

Harper Marshall
Privacy Notice - 2023

Who am I and what do I do?

I am a barrister at 2 King’s Bench Walk Chambers (“2KBW”). I provide legal and advocacy services as independent, self-employed barrister.

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 General Data Protection Regulation 2016 (“GDPR”) and the Data Protection Act 2018 (“DPA”).

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

What do I do with your personal information?

Information collected from you

In carrying out the provision of legal services or providing a reference, I may collect some or all of the following personal information that you provide: personal details, including (but not limited to) family details; information regarding your lifestyle and social circumstances; financial details; information about your education; training and employment; information regarding your physical or mental health; details of your racial or ethnic origin; information regarding your political opinions, religious, philosophical or other beliefs; details of any trade union memberships; information about your sex life or sexual orientation; genetic information; biometric information for the purpose of uniquely identifying a natural person; criminal proceedings, outcomes and sentences, or related security measures; any other personal information relevant to instructions to provide legal services, including information specific to the instructions in question.

Information collected from others

I may also obtain the same categories of personal information listed above from third parties, such as members of 2KBW, experts, members of the public, your family and friends, witnesses, courts and other tribunals, suppliers of goods and services, investigators, government departments, regulators, public records and registers.

How do I use your personal information?

I may use your personal information for the following purposes:

1. to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
2. to keep accounting records and carry out office administration
3. to take or defend legal or regulatory proceedings or to exercise a lien
4. to respond to potential complaints or make complaints
5. to check for potential conflicts of interest in relation to future potential cases
6. to promote and market my services
7. to carry out anti-money laundering and terrorist financing checks
8. to train other barristers and when providing work-shadowing opportunities
9. to respond to requests for references
10. when procuring goods and services
11. to publish legal judgments and decisions of courts and tribunals
12. 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 asked for a reference, your personal information has to be provided, to enable me to provide you with advice or representation or the reference, and to enable me to comply with my professional obligations, and to keep accounting records.

If you are offering or providing me with goods or services your information may be processed in relation to such offers or contracts.

The legal basis for processing your personal information

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

- If you have consented to the processing of your personal information, then 2KBW may process your information for the Purposes set out above to the extent to which you have consented to 2KBW 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.

- In relation to information in categories (g) to (o) above (these being categories which are considered to include particularly sensitive information and which include information about criminal convictions or proceedings), 2KBW is entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for the establishment, exercise or defence of legal rights.
- In relation to information which is not in categories (g) to (o) above, 2KBW relies on its legitimate interests and/or the legitimate interests of a third party in carrying out the processing for the Purposes set out above.
- In relation to information which is in categories (g) to (o) above (these being categories which include particularly sensitive information and which include information about criminal convictions or proceedings), 2KBW relies on your consent for any processing for the purposes set out in purposes (i), (ii), (vi) and (viii) above. However, if you do not consent to processing for the purpose of providing a reference 2KBW will be unable to take or provide a reference. This is because 2KBW needs to be able to retain all information about you to provide an informed and complete reference.
- The processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on 2KBW or you in connection with employment, social security or social protection.
- The processing is necessary for the assessment of your working capacity or health or social care purposes.
- The processing of information in categories (g), (h), (j) and (l), is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between members of staff, tenants, pupils and mini-pupils with a view to enabling such equality to be promoted or maintained.
- The processing is necessary to prevent or detect unlawful acts where it is in the substantial public interest and it must be carried out without consent so as not to prejudice those purposes.
- In certain circumstances processing may be necessary in order that 2KBW can comply with

a legal obligation to which it is 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.

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

- data processors, such as 2KBW staff, IT support staff, email providers, data storage providers
- other legal professionals
- 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 at 2KBW, other members of 2KBW 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
- the intended recipient, where you have asked me to provide a reference.
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals

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 2KBW's consent or your consent, 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 2KBW obtains may include information obtained from:

- other legal professionals
- 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 at 2KBW, other members of 2KBW 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
- the intended recipient, where you have asked me to provide a reference.
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals.
- data processors, such as 2KBW 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 or the role for which you require a reference involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your information 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 information 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.

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

- cloud information 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 information and/or backup copies of your information so that 2KBW may access your information when they need to. The USA does not have the same information 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/informationprotection/information-transfers-outside-eu/eu-us-privacy-shield_en.
- cloud information storage services based in Switzerland, in order to enable me to store your information and/or backup copies of your information so that 2KBW may access your information when it needs to. Switzerland does not have the same information protection laws as the EU but has been recognised by the European Commission as providing adequate protection; see https://ec.europa.eu/info/law/law-topic/information-protection/informationtransfers-outside-eu/adequacy-protection-personal-information-non-eu-countries_en.

If I decide to publish a judgment or other decision of a Court or Tribunal containing your information then may be published to the world.

I will not otherwise transfer personal information outside the EEA except as necessary for the conduct of any legal proceedings. If you would like any further information please use the contact details at the end of this document.

How long will 2KBW store your personal information?

I will normally store all your information:

1. Until at least 1 year after the expiry of any relevant limitation period, from for example the date on which your employment terminates, the date of the last provision of service or goods, the date of the last payment made or 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 information 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 as soon as reasonably practicable after the information is marked for deletion.
2. 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 of the case. This will not include any information within categories (g) to (o) above.
3. 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;
4. Names and contact details held for marketing purposes will be stored indefinitely or until I or my clerks become aware or are informed that the individual 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 (o) above. You provided this consent when you applied to become a member

of staff, tenant, pupil or mini-pupil or when you asked 2KBW to provide a reference.

You provided this consent when you agreed that I would provide legal services/you asked me to provide a reference.

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 basis 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 me or Chamber's Data Compliance Officer 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 information or to complete missing information 2KBW holds on you;
- Ask for your personal information to be erased, in certain circumstances;
- Receive a copy of the personal information you have provided 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 the processing of your personal information in certain circumstances.

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;
- 2KBW 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 it receives your request.

How to make a complaint?

The GDPR and DPA also give 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 information 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 2KBW's website.

Changes to this privacy notice

2KBW and I continually review my privacy practices and I may change this policy from time to time. When a privacy notice is amended it will be placed on the 2KBW's website.

Harper Marshall

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20/10/23