

# **JOSHUA WINFIELD Barrister Data Protection Policy**

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Policy effective from: 01/04/18

## **Data Controller**

Joshua Winfield (“**the Barrister**”) is the data controller under the General Data Protection Regulation, which means that he determines for what purposes personal information is held or will be used. He is also responsible for notifying the Information Commissioner of the personal information he holds or is likely to hold, and the general purposes for which this personal information will be used.

## **Introduction**

- 1 The Barrister is committed to being transparent about how he collects and uses certain personal information about individuals, and to meeting his data protection obligations.
- 2 Relevant individuals/data subjects may include clients, customers, suppliers, business contacts, employees of Radcliffe Chambers Services Limited, contractors and other people with whom the Barrister has a relationship with or may need to contact in the course of his practice.
- 3 This policy describes how individuals’/data subjects’ personal information must be collected, handled and stored to meet data protection standards and to comply with the law. The General Data Protection Regulation applies regardless of whether personal information is stored electronically, on paper or in other formats.
- 4 To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.
- 5 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 taken to ensure that inaccurate personal information is rectified or deleted without delay;
- (5) Kept only for the period necessary for processing; and
- (6) Secure and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

## **General Data Protection Policy Information**

- 6 The Barrister will take all reasonable steps, through appropriate management and strict application of criteria and controls, to:
  - (1) Observe fully conditions regarding the fair collection and use of personal information;
  - (2) Meet his legal obligations to specify the purposes for which personal information is used;
  - (3) Collect and process appropriate personal information, and only to the extent that it is needed to fulfil his operational needs or to comply with any legal requirements;
  - (4) Ensure the quality of personal information used;
  - (5) Ensure appropriate retention and disposal of personal information;
  - (6) Ensure that the rights of people about whom personal information is held can be fully exercised under the GDPR. These include:
    - (a) The right to be informed
    - (b) The right of access
    - (c) The right to rectification
    - (d) The right to erase
    - (e) The right to restrict processing

- (f) The right to data portability
  - (g) The right to object
  - (h) Rights in relation to automated decision making and profiling
- (7) Take appropriate technical and organisational security measures to safeguard personal information;
  - (8) Ensure that personal information is not transferred outside the EEA without suitable safeguards;
  - (9) Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for personal information; and
  - (10) Set out clear procedures for responding to requests for personal information.

## **Data Storage**

- 7 The Barrister takes seriously the security of personal information and records relating to service users and will ensure such information and records are stored securely and are accessible only to authorised employees of Radcliffe Chambers Services Limited and contractors.
- 8 Internal policies and controls are in place to protect personal information against loss, accidental destruction, misuse or disclosure, and to safeguard personal information against unauthorised access. Personal information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.
- 9 Where the Barrister 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.
- 10 The Barrister will ensure all personal and company data is non-recoverable from any computer system previously used within Radcliffe Chambers, which has been passed on or sold to a third party.

## **Data Access and Accuracy**

- 11 All individuals/data subjects have the right to access the personal information held about them, except where specific exemptions apply to a legal professional. The Barrister will take reasonable steps to ensure that this personal information is kept up to date.
- 12 In addition, the Barrister will take all reasonable steps to ensure that:
- (1) Everyone processing personal information understands that they are contractually responsible for following good data-protection practice;
  - (2) Everyone processing personal information is appropriately trained to do so;
  - (3) Everyone processing personal information is appropriately supervised;
  - (4) Anybody interested in making enquiries about handling personal information knows what to do;
  - (5) He deals promptly and courteously with any enquiries about handling personal information;
  - (6) He describes clearly how he handles personal information;
  - (7) He will regularly review and audit the ways he holds, manages and uses personal information;
  - (8) He regularly assesses and evaluates his methods and performance in relation to handling personal information; and
  - (9) 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**

- 13 The Barrister may share personal information that he has collected with:
- (1) The solicitors by whom he is instructed to act on your behalf.

- (2) Legal representatives for other parties for the purpose of enabling communication (such as providing the individual's/data subject's name when stating on whose behalf he is instructed).
- (3) Radcliffe Chambers' management and staff who provide administrative services.
- (4) The Barrister's regulator, insurer and/or legal advisors in the event of a dispute or other legal matter.
- (5) Law enforcement officials, government authorities, or other third parties to the extent required by law.
- (6) The court, mediator, arbitrator or adjudicator or person in an analogous position, in the ordinary course of proceedings.
- (7) Email, software and cloud computing providers, couriers and document storage companies and other sub-processors of Radcliffe Chambers.
- (8) Experts and other potential witnesses.
- (9) In the event of a complaint, the Barrister's Head of Chambers or other designated complaint-handlers within Chambers, the Bar Standards Board and the Legal Ombudsman.
- (10) In the event of a data breach, and depending on the nature of the breach, the Police and the Information Commissioner's Office.
- (11) Any other party, where consent is given to the sharing by the individual/data subject.

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

- (12) Any pupil or mini-pupil within Chambers.
- (13) 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.
- (14) Legal representatives of other parties, for the purposes of resolving the case.
- (15) A mediator, during the course of a mediation.

- 14 The Barrister may share personal information with other agencies such as government departments and other relevant parties.
- 15 Individual/data subjects will be made aware in most circumstances how and with whom their personal information will be shared.
- 16 There are circumstances where the law allows the Barrister to disclose personal information (including sensitive personal information) without the individual's/data subject's consent. These circumstances arise where the individual/data subject has already made the information public or where the data controller is:
- (1) Carrying out a legal duty or as authorised by the Secretary of State;
  - (2) Protecting vital interests of an individual/data subject or other person;
  - (3) The individual/data subject has already made the information public;
  - (4) Conducting any legal proceedings, obtaining legal advice or defending any legal rights;
  - (5) Monitoring for equal opportunities purposes—e.g. race, disability or religion;
  - (6) Providing a confidential service where the individual's/data subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where the Barrister would wish to avoid forcing stressed or ill individuals/data subjects to provide consent signatures.

## **Data Protection Training**

- 17 The Barrister will ensure that he is appropriately trained in data protection requirements and procedures annually. A register will be kept of training undertaken.
- 18 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.