

## **MAGDALEN CHAMBERS – Privacy Notice**

### **Purpose of this Notice**

This notice describes how we collect and use personal data about you, in accordance with the General Data Protection Regulation (GDPR) and any other national implementing laws, regulations and secondary legislation as amended or updated from time to time in the UK (Data Protection Legislation).

Please read the following information carefully to understand our practices regarding your personal data and how we collect, store or otherwise process data about you and the reasons for doing so. We will also tell you who we share this information with and the security mechanisms Chambers has put in place to protect your information. You will be informed how to contact Chambers in the event you need further information.

### **About us**

Magdalen Chambers and Binary Legal Services Limited (“Chambers”) may collect and use your personal data in connection with the provision of legal services to its clients and other purposes set out herein. We are a Barristers’ Chambers who provide advice and representation of clients via our instructing solicitors or directly from members of the public via the Direct Access Scheme. In the course of our business, we are in receipt of a wide range of personal information, as detailed below in this notice.

Chambers will be either the ‘data controller’ of this information or the ‘processor’. Where we are the ‘data processor’ of this information, we process it on behalf of our barristers (member of chambers) who are each data controllers in their own right.

If you need to contact Chambers about your information or the processing carried out, we have appointed a data protection point of contact, James Basden (Senior Clerk), who can be contacted using the details found under ‘Contact Details’, below.

### **How we may collect your personal data**

We obtain personal data about you, for example, when:

- You request us to provide you with legal services or a quote for the same from one of our barristers;
- You or your employer, clients or agents engage us to provide our services and also during the provision of those services;

- You contact us by email, telephone, post or social media, for example when you have a query about our services;
- You use our website (see also our cookie policy);
- Marketing purposes;
- Otherwise made available from third parties and/or public resources during the course of undertaking a case and/or proceedings in respect of one of our barristers.

## Information collected

Chambers collects or processes some or all of the following personal information:

- a. personal details, such as name, contact details etc.
- b. family details
- c. lifestyle and social circumstances
- d. goods and services
- 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. data about children
- q. details of contact we have had with you in relation to the provision or proposed provision of our services and details of such services received
- r. our correspondence and communications with you
- s. information we receive from other sources, such as publicly available information provided by your employer or our clients
- t. other personal information relevant to instructions to provide legal services, including information specific to the instructions in question.

This data may be provided by you or obtained from third parties, such as: members of Chambers; solicitors or other legal professionals; experts; members of the public; your family and friends; witnesses; courts and other tribunals; suppliers of goods and services; investigators; government departments; regulators, and/or public records and registers.

## How Chambers uses your personal information: Purposes

Chambers may use your personal information, to the extent that it is appropriate and relevant to do so, for the following purposes:

- i. to process information on behalf of members for the provision of legal services
- ii. to train barristers
- iii. to recruit staff and pupils
- iv. to assess applications for tenancy, pupillage, mini-pupillage and work-shadowing opportunities
- v. to fulfil equality and diversity and other regulatory requirements,
- vi. to procure goods and services
- vii. to manage matters relating to employment, including payroll and pensions
- viii. to respond to requests for references
- ix. to publish legal judgments and decisions of courts and tribunals
- x. to undertake conflict checking
- xi. to respond to potential complaints or make complaints
- xii. to carry out anti-money laundering and terrorist financing checks
- xiii. to promote and market the services of the Barristers
- xiv. 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, and name of organisation
- the nature of your interest in Chambers' marketing
- your attendance at Chambers events.

This will be processed so that you can be provided with information about Chambers and its members being Barristers, Mediators and/or Arbitrators and to invite you to relevant events that you would reasonably expect to be notified about.

You may contact Chambers using the contact details at the end of this document if you no longer wish to receive such invitations or information.

## Where information has to be provided by you, and why

If you apply to Chambers for a position or are seeking a reference or are a member of staff your personal information has to be provided to Chambers, so that your application/reference can be properly assessed/your 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 contracts.

If we are providing you with legal services, our regulatory obligations insist that we will need to process certain information about you in order to be able to undertake conflict checking in the future. This protects both you and us.

## The legal basis for processing your personal information

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

- We may process your personal data for purposes necessary for the performance of our contract with you directly.
- In circumstances where you engage our barristers, you will have a contract with an individual barrister or barristers and we will process data on their behalf. We will therefore process personal data for the purposes of our own legitimate interests provided that those interests do not override any of your own interests, rights and freedoms which require the protection of personal data. This includes processing for provision of legal services where you are a client in the service of our data controller (barrister), internal administrative purposes, necessary to ensure network and information security (including the prevention of unauthorised access), processing for direct marketing purposes or to prevent fraud and reporting possible criminal acts or threats to public security.
- 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. You can withdraw your consent at any time.
- In relation to information in categories (g) to (o) above under 'Information Collected' (these being categories which are considered to include particularly sensitive information and which include information about special category data, criminal convictions and proceedings), 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.

- In relation to information which is not in categories (g) to (o) above, Chambers relies on its legitimate interests and/or the legitimate interests of a third party in carrying out the processing for the Purposes set out above.
- In relation to information which is in categories (g) to (o) above (these being categories which include particularly sensitive information and which include information about criminal convictions or proceedings), Chambers relies on your consent for any processing for the purposes. 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 all 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 in categories (g), (h), (j) and (l), 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 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.
- 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).

## Who will Chambers share your personal information with?

We will only share your personal information where it is appropriate to do so. It may be necessary to share your information with the following:

- information processors, such as IT support staff, email providers, information storage 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
- other regulatory authorities
- current, past or prospective employers or employees, where appropriate
- in the case of recruitment of barristers to or from other chambers, your current, past and prospective chambers
- education and examining bodies
- legal professionals
- experts and other witnesses

- prosecution authorities
- courts and tribunals
- Chambers' staff
- trainee barristers
- 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
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals.

Third parties include third party service providers such as IT (and cloud, if applicable) services, occasional professional advisory services and any other relevant services as listed above. All of our third party service providers are required to take commercially reasonable and appropriate security measures to protect your personal data. We only permit our third party service providers to process your personal data for specified purposes in accordance with our instructions.

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, where required or permitted by law.

## Sources of information

The personal information Chambers obtains may include information obtained from:

- legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- 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 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.
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals.
- data processors, such as IT support staff, email providers, data storage providers
- public sources, such as the press, public registers and law reports.

## 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. 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 information 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.

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. However, 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 European Economic Area (EEA):

- cloud information 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 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-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection see [https://ec.europa.eu/info/law/law-topic/information-protection/information-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/information-protection/information-transfers-outside-eu/eu-us-privacy-shield_en).
- cloud information storage services based in Switzerland, in order to enable me to store 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; see [https://ec.europa.eu/info/law/law-topic/information-protection/information-transfers-outside-eu/adequacy-protection-personal-information-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/information-protection/information-transfers-outside-eu/adequacy-protection-personal-information-non-eu-countries_en).

If Chambers decides to publish a judgment or other decision of a Court or Tribunal containing your information then this may be published to the world.

Chambers will not otherwise transfer personal information outside the EEA except as necessary for the conduct of any legal proceedings.

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

### **Data Retention: How long will Chambers store your personal information?**

We will only retain your personal data for as long as is necessary to fulfil the purposes for which it is collected. When assessing what retention period is appropriate for your personal data, we take into consideration:

- the requirements of our business and our barristers' practices and the services provided;
- any statutory or legal obligations;
- the purposes for which we originally collected/processed the data;
- the lawful grounds upon which we based our processing;
- the types of personal data we have collected;
- the amount and categories of the personal data; and
- whether the purpose of the processing could reasonably be fulfilled by other means.

Chambers will normally store your information:

- until at least 1 year after the expiry of any relevant limitation period, from, 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. This is because it may be needed for potential legal proceedings or for some other reason as identified. At this point any further retention will be reviewed and the information will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters, and/or potential or active complaints. Deletion will be carried out as soon as reasonably practicable after the information is marked for deletion.

- Equality and diversity data may be retained in pseudonymised form 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 will be stored in line with employment information as considered appropriate.
- Certain information will be stored indefinitely to enable conflict checking to be undertaken in respect of any future, anticipated or potential legal proceedings.

## Security

We have put in place commercially reasonable and appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we restrict access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any and any applicable regulator of a suspected breach where we are legally required to do so.

## Consent

As explained above, Chambers is relying on your explicit consent to process your information in categories (g) to (o) above under 'Information Collected'. You provided this consent when you applied to become a member of staff, tenant, pupil or mini-pupil, and/or 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

Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are free of charge but we may request a reasonable fee where the request is manifestly excessive or unreasonable. 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 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;
- 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;
- Request not to be the subject to automated decision-making which produces legal effects that concern you or affects you in a significant way.

It may be the case that we are unable to confirm or deny whether or not we hold personal data about you because the nature upon which we hold this data is subject to a duty of confidentiality.

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 end 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

Please note if you wish to unsubscribe from any marketing emails, you can do so by contacting us using the details below.

## How to make a complaint?

If you wish to make a complaint, you can complain to our data protection point of contact, James Basden (Senior Clerk) on the details below under 'Contact Details'.

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/>. See further under 'Contact Details' below.

## 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.

## Changes to this privacy notice

This privacy notice was published on 25 May 2018 and last updated on 25 May 2018.

Chambers regularly 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.

## Contact Details

If you have any questions about this privacy notice or the information Chambers holds about you or would like to speak to us about the manner in which we process your personal data, please contact Chambers using the contact details below.

The best way to contact Chambers is to email or write to Mr James Basden (Senior Clerk) and our data protection point of contact:

Email: [jbasden@magdalenchambers.co.uk](mailto:jbasden@magdalenchambers.co.uk)



Post: James Basden, Magdalen Chambers, Victory House, Dean Clarke Gardens, Southernhay East, Exeter EX2 4AA

Telephone: 01392 285200

You also have the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues at any time. The ICO's contact details are as follows:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone – 0303 123 1113 or 01625 545 745

Website – <https://ico.org.uk/concerns>