

## PRIVACY NOTICE

1. This Privacy Notice sets out how I, James McCreath, a barrister in private practice at Wilberforce Chambers, will process the personal data of my clients and prospective clients (“Data Subjects”) in relation to the services that I am asked to provide.
2. As a self-employed barrister I am a Data Controller in this respect for the purposes of the General Data Protection Regulation (“GDPR”) and Data Protection Act 2018 (“DPA”).

### **What is personal data and what are special categories of personal data?**

3. Personal data means any information relating to a person who can be identified either directly or indirectly. It may include name, address, email address, telephone number, banking information, IP address, location data and photographs (“Personal Data”).
4. The GDPR and the DPA define certain types of sensitive data as “Special Categories of Personal Data”. This is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation.
5. The GDPR also imposes additional conditions in respect of data that relates to criminal convictions and offences.

### **The purpose of the processing**

6. I will only process your data, in accordance with applicable law, for the following purposes:
  - (i) To enable me to provide legal services as a self-employed barrister such as advocacy, advice, drafting, arbitration or mediation services or the provision of expert determinations;
  - (ii) To keep accounting records and for other reasonable purposes relating to the administration of my practice;
  - (iii) To check for conflicts of interest in relation to new or potential new instructions;
  - (iv) To carry out anti-money laundering and terrorist financing checks;
  - (v) To take or defend legal or regulatory proceedings or to exercise a lien;
  - (vi) To respond to potential complaints or to make complaints;
  - (vii) To train pupil barristers, mini-pupils and to cater for work experience placements;
  - (viii) To publish legal judgments and decisions of courts and tribunals;
  - (ix) To promote and market my services (this will generally be where the information is in the public domain);
  - (x) As otherwise required or permitted by law.

### **The lawful basis of the processing**

7. I will rely on the following legal grounds for the processing of the Personal Data I receive:
  - The processing is necessary for the performance of a contract to which you are party, or in order to take steps at your request prior to entering into a contract (for instance, if you are a client who instructs me directly).

- The processing is necessary for my legitimate business interests in respect of the purposes set out above (for instance, if you are a lay client who requires legal services or a third party involved in a matter in which I am asked to provide legal services).
- The processing is based on your consent (for instance, if I am being asked to work under the specimen contractual terms agreed between the Commercial Bar Association and the City of London Law Society, the Bar Council's Standard Contractual Terms, or an agreed variant of either of those sets of contractual terms)
- The processing is necessary for the compliance with a legal obligation to which I am subject (for instance, the processing for the purposes set out in 6 (iv) above).
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in me.

In the event the processing relates to the performance of a contract, you should be aware that failure to provide me with the Personal Data required for such performance could lead to me no longer being able to provide the legal services to you under that contract.

8. In addition to the legal grounds for processing set out above, where the data I am required to process falls into the Special Categories of Personal Data or relates to criminal convictions and offences, I am entitled by law to process this data where it is necessary for legal proceedings, legal advice or otherwise for the establishment, exercise or defence of legal claims.

#### **Potential recipients or categories of recipients of the personal data**

9. Please note that 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 also have a regulatory obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings. Depending on the nature of my instructions, however, others who could receive your personal data may include:

- The staff at Wilberforce Chambers (my Chambers acts as a data processor on my behalf in certain respects: in particular the common IT services it provides to all members).
- Other sub-processors of Wilberforce Chambers, such as email, software and cloud computing providers, couriers and document storage companies.
- Courts and other tribunals to whom documents are presented.
- Other lay and professional clients.
- Potential witnesses, in particular experts.
- Solicitors, barristers, pupils, mini-pupils, work experience placements and other legal representatives.
- In the event of a complaint, my Head of Chambers or other designated complaint handlers within Chambers, the Bar Standards Board and the Legal Ombudsman.
- Other regulatory authorities.
- In the event of a data breach, and depending on the nature of the breach, the Police and the Information Commissioner's Office.

#### **The period for which your personal data will be stored**

10. Your automated Personal Data will be retained by me for a total of 15 years for compliance reasons. This will consist of a set period of time during which the information will remain on my Chambers' IT network: currently 7 years for document files and 2 years for emails. Thereafter,

the Personal Data will be archived and stored in an encrypted format, in a secure location away from my Chambers' IT network until the end of the limitation period stated above.

11. Personal Data in relation to conflict checks will be retained on Chambers' case management system indefinitely, or until I leave Chambers. However, this will generally be limited to your name and possibly address. Information relating to anti-money laundering checks will be retained until 5 years after the completion of the transaction or the end of the business relationship, whichever is the later.
12. Hard copy files and paperwork will be confidentially destroyed at the earlier of (i) when I deem the purposes for which the Personal Data was required (as set out under paragraph 6 above) to be at an end and (ii) three months after conclusion of the legal proceedings to which the data relates, unless, by those points, the return of these files and papers has been requested by the client who issued them.
13. I may keep an anonymised form of your Personal Data, which will no longer refer to you, for statistical or reference purposes without time limits, to the extent that I have a legitimate and lawful interest in doing so.
14. Please see the Wilberforce Chambers Data Retention and Destruction Policy for more details on applicable retention periods. This policy will be subject to periodic review.

### Your rights as a data subject

15. As a Data Subject, you have various rights in relation to the Personal Data that I will process.
  - You have the right to apply for a copy of the Personal Data that I hold on you. This is known as a **data subject access request**. You can make a request in writing using the contact information given below. Please note that any such request may be subject to reasonable further verification of your identity.
  - You have the right to correct any inaccurate and/or Personal Data I hold (known as the **right to rectification**).
  - You have the right to remove any Personal Data that you feel is no longer required or up-to-date (known as the **right to erasure**).
  - You have the right, in certain circumstances, to receive or have transmitted to a third party the Personal Data I hold in a structured commonly used and machine-readable format (known as the **right to data portability**).

### Complaints

16. I suggest that you contact me in the first instance with any questions or if you have a complaint in relation to how I process your Personal Data. However, you do have the right to contact the relevant supervisory authority directly. To contact the Information Commissioner's Office in the United Kingdom, please visit the [ICO website](#) for instructions.

### Transferring Personal Data outside of EEA

17. I should make you aware that it may be necessary from time to time during the course of my providing legal services to transfer your Personal Data to a third party in countries outside of the country in which it was originally collected for further processing. In these circumstances I will, as required by applicable law, ensure that your privacy rights are adequately protected by appropriate technical, organisation, contractual or other lawful means.

**Contact details**

18. If you have any questions about this privacy notice please feel free to contact me directly or alternatively you can contact the members of staff responsible for data protection in Chambers at [gdpr@wilberforce.co.uk](mailto:gdpr@wilberforce.co.uk).