

PRIVACY POLICY OF NICHOLAS BARNES

ICO Business Address: 3 Guildhall Walk, Portsmouth PO1 2RY

ICO Registration Number: Z3413683

Date: 13 March 2020

Policy became operational on: 13 March 2020

Next review date: 13 March 2021

Who am I?

I am a self-employed barrister at **2 King's Bench Walk**. I accept instructions from firms of solicitors, government bodies, and from individuals under Direct Access. My practice is in civil and family disputes predominantly over money and property, and family disputes that concern children. The clerking team of **2 King's Bench Walk** will handle all instructions in my name for the purposes of the General Data Protection Regulations (GDPR). If you have any questions about how your personal data is handled, please do not hesitate to contact me on **nbarnes@2kbw.com**.

Privacy Policy

In order to provide legal advice and representation, I need to collect and hold personal information. This may be your personal data or information relating to other parties involved in the matter. I will take all possible steps to protect personal information. I will ensure that I do not do anything that may 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 data that I hold and process as a barrister. My registered address is 3 Guildhall Walk, Portsmouth PO1 2RY and my ICO registration number is Z3413683. If you need to contact me about your data or this privacy notice, you can reach me at **nbarnes@2kbw.com**.

Data collection

All of the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. Your solicitor and/or I will tell you why we need the information and how we will use it. On occasion I may also obtain information that is available publicly.

What data do I process about you?

I collect and process both personal data and special categories of personal data as defined in the 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 your background and current circumstances
- Financial information

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

- 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.

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

Who your information will be shared with

If instructed my clerks are my data processors. They will take receipt of most material I am sent and store it securely. I will be able to access this data. Physical data (for example papers or disks) will also be received by the clerks and will be secured in Chambers. On occasion I will have to take this home to work on, but the material will remain secured. I will scan physical data at the earliest opportunity and return physical data to Chambers.

There may be occasions where data (as part of a case I am instructed in) will have to be shared with other members of **2 King's Bench Walk** or other Chambers if I am unable to cover a particular task or hearing. This will only be done with the consent of the instructing body.

My lawful basis for processing your information

The General Data Protection Regulation (the GDPR) requires all organisations that process personal data to have a lawful basis for doing so. The lawful bases identified in the GDPR that I seek to rely upon are as follows:

- Consent of the data subject – where this required, I will ensure that I have your specific consent for processing your data.
- 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:

- Where the data subject is a client or in the service of the controller;
- Provision of legal services and advice;
- Processing is necessary to ensure network and information security, including preventing unauthorised access;
- For purposes of practice management, accounting, and debt recovery;
- For completion of professional regulatory requirements;
- Processing for direct marketing purposes, or to prevent fraud; and
- Reporting threats to public security.

Special category processing

I process special category data when:

1. I have your 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.

I use your information to:

- Provide legal advice and representation;
- 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, or as otherwise allowed by applicable law;
- Make statutory returns as required by HM Revenue and Customs;
- 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.

I may share your personal data with:

- Instructing solicitors or other lawyers involved in your case;
- A pupil or mini pupil, under my training;
- Opposing counsel, for the purposes of resolving the case;

- My chambers management and staff who provide administrative services;
- My regulator or legal advisors in the event of a dispute or other legal matter;
- Law enforcement officials, government authorities, or other third parties to meet any legal obligations;
- Legal directories, for the purpose of professional development;
- 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 party where I ask you for consent, and you consent, to the sharing.

Transfers to third countries and international organisations

I transfer personal data to the following third countries or international organisations using the identified safeguards because I store and need to store personal data in a secure cloud storage with cryptographic end-to-end security away from my computer and have access to it from other secure devices (mobile telephone and other computer devices).

- Tresorit AG, a company registered under the laws of Switzerland, having its seat at 3 Minervastrasse, 8032 Zurich, Switzerland, whose servers are located in the EU.

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

I retain your personal data while you remain a client unless you ask me to delete it. My Retention and Disposal Policy (see below) details how long I hold data for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your information at your request 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.

Retention and Disposal Policy

On the conclusion of a case, I will return physical papers I have been provided by instructing bodies to those who have instructed me. I retain digital copies of documents that I receive and generate in the course of a case for a minimum of seven years. I do not retain physical data other than that Chambers is required to keep. Physical data will be securely shredded if I am asked not to return them to the instructing body or that Chambers is required to keep. Electronic data will be securely wiped. Once wiped, that data is irrecoverable.

Your rights

The GDPR gives you specific rights in terms of your personal data. For example, you have to be informed about 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. Finally, if I do something irregular or improper with your personal data, 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 have dealt with your query.

Accessing and correcting your information

You may request access to, correction of, or a copy of your information by contacting me at **nbarnes@2kbw.com**.

Marketing opt-outs

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

I will occasionally update or I make significant changes to my privacy policy. I will publish the updated policy on my chambers' website profile.