

Ian Clarke

Privacy Notice

I am committed to handling your personal information fairly, lawfully and securely in line with current data protection laws. This privacy notice contains information about the information I collect, store and process about you and the reasons for the processing. It also tells you who I share the information with, the security I have put in place to protect your data, your rights and how to contact me in the event you need further information.

Who am I?

I am a barrister in independent practice at the Bar in England and Wales. I provide independent legal advice. My principal place of business is at 1 Chancery Lane, London WC2A 1LF. I collect, use and am responsible for personal information about you. When I do this I am the 'controller' of this information for the purposes of the EU Directive General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

I am registered with the Information Commissioner's Office.

If you have questions relating to data protection and the use of your personal information you can contact me by email at iclarke@1chancerylane.com or by writing to me at 1 Chancery Lane, London, WC2A 1LF, marked for my attention.

You can also obtain further information and independent advice about data protection and data privacy concerns in the United Kingdom by contacting the Information Commissioner Office at www.ico.org.uk or by phone on 0303 123 1113.

What do I do with your personal information?

When carrying out the provision of legal services, accepting public access instructions, providing a reference, or otherwise acting as a barrister in independent practice in England and Wales I may collect personal information (which may include sensitive personal information) that you provide.

In summary I process information about my lay and professional clients, about witnesses and experts, and anyone ancillary to actual or potential proceedings. I list below the data I may gather:

- (1) personal details contact details;
- (2) Identification documents to allow me to check your identity in the case of public access

instructions;

(3) family details;

(4) lifestyle and social circumstances;

(5) goods and services;

(6) financial details;

(7) education, training and employment details;

(8) physical or mental health details;

(9) racial or ethnic origin;

(10) political opinions;

(11) religious, philosophical or other beliefs;

(12) trade union membership;

(13) sex life or sexual orientation;

(14) criminal proceedings, outcomes and sentences; and

(15) other personal data relevant to instructions to provide independent legal services, including data specific to the instructions in question.

Information collected from others?

I may also obtain the same categories of personal information listed above from third parties, such as other legal professionals or authorised persons instructing me on your behalf, experts, members of the public, your family and friends, witnesses, courts and other tribunals, investigators, government departments, regulators, public records and registers.

How do I use your personal information?

If I have been instructed by you or on your behalf, or if you have asked for a reference or a quote for work for legal services, your personal information has to be provided to enable me to provide you with a quote, advice, representation or the reference, and to enable me to comply with my professional obligations of providing independent legal advice and to keep accounting records.

Therefore I may use your personal information for the following purposes set out below:

(1) to provide independent legal services to clients (lay and professional), assisting former clients including the provision of independent legal advice and representation in courts, tribunals, arbitrations, and mediations;

(2) to the courts and tribunals to whom a skeleton argument is presented;

(3) to keep accounting records and carry out office administration with my set of chambers, or

those providing me with administration services for my business, and my own professional advisers and regulators e.g. accountants and insurers;

(4) to take or defend legal or regulatory proceedings or to exercise a lien;

(5) to respond to potential complaints or make complaints;

(6) to check for potential conflicts of interest in relation to clients and cases;

(7) to promote and market my services;

(8) to carry out anti-money laundering and terrorist financing checks;

(9) to train other barristers and when providing work-shadowing opportunities;

(10) to respond to requests for references;

(11) when procuring goods and services;

(12) to publish legal judgments and decisions of courts and tribunals or to publish articles of legal interest; and

(13) as required or permitted by law.

The legal basis for processing your personal information

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

(1) If you have consented to the processing of your personal information then I may process your information for the purposes set out above;

(2) If you are a client, processing is necessary for the performance of a contract for independent legal services or in order to take steps at your request prior to entering into a contract, by providing a quote or a reference for example;

(3) Where 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;

(4) My legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above;

(5) 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); and

(6) The processing is necessary to publish judgments or other decisions of courts or tribunals.

Who will I share your personal information with?

If you are a client, some of the information you provide will be protected by legal professional privilege unless and until the information enters the public domain in the course of any proceedings

or otherwise. As a barrister regulated by the General Council of the Bar of England and Wales I have a professional obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

However, it may be necessary to share your information with the following:

- (1) data processors, such as the staff in my chambers, IT support staff, email providers and data storage providers;
- (2) other legal professionals;
- (3) experts and other witnesses;
- (4) prosecution authorities;
- (5) courts and tribunals;
- (6) trainee barristers;
- (7) lay clients;
- (8) family and associates of the person whose personal information I am processing;
- (9) 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;
- (10) other regulatory authorities e.g. agencies committed to protecting public funds and/or preventing fraud;
- (11) current, past or prospective employers;
- (12) education and examining bodies;
- (13) business associates, professional advisers, insurers and trade bodies, e.g. the General Council of the Bar of England and Wales and the Inns of Court;
- (14) the intended recipient, where you have asked me to provide a reference; and
- (15) the general public in relation to the publication of legal articles and legal judgments and decisions of the 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. I may also be required to disclose your information to the police or intelligence services, where I am required or permitted by law.

How long will I store your personal data?

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), from the date of the last item of work 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 proceedings. At this point any further retention period will be reviewed by me and the data will either be deleted or retained 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 store some of your information which I 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. Names and contact details held for marketing purposes will be stored indefinitely or until I become aware or informed that the individual has ceased to be a potential client or no longer wishes to receive any marketing material from me.

Consent

In instances where I rely on your consent to process personal information 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 another basis for processing your information, you may not be able to prevent 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.

Your rights

Under the UK GDPR, you have a number of rights that you can exercise in certain circumstances. In summary, you may have the right to:

- (1) ask for access to your personal information and other supplementary information;
- (2) ask for the correction of mistakes in your data or to complete missing information I hold on you;
- (3) ask for your personal information to be erased, in certain circumstances;

(4) 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;

(5) object at any time to processing of your personal information for direct marketing;

(6) object in certain other situations to the continued processing of your personal information; and

(7) restrict my processing of your personal information in certain circumstances.

If you want to exercise any of these rights please use the contact details at the end of this document.

It will help me to deal with your request promptly if you can provide me with specific details about the information you would like to receive. I may need you to complete a subject access request form and ask you to provide other information so that you can be identified.

I will respond to you within 28 days from when I receive such a request.

Security of personal data

I store personal information both electronically and in paper form. I have taken appropriate technical and organisational precautions to secure your personal data and to prevent the loss, misuse, improper use or alteration of your personal data. I will store all your electronic personal data on chamber's secure servers.

You acknowledge that the transmission of unencrypted (or inadequately encrypted) data over the internet is inherently insecure, and I cannot guarantee the security of data sent over the internet.

Transfer of your information outside the European Economic Area (EEA)

This privacy notice is of general application so 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 initial instructions.

I and the chambers I run my business from may store the information you provide on cloud based

storage services which use services outside the EEA but only if the EU-USA-Switzerland Privacy Shield scheme applies.

I will not otherwise transfer personal information outside the EEA (except as necessary for providing legal services or for any legal proceedings).

Marketing emails

Please note if you wish to unsubscribe from any marketing emails that you receive from me and/or chambers, you can do so emailing clerks@1chancerylane.com. It may take up to one week for this to become effective.

How to make a complaint?

The UK 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. More information can be found on the Information Commissioner's Office at www.ico.org.uk

Future processing

I do not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, or I update this privacy notice the amended version will be placed on my entry to chamber's website. I will review my Privacy Notice annually.

Contact details

If you have any questions about this privacy notice please contact me by email at iclarke@1chancerylane.com or by writing to me at 1 Chancery Lane, London, WC2A 1LF.