



GOLDSMITH
CHAMBERS

DATA PROTECTION AND PRIVACY POLICY



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www.goldsmithchambers.com

We are committed to protecting the privacy and security of your personal data.

This policy tells you how we will collect and use your personal data, and what you should expect in respect of the personal information about you that we have collected.

Who We Are

We are Goldsmith Chambers Services Ltd (Registered company number: 04955321) trading as Goldsmith Chambers. Our registered office address is at Goldsmith Building, Temple, London EC4Y 7BL

The data controller in respect to personal data is: (i) Goldsmith Chambers (“Goldsmith”), (ii) the Barristers of Goldsmith Chambers (“Barristers”)

References in this Policy to “Goldsmith”, “we”, “our” and “us” are references to Goldsmith Chambers and Barristers.

We are registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that we hold and process. This policy is provided on behalf of us and any company which carries out functions in relation to and on behalf of us.

Contacting Us

The person with responsibility for our data protection compliance is Asli Ozalga (“the Data Protection Manager”), and she can be contacted by telephone on 020 7353 6802.

Data Protection Principles

We act in respect of personal data to comply with the six principles of the General Data Protection Regulation (“GDPR”), which are:

- Lawfulness, fairness and transparency;
- Purpose limitation;
- Data minimisation;
- Accuracy;
- Storage limitation;
- Integrity and confidentiality.

Information We Collect

The personal information that we may collect includes, but is not limited to, the following:

- personal details
- family details
- lifestyle and social circumstances
- goods and services
- financial details
- education, training and employment details
- physical or mental health details
- racial or ethnic origin
- political opinions
- religious, philosophical or other beliefs
- trade union membership
- sex life or sexual orientation
- genetic data
- biometric data for the purpose of uniquely identifying a natural person
- criminal proceedings, outcomes and sentences, and related security measures
- other personal data relevant to instructions to provide legal services, including data specific to the instructions in question

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

Legal Basis for Data Processing

1. Processing of personal data by Barristers and in support of Barristers' practices

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

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

The legal basis upon which we process this personal data as data is as follows:

- Where a professional or lay client gives consent to the processing of their personal data by us, the processing of that personal data by us is based on consent.
- Where consent has not been given for the processing of personal data by us, processing is based on our legitimate interests in conducting professional practice and in providing legal services.
- Where we process special category personal data or criminal offence data, it will be on the basis that the processing is necessary for the establishment, exercise or defence of legal claims. This will apply to the processing of personal data in connection with litigation and for the purpose of providing legal advice.

2. Processing of personal data for the administration of Goldsmith Chambers

This includes data that is processed for billing purposes, marketing purposes, and all data relating to: barrister members of Goldsmith Chambers, staff employed by Goldsmith Chambers, job applicants, contract workers who provide services to us, and mini-pupils, squatters and pupils at Goldsmith Chambers.

In relation to marketing data, we will not send marketing emails except where permitted under the Privacy and Electronic Communications Regulations 2003 or any successor legislation.

The basis on which we process such personal data is as follows:

- Marketing data is processed on the basis of the **legitimate interests** of Goldsmith Chambers, the Barristers and in marketing the services of Barristers practising at Goldsmith Chambers.
- The processing of personal data for the purposes of direct marketing by email is carried out on the basis of **consent**.
- The processing of staff data and data relating to contract workers is **necessary** for the performance of employment or other contracts to which Goldsmith 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 to mini-pupils and pupils is processed on the basis of the **legitimate interest** of Goldsmith Chambers, the Barristers, and in the recruitment and training of new barristers and of potential new members of Goldsmith Chambers.

3. Processing of Special Categories of (“Sensitive”) Personal Data

You may also supply us with, or we may receive, special categories of (or “sensitive”) personal data. This is defined by applicable data protection laws as:

- personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership,
- genetic data or biometric data for the purpose of uniquely identifying an individual, and
- data concerning health or concerning a natural person’s sex life or sexual orientation.

The basis on which we process such personal data is as follows:

- where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
- where the processing relates to personal data which are manifestly made public by the data subject;
- where the processing is necessary for the establishment, exercise or defence of legal claims;
- where the processing is necessary for reasons of substantial public interest, in accordance with applicable law. Such reasons include where the processing is necessary:
 - for the purposes of the prevention or detection of an unlawful act or for preventing fraud; and
 - for the provision of confidential advice.

4. Data relating to criminal convictions and offences

We may also collect and store personal data relating to criminal convictions and offences (including the alleged commission of offences).

This data is only processed where it is necessary for the purposes of:

- the prevention or detection of an unlawful act and is necessary for reasons of substantial public interest;
- providing or obtaining legal advice; or
- establishing, exercising or defending legal rights.

Disclosure of Personal Information

Personal information will be retained by us and will not be shared, transferred or otherwise disclosed to any third party, save as set out in this policy.

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.

We have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings (which are not held in private or which are not subject to reporting restrictions).

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

- data processors, such as Goldsmith staff and barrister members, email providers, data storage providers
- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- other regulatory authorities
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council and Legal Directories.
- the intended recipient, where you have asked me to provide a reference.
- the general public in relation to the publication and reporting of legal judgments and decisions of courts and tribunals.

We may be required to provide your information to regulators, the police or intelligence services, where required or permitted by law.

Consequences of Failing to Provide Data

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

International Transfers

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 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.

Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. 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.

We may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable us to store your data and/or backup copies of your data so that we may access your data when we need to. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection.
- cloud data storage services based in Switzerland, in order to enable us to store your data and/or backup copies of your data so that we may access your data when we need to. Switzerland does not have the same data protection laws as the EU but has been recognised by the European Commission as providing adequate protection.

If we publish a judgment or other decision of a Court or Tribunal containing your information, then this will be published to the world. We will not otherwise transfer personal information outside the EEA (except as necessary for providing legal services or for any legal proceedings).

Length of Personal Data Storage

Personal information received by us will only be retained for as long as necessary to fulfil our engagement.

Following the end of our engagement we will retain your information for at least 1 year after the expiry of any relevant limitation period (which will usually be 15 years as recommended by our insurers), 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 or subject to a complaint. 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.

We will store some of your information where we need to carry out conflict checks indefinitely. 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 the special categories of personal data.

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 we become aware or are informed that the individual has ceased to be a potential client.

Your Rights

Under the GDPR and DPA 2018, you have rights in respect of how your personal data can be processed; these include the right to:

- Request a copy of your personal data;
- Request that inaccurate data is rectified;
- Request that your personal data is, in certain circumstances set out in the GDPR, restricted or erased.
- Object to the processing of your personal data and;
- Ask for personal data about you that you have provided 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 Goldsmith Chambers.

Complaints

We welcome feedback on all areas of our service and we hope you feel that we undertake and discharge our responsibilities as data processors with the upmost care. If you have felt dissatisfied and would like to make a complaint, we would like to know as soon as possible.

Please raise any concerns or issues with us by contacting the Barrister(s) or individual concerned or by contacting Goldsmith Chambers direct using the information below so that we may deal with this as quickly as possible for you.

Chambers Grievance Officer, Soraya Pascoe, or the Deputy Grievance Officer, Hilary Pollock on 020 7353 6802.

If you are still not satisfied you have the right to complain to the Information Commissioner about the processing of your data. You can do so by contacting the Information Commissioner's Office (ICO) directly.

Full contact details, including a helpline number, can be found on the ICO website (www.ico.org.uk). This website also has useful information on your rights and our obligations.



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