

Barrister GDPR Data Protection Policy

HENRY DAY

Radcliffe Chambers

ICO REGISTRATION NUMBER Z3152158

Policy effective from: 25/05/18

1. Data controller

Henry Day (“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.

2. Introduction

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.

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 or whom he may need to contact.

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.

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. These state 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, with all reasonable steps being 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 against accidental loss, destruction or damage.

3. General Data Protection Policy information

The Barrister will take all reasonable steps, through appropriate management and strict application of criteria and controls, to:

- Observe applicable 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 to the extent only 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 rights 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 regardless of age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for personal information; and
- Set out clear procedures for responding to requests for personal information.

4. Data storage

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.

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 only for as long as it is needed or required by statute and will be disposed of appropriately.

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.

The Barrister 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.

5. Data access and accuracy

All individuals/data subjects have the right to access the personal information held about them, except where specific exemptions apply to legal professionals. The Barrister will take all reasonable steps to ensure that this personal information is kept up to date.

In addition, the Barrister will take all reasonable steps to ensure that:

- Anybody processing personal information on his behalf understands that they are contractually responsible for following good data protection practice;
- Anybody processing personal information on his behalf is appropriately trained to do so;
- Anybody processing personal information on his behalf 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 regularly reviews and audits the ways he holds, manages and uses personal information;
- He regularly assesses and evaluates his methods and performance in relation to handling personal information; and

- 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.

6. Disclosure

The Barrister may share personal information that he has collected with:

- Instructing solicitors;
- 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);
- The management of Radcliffe Chambers Services Limited and staff who provide administrative services;
- The Bar Council, Bar Standards Board or legal advisers in the event of a dispute or other legal matter arising;
- Law enforcement officials, government authorities or other agencies or third parties in order to meet legal obligations;
- Courts, arbitrators or adjudicators in the ordinary course of legal proceedings; and
- Any other party where the consent of the relevant individual/data subject has been given;

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

- Pupils and mini-pupils under supervision;
- Other counsel in Radcliffe Chambers, where such counsel have also been instructed or for the purposes of proofreading or obtaining a second opinion on an informal basis;
- Legal representatives for other parties for the purpose of resolving a case; and
- A mediator during the course of mediation.

Individuals/data subjects will be made aware in most circumstances how and with whom their personal information will be shared.

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:

- a) Carrying out a legal duty or is authorised by the Secretary of State;
- b) Protecting the vital interests of an individual/data subject or another person;
- c) Conducting legal proceedings, obtaining legal advice or defending legal rights;

- d) Monitoring for equal opportunities purposes – e.g. regarding race, disability or religion;
or
- e) 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 it is desirable to avoid requiring stressed or ill individuals/data subjects to provide consent.

7. Data protection training

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

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.

Radcliffe Chambers
Lincoln's Inn

25 May 2018