

3 HARE COURT

PRIVACY POLICY OF: Nicholas Leah

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Temple
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ICO REGISTRATION NUMBER: ZB513343

Policy became operational on: 16/02/2024

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PRIVACY NOTICE – UK - GENERAL DATA PROTECTION REGULATION – (“UK GDPR”)

Please read the following information carefully. In order to provide legal advice and representation, I need to collect and hold personal information. This may be your personal data or data relating to other parties involved in the matter. I will take all possible 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.

Who Am I?

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 UK - GDPR the Data Protection Act 2018 and related legislative provisions.

If you need to contact me about your data or the processing carried out, you can use the contact details at the end of this document.

What do I do with your information?

Data Collection

All of 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 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
- Prosecution bodies
- Regulatory, public or administrative bodies
- Court staff & officials

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- Clients
- References

Information collected

When carrying out the provision of legal services or providing a reference I collect some or all of the following personal information that you provide:

- a. personal details – name and contact details, including address and email
- b. family details
- c. lifestyle and social circumstances
- d. goods and services
- e. financial details
- f. education, training and employment details

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

- g. sex life and sexual orientation
- h. physical or mental health details
- i. nationality and/or racial or ethnic origin
- j. political opinions
- k. religious, philosophical or other beliefs
- l. trade union membership
- m. genetic data
- n. biometric data for the purpose of uniquely identifying a natural person
- o. other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

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

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How I use your personal information: Purposes

I may use your personal information for the following purposes:

- i. to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
- ii. to keep accounting records and carry out office administration
- iii. to take or defend legal or regulatory proceedings or to exercise a lien
- iv. to respond to potential complaints or make complaints
- v. to check for potential conflicts of interest in relation to future potential cases
- vi. to promote and market my services
- vii. to carry out anti-money laundering and terrorist financing checks
- viii. to assist in training junior barristers, pupils and mini pupils;
- ix. to respond to requests for references
- x. when procuring goods and services
- xi. to publish legal judgments and decisions of courts and tribunals
- xii. as required or permitted by law.

Whether information has to be provided by you, and why

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

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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:

- If you have consented to the processing of your personal information, then I may process your information for the Purposes set out above to the extent to which you have consented to me doing so
- If you are a client, processing is necessary for the performance of a contract for legal services or in order to take steps at your request prior to entering into a contract
- In relation to information which is in categories (g) to (o) above (these being categories which are considered to include particularly sensitive information and which include information about criminal convictions or proceedings) I rely on your consent for any processing for the purposes set out in purposes (ii), (iv), (vi), (viii) and (ix) above. I need your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purposes (iv) and (viii) (responding to potential complaints and providing a reference) I will be unable to take your case or to provide a reference. This is because I need to be able to retain all the material about your case until there is no prospect of a complaint and to provide an informed and complete reference
- In relation to information in categories (g) to (o) above (these being categories which are considered to be particularly sensitive information and include information about criminal convictions or proceedings), 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
- In relation to information which is not in categories (g) to (o) above, I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the Purposes set out above
- 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)
- The processing is necessary to publish judgments or other decisions of courts or tribunals

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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 becomes public in the course of any proceedings or otherwise. As a barrister I have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

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

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
[FILL IN ANY OTHERS]
- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- the staff in my chambers
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am 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 me to provide a reference
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals [*this reason requires the production of a policy document to comply with this obligation – DPA 2018 sch. 1 Part 2. para. 5(1)*]
- Law enforcement officials, government authorities, or other third parties, to meet any legal obligations
- Legal directories, for the purpose of professional development

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- Any relevant panel or tendering committee, for the purpose of professional development
- Accountants and banking officials
- Regulators or arbitrators, where complaints or disputes arise
- 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

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. 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 my consent or yours, which includes privileged information.

Transfer of your information outside the UK

Transfers to third countries and international organisations outside of the UK

I transfer personal data to the following third countries (including all EEA states) or international organisations using the identified safeguards because I use ShareFile and ShareFile documents are held on EU servers.

1. EU Countries

I am satisfied that such transferred data is fully protected and safeguarded as required by the UK General Data Protection Regulation.

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How long will I store your personal data?

I will normally store all your information:

- [For at least 1 year after the expiry of any relevant limitation period (which will usually be 6 years, but may be 12 years, or longer where the case includes information relating to a minor), 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/whatever other end point is chosen*]
- This is because it may be needed for potential legal proceedings/ other period – *provide justification*]. At this point any further retention will be reviewed and the data 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 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. This will not include any information within categories (g) to (o) above
- [Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later;]
- Names and contact details held for marketing purposes will be stored indefinitely or until I or my clerks become aware or are informed that the individual has ceased to be a potential client.

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Consent

As explained above, I am relying on your explicit consent to process your information in categories (g) to (o) above. You provided this consent when you agreed that I would provide legal services/you asked me 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 I have carried out prior to you withdrawing your consent. However, where I also rely on other bases 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.

If there is an issue with the processing of your information, please contact Chambers Data Protection Lead on the details below.

Your Rights

Under the UK GDPR, DPA 2018 and related legislative provisions, you have a number of rights that you can exercise in certain circumstances. These are free of charge. 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 data or to complete missing information I hold 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 my 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

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If you want more information about your rights under the UK GDPR, DPA and related legislative provisions please see the Guidance from the Information Commissioners Office.

If you want to exercise any of these rights, please:

- Use the contact details at the end of this document
- Provide other information so that you can be identified, if requested
- 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

I will respond to you within one month from when I receive your request.

Consequences of failing to provide data

If you are a client and you do not provide information to me, or if you withdraw any consent for the processing of personal data by me, or require me to cease processing your data or to erase your data, then the effect may be that: I am unable to provide legal services to you; I am unable to provide all of the legal services that you have asked for; or I am unable to provide a reference for you.

Marketing Emails

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

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 data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

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Future Processing

I do 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 onto my profile on our website [which can be viewed here](#).

Contact Details

If you have any questions about this privacy notice or the information I hold about you, please contact me or Chambers Data Protection Lead.

The best way to contact me is to write to me at nicholasleah@3harecourt.com or email the Chambers Data Protection Lead at dataprotection@3harecourt.com or by phone at 020 7415 7800.

February 2024