

**DEBORAH DINAN-HAYWARD, Barrister – Albion Chambers Bristol.**

**Privacy Notice & Data Protection Policy**

I am Deborah Dinan-Hayward; I am a barrister in private practice and my address is Albion Chambers in Bristol, BS1 1DR. 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 registration number Z4651339

This document explains for the purposes of the GDPR how I collect and use any personal information (or "data") that I may handle during the course of my work as a barrister. This is done in context of giving legal advice, assistance and representation as a barrister. In that capacity I am subject to professional rules of conduct and a duty to my clients and to the courts.

**1 The Information I Collect**

1.1 When carrying out the provision of legal services on your behalf I am generally provided with legal and other documentation which is likely to contain or reference some or all of the following personal information about you:

1. personal, social & family details;
2. financial information and details of property ownership;
3. education & employment details;
4. health details;
5. racial or ethnic origin;
6. immigration status
7. political opinions;
8. religious, philosophical or other beliefs;
9. sex life or sexual orientation;
10. criminal history, convictions & sentences, related security measures;
11. other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

1.2 These sorts of data may also be obtained from third parties, such as your solicitor, 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.

## **2 How I Use Your Personal Information**

2.1 Your personal information may be used by me for the following purposes:

1. to provide legal services, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations;
2. to comply with my professional regulators' requirements
3. to comply with any other requirements imposed or permitted by law
4. to keep accounting records and carry out office administration;
5. to take or defend legal or regulatory proceedings or to exercise a lien;
6. to respond to potential complaints or make complaints;
7. to check for potential conflicts of interest in relation to future potential cases;
8. to promote and market my services;
9. to carry out anti-laundering and terrorist finance checks;
10. to train other barristers and when providing work-shadowing opportunities;
11. to respond to requests for a reference;
12. to publish legal judgments and decisions of courts and tribunals;

2.2 Your solicitor and/or I will tell you why we need the information and how we will use it.

2.3 If I have been instructed by you or on your behalf on a case or otherwise to give advice or assistance, your personal information has to be given to me to enable me to provide you with that representation, advice and / or assistance and also to enable me to comply with my professional obligations, and to keep accounting records.

## **3 The Basis on Which I Hold & Process Your Personal Information**

3.1 The General Data Protection Regulations (GDPR) requires all organisations that process personal data to have a "Lawful Basis" for doing so.

3.2 The Lawful Bases identified in the GDPR are:

- Consent of the data subject
- Performance of a contract with the data subject or to take steps to enter into a contract
- Compliance with a legal obligation
- To protect the vital interests of a data subject or another person

- Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- The legitimate interests of ourselves, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

3.3 Examples of legitimate interests include:

- Where the data subject is a client or in the service of the controller;
- Transmission within a group of undertakings for internal administrative purposes;
- Processing necessary to ensure network and information security, including preventing unauthorised access;
- Processing for direct marketing purposes, or to prevent fraud; and
- Reporting possible criminal acts or threats to public security.

3.4 The Lawful Bases that I rely on in general are, or include:

- (a) the processing is necessary in relation to a contract that the data subject has entered into;
- (b) compliance with a legal obligation; and/or
- (c) the consent of the data subject.

3.5 The Legitimate Interests: that I rely on are or include:

- (a) the data subject is a client; and/or
- (b) transmission within a group of undertaking for internal administrative purposes.

3.6 You should also be aware that in the case of particularly sensitive information (which I consider to include without limitation : health details including sex life / orientation, racial or ethnic origin, political opinions, religious, philosophical or other beliefs, criminal history & related security measures) then I am entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights.

3.7 For all other purposes in relation to that particularly sensitive information, I rely on your consent. If you do not give your consent in that respect I shall be unable to take your case because I need to be able to retain all the material about you and your

case until there is no prospect of a complaint or similar retrospective examination being raised.

- 3.8 In relation to all other information I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.

## **4 Sharing of Your Personal Information**

- 4.1 Some of the information you provide to me in the course of my work will be protected by legal professional privilege unless and until the information becomes public in the course of any proceedings or otherwise. I have a professional obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

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

- data processors, including without limitation
  - Chambers staff,
  - IT support staff,
  - email providers,
  - data storage providers;
- other legal professionals;
- experts and other witnesses;
- prosecution authorities;
- courts and tribunals;
- the staff in my Chambers;
- trainee barristers;
- lay clients;
- family and associates of the person whose personal information I am processing;
- in the event of complaints,
  - the Head of Chambers,
  - other members of Chambers who deal with complaints,
  - the Bar Standards Board, and
  - the Legal Ombudsman;
- other regulatory authorities;
- current, past or prospective employers;
- education and examining bodies;
- business associates and professional advisors

- the general public in relation to the publication of legal judgments and decisions of courts and tribunals.

4.3 I may be required to provide your information to regulators, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the Information Commissioner's Office, there is a risk that your information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or yours, which includes privileged information.

4.4 I may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

4.5 I do not transfer any personal data to third countries or international organisations except in the following ways:

- Cloud data storage services based in the USA where providers of that facility have agreed to comply with the EU-U.S. Privacy Shield, or in Switzerland, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to.
- If I decide to publish a judgment or other decision of a Court or Tribunal containing your information then this will be published to the world.

## **5 The Period During Which I Will Store Your Personal Information**

5.1 I will normally store all your information until at least 1 year after the expiry of any relevant limitation period (which will usually be 6 years, but may be 12 years, or longer where the case includes information relating to a minor), 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.

5.2 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.

5.3 I will store some of your information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to your name and contact

details, the name of the case and any other relevant information. This will not include any particularly sensitive information as referred to above.

- 5.4 Information related to anti money laundering checks will be retained until 5 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 I or my clerks become aware or are informed that the individual has ceased to be a potential client.

## **6 Your Consent**

- 6.1 As explained above, I am relying on your explicit consent to process some of your information as referred to above. You provided this consent when you agreed that I would provide legal services.
- 6.2 You have the right to withdraw this consent 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 processing of your data. For example, 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.
- 6.3 If there is an issue with the processing of your information, please contact my chambers using the contact details at the start of this document.

## **7 Your Rights Under the GDPR**

- 7.1 You have a number of rights given by the GDPR that you can exercise in certain circumstances. In particular, you may :
- ask for access to your personal information and other supplementary information;
  - ask for correction of mistakes in your data or to complete missing information I hold on you;
  - ask for your personal information to be erased, in certain circumstances;
  - receive a copy of the personal information you have provided to me or have this information sent to a third party. This will be provided to you or the third party in a structured, commonly used and machine-readable format, e.g. a Word file;

- object at any time to processing of your personal information for direct marketing;
- object in certain other situations to the continued processing of your personal information;
- restrict my processing of your personal information in certain circumstances;
- request not to be the subject to automated decision-making which produces legal effects that concern you or affects you in a significant way.

7.2 If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on Individual's rights under the GDPR. If you want to exercise any of these rights, please use the contact details at the start of this document.

7.3 Should you choose to do this then I may need to ask you to provide other information so that you can be identified. When doing so, please state the right or rights that you wish to exercise and provide a contact address so that you can be contacted to request further information to verify your identity. I will respond to you within one month from when I receive your request.

7.4 I continually review my privacy practices and may change this policy from time to time. When I do an amended privacy notice will be placed within my profile on Albion Chambers' website.

7.5 The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office.

DEBORAH DINAN-HAYWARD

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