

Malcolm Waters QC Barrister Data Protection Policy

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Policy effective from: 01/04/18

Data Controller

Malcolm Waters QC (“MW”) is the Data Controller under the General Data Protection Regulation, which means that he determines what purposes personal information is held or will be used for. He is also responsible for notifying the Information Commissioner of the personal information he holds or is likely to hold, and the general purposes that this personal information will be used for.

Introduction

MW is committed to being transparent about how he collects and uses certain personal information about individuals, and to meeting his data protection obligations.

These can include clients, customers, suppliers, business contacts, employees of Radcliffe Chambers Services Limited, contractors and other people the practice has a relationship with or may need to contact.

This policy describes how this personal information must be collected, handled, stored to meet the practice’s data protection standards – and to comply with the law. The regulations apply regardless of whether personal information 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 General Data Protection Regulation is underpinned by six important principles. They say that personal information must be:

1. processed lawfully, fairly, and in a transparent manner;
2. collected for specific, explicit, and legitimate purposes;
3. adequate, relevant, and limited to what is necessary for processing;

4. kept accurate and all reasonable steps to ensure that inaccurate personal information is rectified or deleted without delay;
5. kept only for the period necessary for processing;
6. secure and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

General Data Protection Policy Information

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

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet his legal obligations to specify the purposes for which personal information is used;
- Collect and process appropriate personal information, and only to the extent that it is needed to fulfil the operational needs of his practice or to comply with any legal requirements;
- Ensure the quality of personal information used;
- Ensure appropriate retention and disposal of personal information;
- Ensure that the rights of people about whom personal 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
 - 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 personal information;
- Set out clear procedures for responding to requests for personal information.

Data Storage

MW takes the security of personal information and records relating to service users seriously and will ensure it is stored securely and will only be accessible to authorised employees of Radcliffe Chambers Services Limited and contractors.

There are internal policies and controls in place to protect personal information against loss, accidental destruction, misuse or disclosure, and to ensure that personal information is not accessed, unless authorised. Personal information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

Where MW engages third parties to process personal information on his behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of personal information.

MW will ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data Access and Accuracy

All individuals/data subjects have the right to access the personal information which MW holds about them, except where specific exemptions apply to a legal professional. MW will also take reasonable steps ensure that this personal information is kept up to date.

In addition, MW will ensure that:

- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody interested in making enquiries about handling personal information knows what to do
- He deals promptly and courteously with any enquiries about handling personal information
- He describes clearly how he handles personal information
- He will regularly review and audit the ways he holds, manages and uses personal information
- He regularly assesses and evaluates his methods and performance in relation to handling personal information
- All employees of Radcliffe Chambers Services Limited are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

Disclosure

Personal information collected by MW may be shared with:

- Instructing solicitors and other professionals from whom instructions are received
- Legal representatives for other parties for the purpose of enabling communication (such as providing a name when stating on whose behalf he has been instructed).
- Radcliffe Chambers management and staff who provide administrative services.
- Regulators or legal advisers in the event of a dispute or other legal matter.
- Law enforcement officials, government authorities, or other third parties where necessary to meet legal obligations.
- The court or any arbitrator or adjudicator in the ordinary course of proceedings.
- Any other party where the individual's or data subject's consent has been given to the sharing.

And with the following (subject to any instructions given to the contrary):

- A Pupil or mini pupil, under training.
- Counsel in Chambers, where they have also been instructed or for the purposes of proof reading or obtaining a second opinion on an informal basis.
- Legal representatives for other parties, for the purposes of resolving the case.
- A mediator during the course of a mediation.

MW may share personal information with other agencies such as government departments where they are acting under legal authority.

The Individual/data subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows MW to disclose personal information (including sensitive personal information) 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 – e.g. 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. to avoid forcing an individual/date subject who is suffering from stress or illness to provide consent.

Data Protection Training

MW will ensure that he is appropriately trained in Data Protection annually and a register will be kept of training gained.

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 General Data Protection Regulation.