

## **UK GDPR Privacy Policy**

### **PRIVACY POLICY OF:**

**ROBERT JOHN ARNFIELD**

**10 OLD SQUARE  
LINCOLN'S INN  
LONDON  
WC2A 3SU**

**ICO REGISTRATION NUMBER Z491172X**

**11th April 2024**

**Policy became operational on: 11th April 2024**

**Next review date: 31st March 2025**

## Privacy Policy

In order to provide legal advice and representation, I need to collect and hold personal information. This may be the personal data of a client in relation to a case or matter or information relating to other parties involved in the same. I will take all reasonable steps to protect personal information. I will seek to ensure that I do not do anything that may infringe any person's rights in relation to their personal information. This privacy notice describes the information I collect, how it is used and shared, and rights regarding it.

### Data controller

I, Robert John Arnfield, am a member of the chambers known as 10 Old Square. 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 and my ICO registration number are set out above. I can be contacted in relation to data I hold or this privacy notice using the contact details on the 10 Old Square website.

### Data collection

The vast majority (and generally all) of the information that I hold is provided to, or gathered by, me in the course of dealing with a case and/or proceedings. A solicitor (or other instructing professional - I will use the term "solicitor" for all)) and/or I will tell any client why we need the information and how we will use it. In addition to the information that may be provided to me or an instructing solicitor, I also obtain information from other sources as follows:

- Information that is available publicly in registers, searches or in the media
- Other legal professionals including solicitors and barristers and their associates, trainees and staff
- Chambers staff
- Expert witnesses
- Court judgments
- Regulatory, public or administrative bodies
- Court staff & officials
- Clients
- References

## **The data I process**

Depending on the type of work, I collect and process both personal data and special categories of personal data as defined in the UK GDPR. This may include:

- Name
- Email address
- Phone number
- Address
- Payment or bank details
- Date of birth
- Next of kin details
- Details pertaining to education and employment
- Information on a person's background & current circumstances
- Financial information.

Where relevant, I may also need to process special category personal data that may reveal:

- Racial or ethnic origin
- Political opinions
- Religious and philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health
- Sex life and sexual orientation.

On occasion, I may also process personal data relating to criminal convictions and offences.

## **My lawful basis for processing personal information**

In order that I can provide legal services and representation for my solicitors and lay clients, I must process personal data (including the personal data of such solicitors and clients, and other professional and lay persons involved in the matter). The UK General Data Protection Regulation (the UK GDPR) requires that where I process personal data, I must have a lawful basis for doing so. The lawful bases identified in the UK GDPR that I seek to rely upon are as follows:

- **Consent of the data subject** – where this required, I will seek to ensure that I have specific consent for processing data for the specified purposes. A consenting person has the right to withdraw consent at any time. Where they do so this will not affect the legality of data processing which had taken place

prior to the withdrawal of consent and does not affect any other lawful basis for processing

- **Performance of a contract with the data subject, or to take steps to enter into a contract.**
- **Compliance with a legal obligation** – to comply with various regulatory and professional obligations, e.g. filing tax returns with HMRC.
- **The legitimate interests of my business 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, but are not limited to:

- Provision of legal services and advice.
- For purposes of practice management, accounting and debt recovery.
- For completion of professional regulatory requirements.
- Specifically for compliance with anti money laundering regulations
- Processing for direct marketing purposes, or to prevent fraud.
- Reporting threats to public security.
- Such other purposes as set out below.

### **Special category processing**

The UK GDPR specifies that where I process special category data, I must rely upon certain exemptions in order to do so lawfully. The following exemptions are applicable in my practice

1. I have explicit consent to do so; or
2. It is necessary for the exercise or defence of legal claims or judicial acts.

### **Criminal data processing**

On occasion, I process data relating to criminal offences where it is necessary for:

- The purpose of, or in connection with, any legal proceedings;
- The purpose of obtaining legal advice; or
- The purposes of establishing, exercising or defending legal rights
- Where I have explicit consent to do so.

### **Purposes:**

**I use personal information for the following purposes:**

- Provide legal advice and representation;

- Assist in training pupils and mini pupils;
- Investigate and address client concerns;
- Communicate with instructing solicitors about news, updates and events;
- Investigate or address legal proceedings relating to the use of my services, or as otherwise allowed by applicable law;
- Assist in any tendering or panel membership applications;
- Assist in any other applications for the purpose of professional development or career progression;
- Communicate legal updates and judgments to other legal professionals;
- For marketing purposes.
- For the management and administration of my practice
- To recover debt
- To manage complaints with regulators
- Communications with regulators
- Where relevant to conduct anti money laundering, terrorist financing or conflict of interest checks

**In the course of processing personal data to provide legal services, I may share personal data with:**

- Instructing solicitors or other lawyers involved in any case or matter;
- A pupil or mini pupil, under my training;
- Opposing counsel and other representatives, for the purposes of resolving the case;
- Court officials, including judges;
- Opposing lay clients
- My chambers' management and staff who provide administrative services for my practice;
- Expert witnesses and other witnesses;
- My regulator or legal advisors in the event of a dispute, complaint or other legal matter;
- Head of Chambers or complaints committee within my chambers, in the event of a complaint;
- Law enforcement officials, government authorities, or other third parties, to meet any legal obligations;
- Legal directories, for the purpose of professional development (albeit submissions are generally anonymised);
- Any relevant panel or tendering committee, for the purpose of professional development;
- Accountants and banking officials;
- Regulators or arbitrators, where complaints or disputes arise;
- Any other person where I obtain consent to the sharing.
- I may also be required to disclose information to the Police or Intelligence services where required by law or pursuant to a court order

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

I do not transfer any personal data to third countries or international organisations. The relevant servers for my and chambers' cloud computing and storage are located in the UK.

**I retain the personal data** of clients while a person remains a client unless asked to delete it. I will not necessarily delete such data when asked to do so but will consider whether it is appropriate to do so. In particular I will delete or anonymise information on demand unless:

- There is an unresolved issue, such as a claim or dispute;
- I am legally required to; or
- There are overriding legitimate business interests to do so.

The latter in particular is an important qualification. I reserve the right to retain personal data for as long as I consider that any of the reasons above apply and with an appropriate margin to cover any question or dispute about whether that is the case or not. In making the assessment of whether to retain or delete case files and personal data I will generally apply the following principles.

- Retention of case files and associated personal data (including e-mails) for no more than 18 years following conclusion or receipt of final payment, whichever is the latest. This reflects the claims data retention period for the Bar Mutual Insurance Fund (15 years) and the specific 15 year limitation period imposed in some cases under s. 14B Limitation Act 1980.
- A minimum retention period of nine years. This reflects the general six year limitation period with a margin reflecting in addition the possibility of extension.
- Retention of basic identifying information (such as names) indefinitely for the purposes of conflict checks

## **Data subject rights**

The UK GDPR provides specific rights in terms of personal data. For example, there is a right of access to the information I hold and what I use it for. A person can ask for a copy of the personal information I hold about them. This does not mean that I will automatically provide that information or all of it. Much of the information I hold is confidential or subject to legal privilege preventing disclosure on demand. I will however consider any request as I am required to do.

A person can ask me to correct any inaccuracies with the personal data I hold, and can ask me to stop sending direct mail or emails or, in some circumstances, ask me to stop processing details altogether.

Finally, if I do something irregular or improper with a person's personal data, they can complain to the ICO. This is the case if a person is unhappy with how I have processed information or dealt with their query. They may also seek compensation for any distress caused or loss incurred.

More information is available from the ICO's website:

[http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information)

### **Accessing and correcting information**

A person may request access to, correction of, or a copy of their information by contacting me as above.

### **Marketing opt-outs**

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

**I will occasionally update my privacy notice** and publish the updated notice on my chambers' website. I will not as a rule contact any person whose information I hold individually.