follows:

- All physical papers, files, communications, CDs, USB flash drives, photos and other physical matter relating to any case provided by the solicitors or client shall be returned to the solicitors or instructing client within 1 month after I have been notified of the end of the case, or, if requested by the solicitors or instructing client, securely disposed of. This takes account of storage limitations.
- All electronic files, with the exception of the documents detailed below, will be deleted by me within 6 months of my being notified of the end of the case, or within 12 months of a one-off instruction. This takes account of storage limitations;
- All electronic communications to and from me about the case and documents drafted by me such as Opinions, pleadings, working notes and records of hearings, conferences and settlement discussions will be retained for 16 years in the case of each client who is an adult and has capacity or each client which is an organisation. This takes account of the longstop provision under section 15A of the Limitation Act 1980;
- All electronic communications to and from me about the case and documents drafted by me such as Opinions, pleadings, working notes and records of hearings, conferences and settlement discussions will be retained for 21 years in the case of each client who is a child or who does not have the capacity to litigate.

## **Your rights**

The GDPR gives you specific rights in terms of your personal data. For example, you have to be informed about the information I hold and what I use it for; you can ask for

a copy of the personal information I hold about you; you can ask me to correct any inaccuracies with the personal data I hold, and you can ask me to stop sending you direct mail, or emails, or in some circumstances ask me to stop processing your details. Finally, if I do something irregular or improper with your personal data, you can seek compensation for any distress you are caused or loss you have incurred.

You can find out more information from the ICO's website:

[http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information)

and this is the organisation that you can complain to if you are unhappy with how I have dealt with your query.

### **Accessing and correcting your information**

You may request access to, correction of, or a copy of your information by contacting me at [clerks@1chancerylane.com](mailto:clerks@1chancerylane.com).

### **Marketing opt-outs**

You may opt out of receiving emails and other messages from my practice by following the instructions in those messages.

**I will occasionally update my privacy notice.** When I make significant changes, I will notify you of these through either mail or email. I will also publish the updated notice on my website/chambers' website profile.