

PRIVACY NOTICE FOR CLARE ELLIOTT

**Hailsham Chambers
4 Paper Buildings
Temple
London
EC4Y 7EX**

ICO registration number: ZA275155

Reviewed 19 July 2022

Introduction

Please read the following information carefully. The General Data Protection Regulation (“GDPR”) and Data Protection Act 2018 give you rights in relation to the personal information about yourself that I collect and make use of. That information is called “personal data” under the GDPR. This Privacy Notice describes the information I collect about you, how it is used (which will include storing it in soft or hard copy or transmitting it by email or otherwise), how it is shared, and your rights regarding it.

Data Controller

I am registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that I hold and process as a barrister. My registered address is Hailsham Chambers, 4 Paper Buildings, Temple, London, EC4Y 7EX and my registration number is ZA275155.

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 or on my website profile.

Data Collection

The majority of the personal information that I collect or hold about you is provided by you to me. Some information might be obtained from third parties such as other legal professionals or experts, witnesses and courts and other tribunals.

I may also obtain information about you which is publicly available, e.g. from registers, regulator or administrative bodies, from web searches, or in the media.

Clients

Thank you for choosing to instruct me in your case.

References in this Privacy Notice to “clients” are intended as references both to my Instructing Solicitors and to the client(s) who have retained my Instructing Solicitors (also referred to as “lay clients”).

I will need to collect, hold and use clients’ personal information in order to provide such services as I am asked by my Instructing Solicitors to provide.

Others

On occasion, whilst acting for clients, I will need to collect, hold and use personal information provided by people who are not my clients i.e witnesses or potential witnesses, experts and people with whom I am communicating such as solicitors, court staff and judges.

My intention

I will take appropriate measures to protect your personal information and to ensure that I do not infringe your rights or undermine your trust.

What data do I process about you?

Depending on the type of work, I collect and process both personal data and special categories of personal data as defined in the UK GDPR. This may include:

- Name
- Email address
- Phone number

- Address
- Payment or bank details
- Date of birth
- Next of kin details
- Details pertaining to education and employment
- Information on your background & current circumstances
- Financial information.

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

- Racial or ethnic origin
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health

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

My Lawful Basis for processing your information

The GDPR requires all organisations or individuals that process personal data to have a Lawful Basis for doing so.

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 below to the extent to which you have consented to me doing so. You will also have the right to withdraw your consent at any time. Where you do so this will not affect

the legality of data processing which had taken place prior to your withdrawal of consent;

- If you are a client, the processing is necessary for the performance of a contract to which you are a party. That contract will be the contract between you and my Instructing Solicitor, whom you engage to provide you with advice or representation in your case, and who in turn has instructed me to provide you with advice or representation;
- the legitimate interest of myself and/or the legitimate interests of a third party in carrying out the processing for one or more of the purposes set out below. In short, my legitimate interest is to enable me to provide legal services as a barrister, to ensure fair resolution of any complaints or disputes, to promote access to my profession, and to maintain relationships with clients (usually instructing solicitors or institutional clients);
- if I am assisting pro bono organisations then the processing is being carried out in the public interest;
- I may process data in order to comply with my regulatory and professional obligations, including filing tax returns with HMRC.

In the event that I need to process data revealing: your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership; or your genetic data, biometric data for the purpose of uniquely identifying you; or I need to process data concerning your health, sex life or sexual orientation, the legal basis for my processing shall be because:

- the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; and/or
- you have given me explicit consent to the processing of such information for one or more of the purposes set out below.

On occasion, I process data relating to criminal offences where it is necessary for:

- The purpose of, or in connection with, any legal proceedings;
- The purpose of obtaining legal advice; or
- The purposes of establishing, exercising or defending legal rights

- Where I have your explicit consent to do so.

The purpose of my processing of your information:

I may need to process your personal data for one or more of the following purposes:

- to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations and mediations, and communicating in connection with that purpose;
- to assist in training pupils and mini-pupils;
- to keep accounting records and enable my clerks to carry out my practice management requirements;
- to investigate or address any concerns raised by my clients or third parties about the provision of my services as a barrister, including any complaints made by or via a regulator;
- to take or defend or otherwise address legal or regulatory proceedings relating to the provision of my services as a barrister, or to exercise a lien;
- to check for potential conflicts of interest in relation to future potential cases;
- To assist in directory or panel membership applications.

I do not use automated decision-making in the processing of your personal data.

I collect and process both personal data and special categories of personal data as defined in the GDPR. This includes all or some of:

- Name;
- Email;
- Phone number;
- Address;
- Payment or bank details;
- Date of birth;
- Location details;
- Financial information
- Medical Records

- Criminal Records

I may share your information with:

If you are my client most 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 my clients' information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

It may be necessary to share the personal information I collect and use with some or all of the following:

- Lay and professional clients;
- Other parties and their legal representatives, for the purposes of resolving my client's case;
- potential witnesses, in particular experts
- courts or other tribunals to whom documents are presented;
- Pupils or mini pupils*;
- The Clerks and Staff who are employed by Hailsham Chambers to provide practice management and administrative services. As part of this a software management tool is used;
- Practice management and administrative services provided by Hailsham Chambers such as IT support staff, email provider, data transportation, storage and disposal providers;
- In the event of complaints or a dispute or other legal matters, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Boards, the Legal Ombudsman, an arbitrator or my legal advisors;
- Legal directories, for the purpose of professional development;
- Accountants and banking officials;
- Law enforcement officials, government authorities, or other third parties to meet my legal obligations;

- Any other party where I ask you and you consent to the sharing.

*As a barrister and from time to time I may be involved in the training of a pupil barrister or in providing an aspiring barrister with work experience (a 'mini-pupil') which is important in promoting access to my profession. They are bound by written confidentiality obligations not to disclose any information about my cases that I share with them. You have the right to refuse that your personal data is provided to pupils or mini-pupils. Please tell me if you wish to do so.

Transfers to third countries and international organisations outside the European Economic Area (EEA)

I use Microsoft Office 365 and OneDrive for Business, which means that I store your information in a cloud-based system in the United Kingdom. Pursuant to the Online Services Terms provided by Microsoft, I am satisfied that such information is appropriately protected and safeguarded as required by the GDPR.

I do not transfer any of your personal data to third countries or international organisations outside the EEA.

Data Retention

The period for which I may retain personal data will vary from case to case, but in general:

- In respect of client's cases, I will usually retain personal data whilst that case is ongoing. I will thereafter usually store and retain personal data for a period ("the initial period") not exceeding the period during which any claims arising out of my involvement in the case in question may be brought against me. The initial period will be determined by the provisions of the Limitation Act 1980. It will generally be not be less than 15 years from the date of my last involvement in the case, and may be greater (as to which please see my Retention and Disposal Policy). The initial period may be

substantially greater where the case includes matters relating to a child, or relating to a person who is mentally incapacitated. At the end of the initial period, any further retention will be reviewed and the personal data will be marked for deletion or marked for retention for a further period. I am likely to mark data for retention for a further period only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out as soon as reasonably practicable;

- I will store some of your information which I need to carry out conflict checks and for accounting purposes for the rest of my career. However, this is likely to be limited to your name, contact details and name of the case. It will not contain any sensitive personal data;
- Names and contact details obtained during the conduct of a client's case will be deleted unless likely to be used again during the course of my provision of legal services;
- Data collected by me for marketing purposes (which will not include sensitive data) will only be stored for as long as it is reasonably believed to be relevant for such purposes;
- Where pleadings or other documents have been drafted, they may be retained for learning purposes and/or legal research. Where appropriate I will anonymise and/or redact the information which may identify an individual.

Further details are contained in my Retention and Disposal Policy (copy available on request).

Whether information had to be provided by you, and why

If I have been instructed by you or on your behalf to provide my services as a barrister, your personal information has to be provided to enable me to provide you with advice or representation and to enable me to comply with my professional obligations. Should you choose not to provide me with such information then I may not be able to provide legal services to you.

Your Rights

The UK GDPR gives you specific rights in terms of your personal data. For example:

1. You can ask for a copy of the personal information I hold about you;
2. You can ask me to correct any inaccuracies with the personal data I hold, and you can ask me to stop sending you direct mail or emails or, in some circumstances, ask me to stop processing your details.
3. If I do something irregular or improper with your personal data, you can complain to the ICO if you are unhappy with how I have processed your information or dealt with your query. You may also seek compensation for any distress you are caused or loss you have incurred.

You can find out more information from the ICO's website:

http://ico.org.uk/for_the_public/personal_information

An important limitation on the above rights is legal professional privilege. This means that I am not allowed to disclose to you any document or record either in hard copy or in electronic form which is privileged, unless you are the person to whom that privilege belongs.

You also have the right to withdraw consent. This means that where my processing of your personal data is based on your consent, you have the right to withdraw your consent for me to continue processing your personal data 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 the processing of your data. For example, if there is an unresolved issue such as a complaint or dispute, or 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.

Finally, if I breach any of my obligations to you in respect of your personal data you may be able to seek compensation for any distress you are caused or loss you have incurred.

You can find out more information from the ICO's website http://ico.org.uk/for_the_public/personal_information and this is the organisation that you can complain to if you are unhappy with how I deal with you and your data.

Future Processing

I do not intend to process your personal information except for the reasons stated in this privacy notice.

Accessing and Correcting Your Information

You may request access to, correction of, or a copy of your information by contacting me in writing at Hailsham Chambers, 4 Paper Buildings, Temple, London EC4Y 7EX, or by emailing clare.elliott@hailshamchambers.com.

Marketing Opt-Outs

You may opt out of receiving emails and other messages from Hailsham Chambers at any time by following the instructions in those messages.

Cookies

Cookies are small text files that are stored on your computer or mobile device when you visit some websites.

Google Analytics tracking is used on www.hailshamchambers.com. Google Analytics uses cookies to track visitor interaction, such as unique visitors, activity and traffic source. Information is collected anonymously by Google Analytics and no personal information is collected. This information provides us with reports to help to improve the site.



The cookies will remain on your computer or mobile device for a maximum of 2 years. If you wish, you can delete any cookies already set, and prevent any further cookies from being set, by using the Internet Options tool in your browser. This will not affect use of this website.

I will occasionally update my Privacy Notice. A link to the most up-to-date Privacy Notice will be published on my website profile.

This privacy notice was updated July 2022.