

## Privacy Notice for Martin Ouwehand

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**

I am registered with the Information Commissioner's Office (ICO) as a Data Controller for 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 ZA146233.

### **Data collection**

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**

The General Data Protection Regulation (GDPR) requires all organisations that process personal information to have a lawful basis for doing so. 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 myself, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

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.
- Reporting possible criminal acts or threats to public security.

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**

I collect and process personal information and special categories of personal information as defined in the GDPR. This information may include your:

- Name

- Email
- Phone number
- Address
- Payment or bank details
- Date of birth
- Location details
- Device IP address
- Financial information
- Medical Records
- Criminal Records
- Biographical information

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

I may use your personal information to:

- Provide legal advice and representation and other legal services.
- Assist in training pupils and mini-pupils.
- Investigate and address your concerns.
- Communicate with you about news, updates and events.
- Investigate or address legal proceedings relating to your use of my services/products, or as otherwise allowed by applicable law.
- Comply with my professional or legal obligations.

I do not use automated decision-making in the processing of your personal information. I collect and process both personal information and special categories of personal information as defined in the GDPR.

### **I may share your personal information with:**

- The relevant instructing solicitor.
- Legal representatives for other parties for the purpose of enabling communication (such as providing your name when stating on whose behalf I am instructed).
- Radcliffe Chambers management and staff who provide administrative services.
- My regulator, insurer(s) and/or legal advisors in the event of a dispute or other legal matter.
- Law enforcement officials, government authorities, or other third parties to the extent required by law.
- The courts, mediator, arbitrator or adjudicator or person in an analogous position, in the ordinary course of proceedings.
- Any other party where consent is given to the sharing by the client.

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

- Any pupil or mini pupil within Chambers.
- Other 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.

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

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.

I am satisfied that such transferred personal information is fully protected and safeguarded as required by the General Data Protection Regulation.

### **Retention of personal information**

I retain your personal information, as specified in my Retention and Disposal Policy (copy available on my website profile or on request). This explains how long I hold personal information for and how I dispose of it when it no longer needs to be held. Records will normally be retained until after the expiry of 15 years from the date of the last piece of work I completed in relation to the matter to which the record relates. Hard copies of such records may be destroyed or returned to the instructing solicitor/client at an earlier date following completion of the legal services to which they relate. Records of the name (and possibly contact details) of the instructing solicitor and/or client and the names of other parties relating to such legal services, together with a description of the matter, may be kept until I retire from practice.

I will delete or anonymise your personal information at your request unless:

- An unresolved issue, such as a claim or dispute, is outstanding;
- I am legally required not to delete or anonymise such information; or
- There are overriding legitimate business interests, including but not limited to an unexpired limitation period for actions arising from the provision of legal services, fraud prevention and the protection of clients' safety and security.

### **Your rights**

The General Data Protection Regulation 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, 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 find out more information from the ICO's website [http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information) and this is the organisation that you can complain to if you are unhappy with how I deal with you.

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

You may request access to, correction of, or a copy of your personal information by contacting me at Radcliffe Chambers, 11 New Square, Lincoln's Inn, London, WC2A 3QB.

### **Marketing opt-outs**

You may opt out of receiving emails and other messages from Radcliffe Chambers by following the instructions in those messages.

## **Cookies**

Radcliffe Chambers' website uses cookies. These are small text files that are placed on your computer or mobile device when you visit a website. Radcliffe Chambers' website uses both "session cookies" and "persistent cookies". Session cookies allow you to move from page to page which Radcliffe Chambers' website and any information you enter to be remembered. This type of cookie is deleted when you close your browser or after a short time. Persistent cookies allow Radcliffe Chambers' website to remember your preferences and settings when you visit it in the future. Persistent cookies expire after a prescribed period of time. Radcliffe Chambers may use Google Analytics to provide them with information about the use of Radcliffe Chambers' website, including:

- User preferences and settings.
- The frequency with which website content is accessed and the length of any visit.
- The requesting computer's IP address and any domain name associated with it.
- The effectiveness of advertising campaigns.
- Analysis of site visits and trends.

## **Updates**

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.

Effective from: 24 March 2022