

St John's Chambers Private Notice

About this Notice

This Notice is provided to you on behalf of the individual Barristers who practise from St John's Chambers ("Barristers"). This Notice is also provided on behalf of St John's Chambers ("Chambers"), which carries out various functions in relation to Barristers and Chambers, as explained below.

This Notice explains how Barristers and Chambers process personal data – that is to say, the various ways in which they obtain, hold, use and disclose personal data. In some contexts, the Data Controller will be an individual Barrister. In other contexts, the Data Controller will be Chambers. This Notice covers both situations.

This Notice also explains what your rights are in relation to any personal data about you that is processed by Barristers or Chambers.

Relevant Law

The way in which Barristers and Chambers process personal data is governed by data protection law, which includes the General Data Protection Regulation 2016 ("GDPR") and the Data Protection Act 2018 ("DPA 2018").

Explanation of terms used in this Notice

The following terms are defined by the GDPR and DPA 2018. A short explanation is given below (though it is not intended to substitute for the definitions set out in the legislation).

By **personal data**, we mean information relating to an identified or identifiable person.

By **special category personal data** we mean:

- Personal data that reveals any of the following about an individual: racial or ethnic origin; political opinions; religious or philosophical beliefs; or trade union membership.
- Personal data that consists of: genetic data; biometric data used for the purpose of identifying an individual; data concerning health; or data concerning an individual's sex life or sexual orientation

By **criminal offence** data we mean data about whether an individual has committed or has been convicted of a criminal offence.

By a **Data Controller** we mean the person or body which determines the purposes and means of the processing of personal data.

The following terms are also used in this Notice.

Professional clients are solicitors or other professionals who instruct a Barrister on behalf of another person.

Lay clients are individuals on whose behalf a Barrister is instructed by a solicitor or other professional. As used in this Notice, the term also includes individuals who instruct a Barrister on a direct access basis (i.e. without using a solicitor or another professional to instruct the Barrister on their behalf).

Processing of personal data by Barristers

Barristers process personal data for the purpose of conducting their individual professional practice, and for the purpose of providing legal services to professional and lay clients in the course of such practice.

Barristers are Data Controllers in respect of any electronic personal data which are processed by them directly for the purposes of their own individual professional practice. Hence Barristers are Data Controllers in respect of the electronic personal data which sits in their own email accounts (for example in their 'inbox' or 'sent items') or which is otherwise held on any electronic device which they use for work purposes. Barristers are also Data Controllers in respect of any personal data contained in their electronic professional diaries.

Where a case or matter has been allocated to a particular Barrister, the Barrister will be the Data Controller in respect of any hard copy papers relating to that case or matter (at least to the extent that those papers contain personal data falling within the scope of the GDPR).

The legal basis upon which Barristers process personal data as Data Controllers is as follows:

- Where a professional or lay client has given consent to the processing of their personal data by a Barrister, then the processing of that personal data by the Barrister is based on consent.
- Where consent has not been given for the processing of personal data by the Barrister, any such processing is based on the Barrister's legitimate interests in conducting their professional practice and in providing legal services.
- Where a Barrister processes special category personal data or criminal conviction data, this is on the basis that the processing that is necessary for the establishment, exercise or defence of legal claims. This would cover the processing of personal data both in connection with litigation and for the purpose of providing legal advice.

Processing of personal data for the administration of St John's Chambers

Processing of personal data to assist Barristers in conducting their practices

Chambers employs staff members (including barristers' clerks) to assist Barristers in conducting their practices, and to deal with the administration of St John's Chambers.

Chambers is the Data Controller for electronic personal data held by staff members (e.g. in the staff member's email accounts and on their work devices) for the purposes of helping Barristers run their practices.

Chambers is also the Data Controller in respect of any electronic personal data processed in connection with any unallocated case (i.e. a case that has been sent to St John's Chambers but has not been allocated to a particular Barrister).

Chambers is the Data Controller in respect of any hard copy files which fall within the scope of the GDPR and which relate to a case which is unallocated.

The legal basis upon which Chambers processes personal data for the above purposes is as follows:

- Where a professional or lay client has given consent to the processing of their personal data by a Chambers, then the processing of that personal data by Chambers is based on consent.
- Where consent has not been given for such processing, any such processing is based on Chambers' legitimate interests in assisting Barristers in conducting their professional practice and providing legal services.
- Where Chambers processes special category personal data or criminal conviction data, this is on the basis that the processing that is necessary for the establishment, exercise or defence of legal claims. This would cover circumstances where the personal data was processed in connection with litigation, or for the purpose of providing legal advice.

Processing of personal data for the administration of St John's Chambers

Chambers is the Data Controller for data that is processed for the purposes of administering St John's Chambers. This includes data that is processed for billing purposes and for marketing purposes. In relation to marketing data, Chambers will not send marketing emails except where permitted under the Privacy and Electronic Communications Regulations 2003 or any successor legislation.

Chambers is the Data Controller in respect of all data relating: to staff employed by Chambers, contract workers who provide services to St John's Chambers (e.g. cleaners and plumbers), and mini-pupils and pupils at St John's Chambers.

The basis on which Chambers processes such personal data is as follows.

- The processing of staff data and data relating to contract workers is necessary for the performance of employment or other contracts to which Chambers and the relevant data subjects are parties.
- The processing of special category personal data in connection with employment is conducted on the basis that the processing is for employment purposes, or for occupational health purposes.
- Data relating mini-pupils and pupils is processed on the basis of the legitimate interest of St John's Chambers, Barristers, and Chambers, in the recruitment and training of new barristers and of potential new members of St John's Chambers.
- Marketing data is processed on the basis of the legitimate interests of St John's Chambers, Barrister and Chambers in marketing the services of Barristers practising at St John's Chambers. The processing of personal data for direct marketing by email is carried out on the basis of consent.

Your rights

Under the GDPR and DPA 2018, you have various rights in connection with any personal data about you that is processed by a Barrister or by Chambers as Data Controller.

- You can ask the Barrister or Chambers to give you access to personal data about yourself that is held by them.
- You can ask the Barrister or Chambers to erase personal data about you that it held by them.
- You can ask the Barrister or Chambers to restrict their processing of personal data about you, so that the data will only be used for limited purposes (which are set out in the GDPR).
- You can object to the processing of your personal data by the Barrister or Chambers.
- You can ask for personal data about yourself that you have provided to the Barrister or Chambers to be provided to you in a structured, commonly used and machine-readable format, and you can transmit that data to another Data Controller.

All of these rights are set out in detail in the GDPR and DPA 2018, which explain the conditions for the exercise of these rights, and any limitations. Various exemptions may apply, including in relation to data that is protected by legal professional privilege.

If you wish to exercise any of these rights, please make it clear whether you are seeking to exercise your rights against, one or more Barristers (and if so, please identify them) and/or against Chambers.

Consequences of failing to provide data

If you are a client of one or more Barristers, and you do not provide information to them, or if you withdraw any consent for the processing of personal data by them or

Chambers, or require them or Chambers to cease processing your data or to erase your data, then the effect may be that: the Barrister(s) in question are unable to provide legal services to you; or the Barristers in question are unable to provide all of the legal services that you have asked for.

Right to lodge a complaint

You have the right to lodge a complaint to the Information Commissioner about the processing of your data by a Barrister or Chambers.

The contact details are:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

The website is at: <https://ico.org.uk>

Contact details

The Data Controller for your personal data may be an individual Barrister practising at St John's Chambers, or may be St John' Chambers. This Notice explains above which will be the Data Controller in relation to specific personal data.

Barristers, and Chambers, can be contacted at:

St John's Chambers

101 Victoria Street
Bristol
BS1 6PU

Where appropriate, personal data may also be processed to the extent that we are required to do so by law; or in connection with any legal proceedings or prospective legal proceedings, including in order to establish, exercise or defend our legal rights.

This policy has been updated as 7 October 2020.