

# Privacy Notice for JOSHUA ANSEL SIDNEY WINFIELD

1 Thank you for choosing to instruct me in your case. I will need to collect and hold your personal information in order to represent you. I will take all possible steps to protect your personal information. I am determined to do nothing that would 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

2 I am registered with the Information Commissioner's Office ("ICO") as a controller (as defined in Art.4(7) of the General Data Protection Regulation ("GDPR")) of the personal information that I hold and process as a barrister. My registered address is Radcliffe Chambers, 11 New Square, Lincoln's Inn, London WC2A 3QB and my registration number is Z7799482.

## Data collection

3 The vast majority of if not all the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. This information will not be used by me other than for the purposes set out below.

## My lawful basis for processing your personal information

4 The GDPR requires all individuals and organisations that process personal information to have a lawful basis for doing so. The lawful bases identified in the GDPR are:

- (1) Consent of the data subject.
- (2) Performance of a contract with the data subject or to take steps to enter into a contract.
- (3) Compliance with a legal obligation.
- (4) To protect the vital interests of a data subject or another person.
- (5) Performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller.
- (6) The legitimate interests of the Data Controller, or of a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

5 Examples of legitimate interests include:

- (1) Where the data subject is a client or in the service of the Data Controller.
  - (2) Transmission within a group of undertakings for internal administrative purposes.
  - (3) Processing necessary to ensure network and information security, including preventing unauthorised access.
  - (4) Processing for direct marketing purposes, or to prevent fraud.
  - (5) Reporting possible criminal acts or threats to public security.
- 6 My primary lawful bases for processing your information are consent and performance of the contract by which I am instructed to provide legal services, but other lawful bases may become relevant. For example, in the event of a professional negligence claim, I will have a legitimate interest in providing information to my insurer.

### **Types of personal information**

- 7 I collect and process personal information and special categories of personal information as defined in the GDPR. This information may include your:
- (1) Name
  - (2) Email
  - (3) Phone number
  - (4) Address
  - (5) Payment or bank details
  - (6) Date of birth
  - (7) Location details
  - (8) Device IP address
  - (9) Financial information
  - (10) Medical Records
  - (11) Biographical information
  - (12) Criminal Records

### **Use of your personal information:**

- 8 I may use your personal information to:
- (1) Provide legal advice and representation and other legal services.
  - (2) Assist in training pupils and mini-pupils.
  - (3) Investigate and address your concerns.
  - (4) Communicate with you about news, updates and events, if you are instructing me through Direct Access.
  - (5) Keep accounting records or otherwise administer my practice.

- (6) Check for conflicts of interest when receiving new instructions.
- (7) Investigate or address legal proceedings relating to your use of my services/products, or as otherwise allowed by applicable law.
- (8) To respond to or make complaints.
- (9) Comply with my professional or legal obligations.

9 I do not use automated decision-making in the processing of your personal information.

### **Sharing of personal information**

10 I may share your personal information with:

- (1) The solicitors by whom I am instructed to act on your behalf.
- (2) Legal representatives for other parties for the purpose of enabling communication (such as providing your name when stating on whose behalf I am instructed).
- (3) Radcliffe Chambers' management and staff who provide administrative services.
- (4) My 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, my 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 you.

11 I may also share your personal information (subject to any instructions you give to the contrary) with:

- (1) Any pupil or mini pupil within Chambers.
- (2) 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.
- (3) Legal representatives of other parties, for the purposes of resolving the case.

- (4) A mediator, during the course of a mediation.

### **Transfers to third countries and international organisations**

- 12 I may transfer personal information to legal representatives in third countries where those legal representatives have been instructed on the same matter as, or on a matter connected with, the matter on which I am instructed by you. The safeguards that apply are the legal and professional obligations of those legal representatives and any relevant contractual terms in the agreement by which you have instructed such legal representatives.
- 13 I am satisfied that such transferred personal information is fully protected and safeguarded as required by the GDPR.

### **Retention of personal information**

- 14 I retain your personal information, as specified in my Retention and Disposal Policy (copy available on request) which details how long I hold personal information for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your personal information at your request unless:
  - (1) An unresolved issue, such as a claim or dispute, is outstanding;
  - (2) I am legally required not to delete or anonymise such information; or
  - (3) There are overriding legitimate business interests, including but not limited to fraud prevention and the protection of clients' safety and security.

### **Your rights**

- 15 The GDPR gives you specific rights around your personal information. For example, you have to be informed about the personal 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 information 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 information you can seek compensation for any distress you are caused or loss you have incurred. You can complain to the Information Commissioner's Office if you are unhappy with how I dealt with you and you can get more information from its website at:

<https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>.

### **Accessing and correcting your personal information**

- 16 You may request access to, correction of, or a copy of your personal information by contacting me by post at Radcliffe Chambers, 11 New Square, Lincoln's Inn, London WC2A 3QB or by email at [jwinfield@radcliffechambers.com](mailto:jwinfield@radcliffechambers.com).

### **Updates**

- 17 This Privacy Notice may occasionally be updated. When significant changes are made, you will be notified by post or email. The updated Notice will also be published on my profile on Radcliffe Chambers' website at:

<http://www.radcliffechambers.com/barrister/joshua-winfield/>.

Effective from: 25/05/18