

PRIVACY NOTICE FOR NICHOLAS PILSBURY

Introduction

Please read the following information carefully. The General Data Protection Regulation (“GDPR”) and Data Protection Act 2018 gives 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.

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. I will also need to collect hold and use personal information about other parties to the proceedings.

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.

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 Z2972485.

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.

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;
- 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.
- If you are a client who has instructed me through direct access, or you are an Instructing Solicitor who has instructed me through a contract, it will also be the contract between you and me.

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.

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;
- 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 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
- Educational and employment records
- Information about family and other relationships

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, or my legal advisors;
- 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

1. Data held in respect of the provision of legal services

a) Practice management data

Practice management data, including e.g. the names, addresses and email addresses of instructing parties; names of opposing parties in litigation or potential litigation, arbitration, mediation or other ADR; details of fees charged; and summary details of work done will be held permanently for practice management purposes, including accounting and conflict checking.

b) Data held digitally, manuscript notes and working documents

All other data held digitally, and manuscript notes and working documents collected or produced in the context of the provision of legal services (including e.g. emails, written advices, draft pleadings, schedules and notes made at Court) will be held for no longer than the Retention Period set out below:

The Retention Period will start from the Closure Date, which is the later of:

- The last date on which I do work in respect of the case;
- The date on which the fees are paid in full; or
- The date on which the last amount of fees was written off.

The Retention Period will then run from the Closure Date for the longest of the following time periods:

- 16 years from the Closure Date, i.e. the “longstop” limitation period for bringing a claim stipulated by s.14B of the Limitation Act 1980, with further time for service of proceedings (unless a claim or complaint has been intimated or made in respect of my provision of such services, when a different retention period

may apply). Sixteen years after the Closure Date (“the Review Date”), the data will be reviewed with a view to deletion

- Where the lay client is a child, or the claim is for the benefit of a child, six years from the date of the child’s majority, or where there is more than one relevant child, six years from the majority of the youngest of them.
- Where the lay client is (for reasons other than their minority) known to lack mental capacity; where the lay client’s capacity has been investigated during the course of the provision of my services; or where it has been suggested that there might be a need to investigate capacity, data will be held permanently.
- Such longer period specified at the Closure Date or the Review Date or otherwise for any particular case as required (e.g. because a claim or complaint has been intimated or made).

The Retention Period has been defined as above to take account of the maximum likely limitation period which would apply to any claim arising out of my provision of services as a barrister, to ensure that I am able to provide a response to any claim intimated or made.

c) Client documents provided in hard copy

Client documents (unless they fall within (a) or (b) above) which are provided to me in hard copy, or sent electronically and printed by me or my clerks, will be kept in hard copy for no longer than 2 years after my last instruction, unless the solicitor or lay client provides instructions that they wish me to retain possession of such documents. The hard copy client documents will thereafter be returned to the instructing party or confidentially destroyed. Hard copy client documents relating to court work in cases which have concluded are likely to be returned immediately, or as soon as reasonably practicable, after the case determines.

2) Marketing data

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.

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

Under the GDPR you have a number of rights that you can exercise in certain circumstances. For example, you may have the right to:

- (1) obtain from me confirmation as to whether or not information concerning you is being processed and, if so, access to that information;
- (2) obtain from me, without undue delay, the rectification of inaccurate personal data concerning you, and the right to have any incomplete personal data concerning you completed;
- (3) obtain from me the erasure of personal data concerning you, without undue delay, where certain conditions apply (e.g. it is no longer necessary for me to hold the data for the purposes for which it was originally collected; you have withdrawn your consent upon which the processing may have been based; your 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) restrict the way in which I process your personal data in certain circumstances (e.g. you contest the accuracy of your personal data and you wish to restrict my processing for a period of time until I have provided verification that your personal data is accurate; where my

processing is unlawful and, rather than erase your personal data, you wish to restrict my processing of it instead; or where I no longer *need* your personal data for the purposes of the processing, but the data is required by you 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) receive the personal data concerning you, which you have provided to me, in a commonly used format and the right to transmit that data to another data controller, in certain circumstances;
- (6) object to my processing your 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 your interests, rights and freedoms or (ii) for the establishment, exercise or defence of legal claims.

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.

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 at Hailsham Chambers, 4 Paper Buildings, Temple, London EC4Y 7EX, by writing, telephone (02076435000) or email: *Nicholas.pilsbury@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 originally published in May 2018.
It was reviewed in January 2020.