

## **JOHN LOFTHOUSE**

### **Who am I?**

I am a self-employed barrister in Chambers at 2 King's Bench Walk. I accept instructions from firms of solicitors and government bodies.

The clerking team of 2 King's Bench Walk will handle most instructions in my name for the purposes of the General Data Protection Regulation (GDPR).

If you have any questions about how your personal data is handled, please do not hesitate to contact me through the clerks.

In acting as a barrister I may receive data from my instructing solicitors, my lay client, other parties to the case, the Court and others. The purpose of this statement is to explain how I may use ("process") that data. The lay client is the person or institution on behalf of whom or which my instructing solicitor has asked me to act, or the person or institution whom or which my instructing solicitor has asked me to advise.

### **How the law protects you**

Your privacy is protected by law. This statement is intended to set out how this works. You will find valuable guidance also on the website of the Information Commissioner ([ico.org.uk](http://ico.org.uk)).

The law says that I can use personal information only if I have a proper reason to do so. On occasion this use will include sharing it with other barristers both inside and outside of Chambers, with the Court, with opposing counsel, solicitors and parties, and officials such as probation officers; further if you are not my lay or professional client, it may involve sharing it with my lay and/or professional clients, the Court and others.

In order to use your personal information, I must have one or more of the following reasons:

- i. That I do so in performance of my legal obligations, for instance my obligations under the Bar Standards Board's Handbook and at common law to conduct cases properly and in accordance with my duty to lay and professional clients and to the Court.
- ii. That I do so in pursuance of a legitimate interest, which may include such duties as set out above.
- iii. That I do so as part of a public task. This may arise as part of my duty as a barrister under the Bar's regulatory rules or at law as set out above, and also when I am acting in my office as Junior Counsel to the Treasury in Peerage and Baronetcy Matters.
- iv. That you specifically consent to it.
- v. That it is in order to fulfil a contract I have with you, if we have a contract.

In the course of my practice I may receive what is known as 'special category data' relating to you. This category includes information on racial/ethnic background, sexual orientation, religious beliefs, health data and criminal records (both convictions and allegations). If I do so, I may process it only if such processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity, or if processing is necessary for reasons of substantial public interest, or if you have given your explicit consent.

## **How I use your personal information**

As a barrister I will use personal data provided to represent my lay client in the case in which I have been instructed. This can include, for instance, the preparation of a case, drafting of an advice, and representing that client at a trial or other hearing, and communicating with the other side and their lawyers and with the Court.

## **What sort of data will I handle?**

The sort of material I may receive includes:

- Witness Statements
- Exhibits (for example scene photographs, phone downloads, forensic scientific reports)
- Details of the previous convictions of individuals
- Disks of CCTV, police interviews, phone downloads

## **Who your information will be shared with**

If I am instructed, my clerks may take receipt of some digital material I am sent and store it securely on a Chambers system known as Lex, whereas other material may be forwarded by them to me, or sent direct by my instructing solicitors or other parties, and stored 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 locked in Chambers. On occasion I will have to take this home to work on, but the material will remain locked away.

There may be occasions where data (as part of a case I am instructed in) will have to be shared with other barrister members of 2 King's Bench Walk or of other Chambers, for instance if I am unable to attend a particular hearing or to advise. This will be done only with the consent of the instructing body, or in pursuance of the legitimate objects set out above.

As stated above, there may be sharing of data also with the Court, with opposing counsel, solicitors and parties, and with officials such as probation officers; further if you are not my lay or professional client, processing your data may involve sharing it with my lay and/or professional clients, the Court and others.

## **If you choose not to give personal information**

You can choose not to give me personal information. This may prevent me from doing what I am professionally obliged to do, from fulfilling the purposes set out above, or fulfilling a contract with you (if I have one). If you are my lay client, it may mean that I have to withdraw from representing you.

You can withdraw your consent to my handling your personal data at any time. The best way to do this is by contacting my clerks. If you do withdraw consent, I cannot rely upon your consent in order to process your data, but I may be entitled or obliged to do so under one or more of the other heads set out above.

### **How to get a copy of your personal data**

You can request a copy of the personal information I hold on you by contacting my clerks.

### **Document Retention**

On the conclusion of a case, I will return papers I have been provided by instructing bodies to those who have instructed me. It will normally be necessary to retain documents I generate in the course of a case for a minimum of seven years. After this point I will consider whether it is justified and necessary to retain them – and if it is not, I shall dispose of them; papers will be securely shredded, and electronic data will be securely wiped.

### **Complaints**

If you have a complaint about any aspect of the processing by me of data relating to you or anything related to the processing it would be helpful if you first raised the complaint with me, via my clerks. Whether you do or do not raise it with me, you have the right to complain to the Information Commissioner.

This privacy statement will be updated regularly. It was last updated on 21 May 2018.