



## DAVID SCHMITZ - Privacy Notice

### General Data Protection Regulation (“GDPR”)

Please read the following information carefully. This privacy notice contains information about the information collected, stored and otherwise processed about you and the reasons for the processing. It also tells you who I share this information with, the security mechanisms I have put in place to protect your data and how to contact me in the event you need further information.

#### Who Am I?

My name is David Schmitz and, pursuant to my instructions (or in connection with any executive functions I perform in Chambers), I collect, use and am responsible for any personal information I process about you. When I do this I am the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act 2018.

If you need to contact me about your data or the processing carried out you can use the contact details at the end of this document.

#### What do I do with your information?

##### Information collected

When carrying out the provision of legal services or providing a reference I collect some or all of the following personal information that you provide:

- a. personal details
- b. family details
- c. lifestyle and social circumstances
- d. goods and services
- e. financial details
- f. education, training and employment details
- g. physical or mental health details
- h. racial or ethnic origin
- i. political opinions
- j. religious, philosophical or other beliefs
- k. trade union membership
- l. sex life or sexual orientation
- m. criminal proceedings, outcomes and sentences, and related security measures
- n. other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

## Information collected from other sources.

The same categories of information may also be obtained from third parties, such as other legal professionals or experts, members of the public, your family and friends, witnesses, courts and other tribunals, investigators, government departments, regulators, public records and registers,

## How I use your personal information: Purposes

I may use your personal information for the following purposes:

- i. to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
- ii. to retain access to the results of legal researches
- iii. to keep accounting records and carry out office administration
- iv. to take or defend legal or regulatory proceedings or to exercise a lien
- v. to respond to potential complaints or make complaints
- vi. to check for potential conflicts of interest in relation to future potential cases
- vii. to promote and market my services
- viii. to carry out anti-money laundering and terrorist financing checks
- ix. to train other barristers and when providing work-shadowing opportunities
- x. to advise the Bar Pro Bono Unit whether you should receive their assistance if you have applied to them for this
- xi. as required or permitted by law.

## Whether information has to be provided by you, and why

If I have been instructed by you or on your behalf on a case your personal information has to be provided, to enable me to provide you with advice or representation and to enable me to comply with my professional obligations, and to keep accounting records.

## The legal basis for processing your personal information

I rely on the following as the lawful bases on which I collect and use your personal information:

- If you have consented to the processing of your personal information, then I may process your information for the Purposes set out above to the extent to which you have consented to me doing so.
- If you are a client, processing is necessary for the performance of a contract for legal services or in order to take steps at your request prior to entering into a contract.
- If you have applied to the Bar Pro Bono Unit for assistance, processing is necessary in order for me to advise the Unit as to whether you should receive that assistance.
- In relation to information which is in categories (g) to (m) above (these being categories which are considered to include particularly sensitive information and

which include information about criminal convictions or proceedings) I rely on your consent for any processing for the purposes set out in purposes (iii), (iii) (v), (viii), and **(Error! Reference source not found.)** above. I need your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purpose (v) I will be unable to take your case. This is because I need to be able to retain all the material about your case until there is no prospect of a complaint.

- In relation to information in categories (g) to (m) above (these being categories which are considered to be particularly sensitive information and include information about criminal convictions or proceedings), I am entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights.
- In relation to information which is not in categories (g) to (m) above, I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the Purposes set out above.
- In certain circumstances processing may be necessary in order that I can comply with a legal obligation to which I am subject (including carrying out anti-money laundering or terrorist financing checks).

#### Who will I share your personal information with?

If you are a client, some of the information you provide will be protected by legal professional privilege unless and until the information becomes public in the course of any proceedings or otherwise. As a barrister I have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

If you have applied for assistance from the Bar Pro Bono Unit, please note that it is the Unit which I am advising and that any advice which I give is confidential exclusively to the Unit.

It may be necessary to share your information with the following:

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals
- other professionals who have the power to instruct me on your behalf together with their staff
- the Bar Pro Bono Unit and its staff
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- the staff in my chambers
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities

- business associates, professional advisers and trade bodies, e.g. the Bar Council

I may be required to provide your information to regulators, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the Information Commissioner's Office, there is a risk that your information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or yours, which includes privileged information.

I may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

### Sources of information

The personal information I obtain may include information which has been obtained from:

- other legal professionals
- other professionals who have the power to instruct me on your behalf
- the Bar Pro Bono Unit
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council
- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- public sources, such as the press, public registers and law reports.

### Transfer of your information outside the European Economic Area (EEA)

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your information out of the EEA in any particular case or for a reference. However, if you reside outside the EEA or your case involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your information please indicate this when providing initial instructions.

Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. The list can be found [here](#). Most do not. If your information has to be

transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.

The principal Cloud data storage service which I use (Dropbox for Business) stores data in the EU.

I may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- Cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).

I will not transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

If you would like any further information please use the contact details at the end of this document.

### How long will I store your personal data?

I will normally store all your information:

- Subject to the bullet point immediately following, until at least 1 year after the expiry of any relevant limitation period (which will usually be 6 years, but may be 12 years, or longer where the case includes information relating to a minor or a person unborn), from the date of the last item of work carried out, the date of the last payment received or the date on which all outstanding payments are written off, whichever is the latest. This is because it may be needed for potential legal proceedings. At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.
- Notwithstanding the bullet point immediately preceding, I may in my discretion retain data indefinitely (although without any obligation to do so) because clients sometimes have a need, in connection with new matters, to refer to matters raised in long-concluded litigation and because the retention of the results of legal research enhances my ability to advise in a thorough, efficient and cost-effective manner. In the case of any information within categories (g) to (m), however, this information will be

deleted following the end of the period specified in the preceding bullet point. Alternatively, the means of identifying you will be deleted.

- I will store some of your information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to your name and contact details, the name and contact details of any opposing parties and the name of the case
- This will not include any information within categories (g) to (m) above.
- Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later;
- Names and contact details held for marketing purposes will be stored indefinitely or until I (or my Clerks) become aware (or I am informed) that the individual to whom the personal data relates has ceased to be a potential client.

## Consent

As explained above, I am relying on your explicit consent to process your information in categories (g) to (m) above. You provided this consent when you agreed that I would provide legal services or when you applied for assistance from the Bar Pro Bono Unit.

You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. However, where I also rely on other bases for processing your information, you may not be able to prevent processing of your data. For example, if you have asked me to work for you and I have spent time on your case, you may owe me money which I will be entitled to claim.

If there is an issue with the processing of your information, please contact my Clerks using the contact details below.

## Your Rights

Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are free of charge. In summary, you may have the right to:

- Ask for access to your personal information and other supplementary information;
- Ask for correction of mistakes in your data or to complete missing information I hold on you;
- Ask for your personal information to be erased, in certain circumstances;
- Receive a copy of the personal information you have provided to me or have this information sent to a third party. If this information is held in a machine-readable format, it will be provided to you or the third party in that form. Otherwise it will be provided in the form of a PDF or photocopy.
- Object at any time to processing of your personal information for direct marketing;
- Object in certain other situations to the continued processing of your personal information;

- Restrict my processing of your personal information in certain circumstances;
- Request not to be the subject to automated decision-making which produces legal effects that concern you or affects you in a significant way.

If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](#).

If you want to exercise any of these rights, please:

- Use the contact details at the end of this document;
- I may need to ask you to provide other information so that you can be identified;
- Please provide a contact address so that you can be contacted to request further information to verify your identity;
- Provide proof of your identity and address;
- State the right or rights that you wish to exercise.

I will respond to you within one month from when I receive your request.

## Marketing Emails

Please note if you wish to unsubscribe from any marketing emails that you have signed up for, you can do so [here](#)

## How to make a complaint?

The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the Member State where you work, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

## Future Processing

I do not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on the [Ten Old Square](#) website.

## Changes to this privacy notice

This privacy notice was published on 18<sup>th</sup> May 2018

I continually review my privacy practices and may change this policy from time to time. When I do it will be placed on the [Ten Old Square](#) website.

## Contact Details

If you have any questions about this privacy notice or the information I hold about you, please contact me or my Clerks.

The best way to contact me is to write to me at my Chambers address or contact my Clerks by email at email address [clerks@tenoldsquare.com](mailto:clerks@tenoldsquare.com) or by phone at 020 7405 0758

Chambers' Data Protection Manager is our Senior Clerk, Mr Keith Plowman, his contact details are:-

Keith Plowman  
Senior Clerk (as DPM)  
10 Old Square  
Lincoln's Inn  
London  
WC2A 3SU.

[keithplowman@tenoldsquare.com](mailto:keithplowman@tenoldsquare.com)

If you would like to review my Chambers' Privacy Notice which covers the personal data processed by my Chambers then [please click here](#)