

Privacy Notice: James E. Petts

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?

I am **James E. Petts** and I collect, use and am responsible for personal information 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.

I collect, use and am responsible for personal information:

- (i) pursuant to my instructions and in connection with the provision of legal services;
- (ii) in connection with any executive and management functions that I may perform in Chambers from time to time;
- (iii) in connection with and in relation to recruitment and pupillage matters;
- (iv) in connection with mini-pupillage and work experience opportunities; and
- (v) in connection with my position on the committee of the Fraud Lawyers’ Association.

In relation to information collected and/or used by me on behalf of Chambers in relation to applications to Chambers for tenancy, pupillage, mini-pupillage or a work shadowing opportunity I am either a joint controller or a controller in common or a data processor of this information for the purposes of the GDPR and the Data Protection Act 2018.

In relation to information collected and/or used by me on behalf of Chambers in relation to other executive functions including functions as a member of the committee of the Fraud Lawyers’ Association, I am either a joint controller or a controller in common or a data processor of this information for the purposes of the GDPR and the Data Protection Act 2018.

I am registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that I hold and process as a barrister. My registered address is 10 Old Square, Lincoln’s Inn, London WC2A 3SU and my ICO registration number is Z896399X.

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 providing legal services, performing functions in chambers or performing functions as a member of the committee of the Fraud Lawyers’ Association, I collect some or all of the following personal information:

- a. personal details;
- b. family details;
- c. lifestyle and social circumstances;
- d. goods and services;
- e. financial details;
- f. details of commercial dealings and negotiations;
- g. details of properties owned;
- h. details of specific legal disputes including allegations made which may or may not be true;
- i. details as to legal advice given and instructions received;
- j. information regarding criminal convictions;
- k. education, training and employment and/or occupational details;
- l. physical or mental health details;
- m. racial or ethnic origin;
- n. political opinions;
- o. religious, philosophical or other beliefs;
- p. trade union membership;
- q. sex life or sexual orientation;
- r. genetic data;
- s. biometric data for the purpose of uniquely identifying a natural person;
- t. criminal proceedings, outcomes and sentences, and related security measures; and
- u. 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, law reports, reports of the decisions of courts and other tribunals, case summaries published by law reporting services on the internet or elsewhere, published legal articles, public records and registers or referees.

How I use your personal information: purposes

I may use your personal information for the following purposes:

- i. to provide legal services (including working remotely) to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations;
- ii. to keep accounting records and carry out office administration;
- iii. to take or defend legal or regulatory proceedings or to exercise a lien;
- iv. to respond to potential complaints or make complaints, including to make any report that I may be obliged to make (or may reasonably consider that I am obliged to or ought to make) to the Bar Standards Board or other regulatory or similar body;
- v. to check for potential conflicts of interest in relation to future potential cases;
- vi. to promote and market my services (including writing legal articles and textbooks and delivering lectures, seminars and similar);
- vii. to carry out anti-money laundering and terrorist financing checks;
- viii. to train other barristers, including pupils, and when providing work-shadowing opportunities (including but not limited to mini-pupillages);
- ix. when procuring goods or using and services reasonably required for my practice;
- x. to perform such functions as I may be required from time to time to perform as a member of the committee of the Fraud Lawyers' Association;
- 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 or if you have applied to become a member of Chambers, to become a pupil in Chambers, for mini-pupillage or other work-experience opportunity in Chambers, your personal information has to be provided, to enable me to provide you with advice or representation or to consider your application (as the case may be), 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, and in any event, even if there should be no contract, pursuant to my professional obligations to clients (e.g. Core Duty 2 of the Code of Conduct of the Bar of England and Wales).
- If you are a person whose data has been published in a judgment in the course of earlier legal proceedings, I am entitled by law to process the information as the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights (i.e. those of my clients), or, further or alternatively, on the basis of a legitimate interest, *viz.* receiving and providing continuing professional development and other forms of education.
- If you are an applicant for tenancy, pupillage, mini-pupillage or other work experience opportunity in Chambers, processing is necessary in order to consider your application (i.e. to take steps at your request prior to entering into a contract).
- If you are the referee of an applicant for tenancy, pupillage or a work-shadowing opportunity in Chambers, processing is necessary in order to consider the application and is assumed to have been provided with your consent given to the applicant.
- In relation to information which is in categories (l) to (t) 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 (ii), (iv), (viii) and (xii) 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 (iv) (responding to potential complaints) 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 (l) to (t) 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. This includes information which I hold by reason of it having been published in a judgment or case summary of earlier legal proceedings.

- In relation to information which is not in categories (l) to (t) 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, or complying with my duty to clients under Core Duty 2 of the Code of Conduct of the Bar of England and Wales).
- The processing is necessary to publish judgments or other decisions of courts or tribunals.

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.

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;
- experts and other witnesses;
- prosecution authorities;
- courts and tribunals;
- the staff in my chambers;
- pupil (i.e. trainee) barristers and those to whom I am providing work experience opportunities (including mini-pupils);
- 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, my insurers, 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 and the Chancery Bar Association;
- publishers of and researchers for the legal directories including but not limited to Chambers & Partners and the Legal 500;
- publishers of legal textbooks, legal journals and online legal information;
- His Majesty's Revenue and Customs and, in that regard, my accountants; and
- the intended recipient.

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

Sources of information

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

- other legal professionals;
- experts and other witnesses;
- prosecution authorities;
- courts and tribunals;
- mediators and arbitrators;
- pupils (i.e. 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, my insurers, the Bar Standards Board, and the Legal Ombudsman;
- other regulatory authorities;
- in the event of claims intimated or made, my insurers;
- current, past or prospective employers;
- education and examining bodies;
- business associates, professional advisers and trade bodies, e.g. the Bar Council;
- the intended recipient;
- legal judgments and decisions of courts and tribunals which have been published by the relevant court or tribunal or case summaries which have been published by a law reporter;
- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers; and
- public sources, such as the press, public registers and law reports and websites.

Transfers to third countries and international organisations

This privacy notice is of general application: it is not possible to state whether it will be necessary in any particular case to transfer your information internationally. If your case involves persons or parties outside the UK, then it may be necessary to transfer some of your information outside the UK.

My cloud data is stored by Dropbox Business in addition to a network attached storage device in my home, which is encrypted. I am satisfied that such transferred data is fully protected and safeguarded as required by the UK GDPR.

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:

- until at least 1 year after the expiry of any relevant limitation period 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. The relevant limitation period may be 6 years, 12 years or 15 years, or longer where the case includes information relating to a minor or an adult lacking capacity. This is because the data may be needed for potential legal proceedings;
- 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, as well as the name of any trustee or trustees of any trust or estate with which the case was concerned and

- information related solely 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.

If you are an applicant to Chambers for pupillage, a work-shadowing opportunity or for a starter tenancy, your information will be stored in line with the [Pupillage and Junior Recruitment Policy](#).

If you are an established practitioner applying for tenancy, I may store your information for a period of 3 years.

At the end of the period of retention, the data will be reviewed and the data will be marked for deletion or for retention for a further period. Save as specified above, continued retention 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.

More detail about different methods of storing data and about the data of business to business contacts or referees is provided in my data protection policy and registers, available on request from the contact details below.

Consent

As explained above, I may be relying on your explicit consent to process your information in categories (l) to (t) above. You provided this consent when you agreed that I would provide legal services or you made an application to Chambers.

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. Likewise, if you are not a client, but another person involved in a case (such as an opposing party), I may process information about you in order to comply with a legal obligation to which I am subject, such as a contractual obligation to a client or my duty under Core Duty 2 of the Code of Conduct of the Bar of England and Wales.

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

Your Rights

The UK GDPR gives you specific rights in terms of your personal data. For example, you have the right of access to the 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 data 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.

If I do something irregular or improper with your personal data, you can complain to the ICO if you are unhappy with how I have processed your information or dealt with your query. You may also 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

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. This will be provided to you or the third party in a structured, commonly used and machine readable format, e.g. a Word file;
- 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 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.

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/>.

You may request access to, correction of, or a copy of your information by contacting me via the contact details below.

Marketing opt-outs

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

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 website.

Changes to this privacy notice

This privacy notice was published and last updated on the 3rd day of July 2023.

I periodically review my privacy practices and may change this policy and/or my data protection policy (available on request from the contact details below) from time to time. When I do, details will be placed on the 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 10 Old Square, Lincolns' Inn, London WC2A 3SU or contact my clerks by email clerks@tenoldsquare.com or by phone on 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

Chambers' Privacy Notice

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