

## PRIVACY NOTICE FOR MATTHEW JACKSON

### Introduction

The Data Protection Act 2018 (“the Act”) confers rights and imposes obligations in relation to the personal information that I obtain and make use of in the course of my practice as a barrister. That information is called “personal data” under the Act. This Privacy Notice describes the personal data I obtain, 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, the rights conferred by the Act on the individuals to whom the personal data relates, and the obligations imposed by the Act on me as the data controller.

### 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 clients who have retained my Instructing Solicitors (also referred to as “lay clients”).

I will need to obtain, hold and use clients’ personal data in order to provide the services which I am asked by my Instructing Solicitors to provide.

### Others

In order to provide those services, I will also need to obtain, hold and use personal information relating to people who are not my clients, such as other parties to litigation and their legal representatives, 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 such personal information and to ensure that I do not infringe the rights or undermine the trust of the individuals to whom it relates.

### 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 ZA070175.

### Data Collection

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

### **My Lawful Basis for processing your information**

The Act 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 obtain and use personal information:

- If anyone has consented to the processing of their personal information, then I may process that information for the purposes set out below to the extent to which they have consented to me doing so;
- The processing of any personal information relating to a client is necessary for the performance of a contract to which that client is a party. In the case of a lay client, that contract will be the contract between the lay client and my Instructing Solicitors, whom the lay client has engaged to provide them with advice or representation in their case, and who in turn have instructed me to provide that lay client 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.

In the event that I need to process data relating to an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data relating to an individual's 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
- I have been given explicit consent to the processing of such information for one or more of the purposes set out below.

### **The purpose of my processing of personal data:**

I may need to process 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 keep records of Court hearings;
- to investigate or address any concerns raised by my clients or third parties about the provision of my services as a barrister;
- 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

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

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

- Names of individuals
- E-mail addresses
- Phone numbers
- Addresses
- Dates of birth
- National Insurance numbers
- Medical history
- Current medical health
- Prognosis
- Criminal convictions
- Educational records
- Employment history
- Social Work involvement
- Bank details
- Financial details
- Allegations made against them
- Pension details
- Racial or ethnic origin
- Religious or philosophical beliefs
- Genetic data
- Sex life and sexual orientation

**I may share your information with:**

Most if not all of the personal information I obtain about my clients, and much of the personal information which I obtain about others, will be protected by legal professional privilege, unless and until that information becomes public either in the course of any proceedings or otherwise.

As a barrister I also have a professional obligation to keep my clients' personal information confidential, unless or until that information becomes public either in the course of any proceedings or otherwise.

It may be necessary to share the personal information I obtain 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;
- witnesses and potential witnesses
- expert witnesses
- 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, my professional indemnity insurers and my legal advisers;
- law enforcement officials, government authorities, or other third parties to meet my legal obligations;
- any other party where the individual to whom the personal data relates expressly consents to the sharing.

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

I do not currently use any cloud-based system to store personal data.

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

### **Data Retention**

The periods for which I may retain personal data will depend on the nature of the personal data concerned, and the manner in which it is stored. Full details are contained in my data retention policy, a copy of which is available on request. In summary,

- for my personal records, including notes of hearings in counsel's notebooks, I will retain these in hard copy on a permanent basis
- for other hard copy data, including papers provided by instructing solicitors in hard copy or hard copies printed off by me or my clerks from electronic originals supplied by instructing solicitors, I will return or securely destroy these documents as soon as reasonably practicable after my instructing solicitors have indicated whether they wish these documents to be returned or destroyed, and retain these documents only if I am specifically requested to do so
- where I am asked to retain these documents, I will ask my clerks to check at regular intervals whether I am still required to retain the documents, or whether they can now be returned or securely destroyed
- for electronic data, which includes all e-mails which I send and receive and their attachments, as well as documents which I receive or download in electronic form and documents which I store electronically, I will subject to the exceptions specified below retain personal data in electronic form for an initial period which is long enough to ensure that the information is still available to me if I ever face a claim arising out of my own work on the case. Pending any further guidance on this issue from the ICO and/or the Bar Council, my current intention is to retain such personal data for an initial period of 21 years after the conclusion of the case to which the data relates
- at the expiry of that initial period, I will review the data, to ascertain whether there is good reason to retain it for a longer period. I anticipate that I will destroy the data at this stage unless
  - I have received any information suggesting that a claim might be made against me or against my instructing solicitors in connection with that case, and/or
  - there was or is any suggestion that a potential claimant was or might be under a disability, and/or
  - there was or is any suggestion that a potential claim against me did or could include a claim for personal injuries
- in any of these three cases, I will probably conclude that the data should be retained permanently

- I will also retain permanently any personal data which I need to carry out conflict checks and for accounting purposes. This is likely to be limited to the names of the parties involved in the case. It will not include any sensitive personal data
- I will also retain permanently any personal data which I need for marketing purposes. This is likely to be limited to names and contact details. It will not include any sensitive personal data.

### **Whether information had to be provided to me, and why**

Personal information relating to my clients has to be provided to enable me to provide my clients with legal advice or representation, and to enable me to comply with my professional obligations. Should my clients choose not to provide me with such information then I may not be able to provide legal services to them.

### **The Rights conferred by the Act**

Under certain circumstances, the Act confers rights on the individuals to whom personal data relates. These rights are subject to a number of important qualifications and exceptions. The most significant of these is probably the exception for data which is the subject of legal professional privilege. As I have explained above, most if not all of the personal data which I obtain and hold will be the subject of legal professional privilege, unless that data has already been made public either in the course of the proceedings or otherwise. The rights summarised below do not apply to data which is the subject of legal professional privilege. In particular, 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.

Subject to the qualifications and exceptions contained in the Act, the rights conferred on individual data subjects by the Act may include the right

- (1) to obtain confirmation as to whether or not information concerning an individual is being processed and, if so, access to that information;
- (2) to obtain, without undue delay, the rectification of inaccurate personal data, and the right to have any incomplete personal data completed;
- (3) to obtain the erasure of personal data, without undue delay, where certain conditions apply (*e.g.* if it is no longer necessary for me to hold the data for the purposes for which it was originally collected, or if the consent upon which the processing may have been based has been withdrawn, or if personal data has been unlawfully processed). This is subject to exceptions, which include that the processing is necessary for the establishment, exercise or defence of legal claims;
- (4) to restrict the way in which I process personal data in certain circumstances (*e.g.* if the accuracy of the personal data is contested and the data subject wishes to restrict my processing for a period of time until I have provided verification that the personal data is accurate, or if my processing is unlawful and, rather than erase the personal data, the data subject wishes to restrict my processing of it instead, or where I no longer *need* the personal data for the purposes of the processing, but the data is required by the data subject for the establishment, exercise or defence of legal

claims). This right will not prevent me storing the data or processing it for the establishment, exercise or defence of legal claims;

- (5) to receive the personal data concerning the data subject in a commonly used format;
- (6) to transmit the personal data to another data controller, in certain circumstances;
- (7) to object to my processing the personal data at any time where my processing is based on (a) the fact that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority; or (b) the fact that the processing is necessary for the purposes of my “legitimate interests” unless I can demonstrate compelling legitimate grounds (i) for the processing which override the data subject’s interests, rights and freedoms or (ii) for the establishment, exercise or defence of legal claims.

Where my processing of any personal data is based on the consent of the individual to whom that data relates, that individual has the right to withdraw their consent. That right can be exercised at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to the withdrawal of consent. However, where I also rely on other bases for processing an individual’s personal information, that individual may not be able to prevent the processing of their data. For example, there may be an unresolved issue such as a complaint or dispute, or I may be owed money for my work on a case which I will still be entitled to claim.

Finally if I breach any of my obligations in respect of an individual’s personal data that individual may be able to seek compensation for any distress they have been caused or any loss they have incurred.

More information can be obtained from the ICO’s website [http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information) and this is the organisation that any individual can complain to if they are unhappy with how I deal with them.

### **Future Processing**

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

### **Accessing and Correcting Information**

Any individual who has the right to request access to, correction of, or a copy of their information may exercise that right by contacting me in writing at Hailsham Chambers, 4 Paper Buildings, Temple, London EC4Y 7EX.

### **Marketing Opt-Outs**

Anyone receiving emails and other messages from Hailsham Chambers may opt out 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](http://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 published on 25<sup>th</sup> May 2018.