

PRIVACY NOTICE FOR NICHOLAS PILSBURY

Introduction

I need to gather and use personal data about individuals in the course of my practice as a barrister, both for the provision of my professional services and to manage my practice.

I will process personal data relating to a range of individuals. In my capacity as data controller this may include, but is not limited to:

- Clients (whether instructed by a law firm or by direct access);
- Suppliers and support services, including Hailsham Chambers and its employees;
- Business contacts;
- Employees; and
- Other people I have a professional relationship with or may need to contact.

In my capacity as data processor for chambers, I will also process personal data shared with me by chambers where I sit on the management committee and pupillage committee.

This policy describes how this personal data must be collected, handled and stored to meet my data protection standards and to comply with the law.

Why this policy exists

This Data Protection Policy exists to ensure that I and any staff I may employ:

- Comply with data protection law and implement robust data protection policies and procedures within their practice;
- Protect the rights of all data subjects;
- Am open about how I store and process individuals' data;
- Protect my practice from the risks of a data breach.

Data protection law

The General Data Protection Regulation (GDPR) and Data Protection Act 2018 describe how organisations must collect, handle and store personal information.

These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully. The GDPR is underpinned by six important

principles. They say that personal data must be:

1. Processed lawfully, fairly and transparently;
2. Collected for specific, explicit and legitimate purposes;
3. Adequate, relevant and limited to what is necessary for processing;
4. Accurate and, where necessary, kept up to date;
5. Kept in a form such that the data subject can be identified only as long as is necessary for processing; and
6. Processed in a manner that ensures appropriate security of the personal data.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the GDPR and Data Protection Act 2018.

People, risks and responsibilities

Policy scope

People

This policy applies to:

- Any employee of my practice such as support staff (e.g. typists, secretary) as well as trainees, volunteers and work experience students. It does not include chambers staff who are governed by the chambers' own policy.
- All contractors, individuals, suppliers and other relevant parties working on behalf of my practice.
- All data my practice holds relating to identifiable individuals. This can include but is not limited to:
 - 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;
- Special category personal data that reveals:
 - Racial or ethnic origin

- Political opinions
- Religious and philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health
- Sex life and sexual orientation.

Personal information relating to individuals employed by an organisation, company or public body with whom I work is also included.

Responsibilities

Both I and any employees of my practice have responsibility for ensuring data is collected, stored and handled appropriately and in compliance with the law.

Data Protection Policy information

I will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information;
- Meet my legal obligations to specify the purposes for which information is used;
- Collect and process appropriate information, but only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements;
- Ensure the quality and accuracy of information used;
- Ensure appropriate retention and disposal of information;
- Ensure that the rights of people about whom information is held can be fully exercised under the GDPR. These include:
 - The right to be informed
 - The right of access
 - The right to rectification
 - The right to erase
 - The right to restrict processing
 - The right to data portability
 - The right to object, and
 - Rights in relation to automated decision-making and profiling;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred outside the EEA without suitable safeguards;
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information;

- Set out clear procedures for responding to requests for information;
- Take appropriate steps to complete due diligence and enter into contractual arrangements with data processors and controllers where personal data is shared;
- Ensure all regulatory requirements are satisfied when processing special category data and criminal information.

Data storage

All personal information or data processed within my practice will be stored securely and will only be accessible to authorised staff and data processors that I appoint.

Information will be stored for only as long as it is needed or as required by statute, for compliance with professional regulatory obligations, professional indemnity requirements and in compliance with my Data Retention Policy. All personal data will be disposed of appropriately and securely in accordance with the Data Retention and Disposal Policy and Data Security Policy.

Where personal data has been shared with third parties for the purposes of providing my services and managing my practice, such data will be retrieved from the third party (data processor) or directions will be given to the third party about safe disposal of such data in accordance my data retention policy.

I will ensure all personal data is non-recoverable from any computer system I use or dispose of.

This policy should also be read in conjunction with the Data Security Policy and Data Retention and Disposal Policy of my practice.

Data access and accuracy

All data subjects have the right to access the information I hold about them, except where specific exemptions apply to me as a legal professional. I will also take reasonable steps to ensure that this information is kept up to date.

In addition, I will ensure that:

- All employees of mine, or third parties with whom I work:
 - understand that they are contractually responsible for following good data protection practice;
 - are appropriately trained to do so and are aware of the process for managing requests for access to data by data subjects; and
 - are appropriately supervised.
- Any data subject who wishes to make enquiries about how their personal information has been processed knows how to make this request.

- Where required, I will work with other parties to facilitate and respond to such requests for data.
- I will ensure that where I share data with a third party, they are contractually bound to assist with requests from data subjects seeking access to their data.

Disclosure

I may share data with third parties, including, but not limited to, instructing solicitors, other agencies such as government departments and other relevant parties. Where this occurs, I will ensure that where appropriate a Data Sharing Agreement is in place.

I will ensure that data will not be shared outside the EEA or with unauthorised parties without my specific permission. Data subjects will be made aware in most circumstances about how and with whom their information will be shared.

There are circumstances where the law allows the barrister to disclose data (including sensitive data) *without* the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State;
- b) Protecting vital interests of an individual/data subject or other person;
- c) The individual/data subject has already made the information public;
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights;
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion;
- f) Providing a confidential service where the individual/data subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill individuals/data subjects to provide consent signatures.

Data protection training

I will ensure that I and any individuals employed by me are appropriately trained in data protection annually.

If new members of staff commence work with me, they will be provided with data protection training within [the first month] of employment.

I will keep a register of all training completed by me or any employees for ICO audit purposes.

Non-conformance

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

In case of any queries or questions in relation to this policy, please contact me as Data Protection Lead:

Name and contact details of the Data Protection Officer:**Nicholas Pilsbury**Nicholas.pilsbury@hailshamchambers.com

0207 643 5000

Privacy Policy

In order to provide legal advice and representation, I need to collect and hold personal information. This may be your personal data or information relating to other parties involved in the matter. I will take all possible steps to protect personal information. I will ensure that I do not do anything that may infringe your rights or undermine your trust. This privacy notice describes the information I collect about you, how it is used and 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, EC4Y 7EX and my ICO registration number is Z2972485. If you need to contact me about your data or this privacy notice, you can reach me at nicholas.pilsbury@hailshamchambers.com.

Data collection

The vast majority of the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. Your solicitor and/or I will tell you why we need the information and how we will use it. On occasion I may also obtain information that is available publicly.

What data do I process about you?

I collect and process both personal data and special categories of personal data as defined in the 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
- Political opinions
- Religious and philosophical beliefs

Trade union membership

- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health
- Sex life and sexual orientation.

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

My lawful basis for processing your information

The General Data Protection Regulation (the GDPR) requires all organisations that process personal data to have a lawful basis for doing so. The lawful bases identified in the GDPR that I seek to rely upon are as follows:

- **Consent of the data subject** – where this required, I will ensure that I have your specific consent for processing your data.
- **Performance of a contract with the data subject or to take steps to enter into a contract.**
 - **Compliance with a legal obligation** – to comply with various regulatory and professional obligations, e.g. filing tax returns with HMRC.
- **The legitimate interests of my business or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.**

Examples of legitimate interests include:

- Where the data subject is a client or in the service of the controller;
- Provision of legal services and advice;
- Processing is necessary to ensure network and information security, including preventing unauthorised access;
- For purposes of practice management, accounting and debt recovery;
- For completion of professional regulatory requirements;
- Processing for direct marketing purposes, or to prevent fraud; and
- Reporting threats to public security.

Special category processing

I process special category data when:

1. I have your explicit consent to do so; or
2. It is necessary for the exercise or defence of legal claims or judicial acts.

Criminal data processing

- 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.

I use your information to:

- Provide legal advice and representation;
- Assist in training pupils and mini pupils;
- Investigate and address your concerns;
- Communicate with you about news, updates and events;
- Investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law;
- Make statutory returns;
- Assist in any tendering or panel membership applications;
- Assist in any other applications for the purpose of professional development or career progression;
- Communicate legal updates and judgments to other legal professionals;
- For marketing purposes.

I may share your personal data with:

- Instructing solicitors or other lawyers involved in your case;
- A pupil or mini pupil, under my training;
- Opposing counsel, for the purposes of resolving the case;
- My chambers management and staff who provide administrative services;
- My regulator or legal advisors in the event of a dispute or other legal matter;
- Law enforcement officials, government authorities, or other third parties to meet any legal obligations;
- Legal directories, for the purpose of professional development;
- Any relevant panel or tendering committee, for the purpose of professional development;
- Accountants and banking officials;
- Regulators or arbitrators, where complaints or disputes arise;
- Any other party where I ask you for consent, and you consent, to the sharing.

Transfers to third countries and international organisations

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

I retain your personal data while you remain a client unless you ask me to delete it. My Retention and Disposal Policy (copy available on request) details how long I hold data for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your information at your request unless:

- There is an unresolved issue, such as a claim or dispute;
- I am legally required to; or
- There are overriding legitimate business interests to do so.

Your rights

The GDPR gives you specific rights in terms of your personal data. For example, you have to be informed about the information I hold and what I use it for; you can ask for a copy of the personal information I hold about you; 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. Finally, if I do something irregular or improper with your personal data, you can 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](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 have dealt with your query.

Accessing and correcting your information

You may request access to, correction of, or a copy of your information by contacting me at nicholas.pilsbury@hailshamchambers.com.

Marketing opt-outs

You may opt out of receiving emails and other messages from my practice by following the instructions in those messages.

I will occasionally update my privacy notice. When I make significant changes, I will notify you of these by email. I will also publish the updated notice on my chambers' website profile.

This privacy notice was originally published in May 2018.

It was reviewed in January 2023.