
BENJAMIN HARRISON'S PRIVACY NOTICE

Introduction

The UK General Data Protection Regulation (“GDPR”) gives you rights in relation to the personal information about yourself that you provide to me. That information is called “personal data” under GDPR. Any use that I make of that personal data is covered by this Privacy Policy. It is in this Privacy Policy that I shall explain in more detail what rights you have in relation to the personal data that you provide to me.

This policy sets out the basis upon which any personal data I or the Clerks, employees or agents of No.5 Chambers collect from you (on my behalf) will be processed. Please read the following carefully to understand my practice when processing personal data and how I will treat it.

It is important that you read this Privacy Policy together with any other Privacy Policy or fair processing notice I or Chambers may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data. This Privacy Policy supplements the other policies and notices, and is not intended to override them.

Controller

I am the controller of any personal data which you supply to me or No.5 Chambers in the following situations:

- in the course of negotiating the terms of the agreement for me to provide you with legal services, and,
- if we enter into such an agreement, for the duration of our agreement for me to provide you with those services, and,
- after our agreement has ended, for any data which I retain.

I am registered with the Information Commissioner as a Data Controller and my registration no. is **ZA770112**.

No.5 Chambers is the controller of your personal data when you are applying for any role within Chambers, when you are complaining about a member of Chambers, and/or when Chambers processes your personal data in relation to marketing activities. These are just examples of when No.5 Chambers is the controller of your personal data. Please see No.5 Chambers' own **privacy policy** for further information about this.

If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact my Clerk, **Mr Robert Wood**, using the details set out below.

Email address: robertw@no5.com

Address: No5 Chambers, Greenwood House, 4-7, Salisbury Court, London EC4Y 8AA

Telephone number: 0845 210 5555

You have the right to make a complaint at any time to the **Information Commissioner**. They can be contacted by calling 0303 123 1113. I would, however, like to have the chance to deal with any issues you may have before you contact the ICO – so, please do get in touch with any queries you may have.

Changes to the Privacy Policy and your duty to inform me and Chambers of changes

It is important that the personal data I hold about you is accurate and current. Please keep me informed (by contacting my Clerks) if your personal data changes during your relationship with me.

Websites

Chambers' website may include links to third-party websites, plug-ins and applications, and process data not mentioned in this privacy notice. I do not control this data. Please see No.5 Chambers' own **privacy policy** for further information about this.

The data I collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

I may collect, use, store and transfer different kinds of personal data about you which can be grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, title, date of birth and gender.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you, and other details of services you have contracted for me to provide to you.

I may sometimes collect **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). In the course of me providing legal services to you, I may collect information about **criminal convictions and offences**.

If you fail to provide personal data

Where I need to collect personal data by law, or under the terms of a contract or agreement I have with you and you fail to provide that data when requested, I may not be able to perform the contract or agreement we have or are trying to enter into (for example, to provide you with legal services). In this case, I may have to cancel the service you have with me but I will notify you if this is the case at the time.

How is your personal data collected?

I use different methods to collect data from and about you including through direct interactions with me or my Clerks. You may provide your Identity Data, Contact Data, Special Categories of Personal Data, Financial Data, Transaction Data and information about Criminal Convictions, by filling in forms or by corresponding with me or No.5 Chambers by post, phone, email, using Chambers' website or otherwise.

The lawful basis for processing your personal data

I will only use your personal data when the law allows me to. Most commonly, I may rely on one or more of the following legal bases:

- where you have given consent to the processing of your personal data for one or more specific purposes;
- where I need to perform the contract we are about to enter into or have entered into with you;
- where it is necessary for my legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. Legitimate interest means the interest of my business (as a sole practitioner) in conducting and managing my business to enable me to give you the best service I can. I make sure to consider and balance any potential impact on you (both positive and negative) and your rights before I process your personal data on this basis. I will not use your personal data for activities where my interests are overridden by the impact on you (unless I have your consent or am otherwise required or permitted to by law). You can obtain further information about how I assess my legitimate interests against any potential impact on you in respect of specific activities by contacting me using the details above; and/or
- where I need to comply with a legal or regulatory obligation. This means processing your personal data where it is necessary for compliance with a legal or regulatory obligation to which I am subject.

When I process Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data), I may rely on one or more of the following legal bases:

- I have the explicit consent from you to process your data for one or more specific purposes;
- the processing is necessary to protect the vital interests of you or another person;
- the processing relates to personal data that has already been made public by you; and/or

- the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

The purposes of me processing your personal data

The reason why I may need to process your personal data, and the purpose for me doing so, could be for any of the following reasons:

- because you wish to enquire about the services I may be able to provide;
- because you are instructing me and have been asked to provide, or you wish to provide, certain personal data so that it can be considered in the course of me providing legal services to you; and/or
- because you are providing payment to me, via my Clerks, for my services.

If you have any further questions about these purpose, or the legal bases upon which I process your data, please contact me using the details above.

Change of purpose

I will only use your personal data for the purposes for which I collected it, unless I reasonably consider that I need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact me using the details above.

If I need to use your personal data for an unrelated purpose, I will notify you and I will explain the legal basis which allows me to do so.

Please note that I may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Disclosures of your personal data

I may have to share your personal data with the following categories of people:

- the Clerks and other members of staff who are employed by No.5 Chambers;
- courts or other tribunals to whom documents are presented;
- other parties and their legal representatives in any proceedings to which I have been instructed to represent you;
- potential witnesses, in particular experts;
- ombudsmen and regulatory authorities;
- current, past or prospective employers;
- education, accreditation and examining bodies;
- business associates, professional advisers, financial advisors, accountants and trade bodies;
- other people with whom you give me your explicit consent on a case by case basis for me to share your personal data with, such as friends or family;
- the email provider that we use to communicate with you;
- trainees called pupils or mini-pupils who assist me with my practice as part of their training. The pupils and mini-pupils are bound by written confidentiality obligations not to disclose any material about cases that a member may share with them.

No.5 Chambers has an agreement with an IT provider which manages Chambers' IT services on my behalf, including email, and provides Chambers with secure servers to process and store the personal data that Chambers processes on my behalf. Chambers also uses software known as MLC which allows Clerks and Staff to manage barristers' diaries, store information relating to cases, and coordinate billing. Your personal data will also be stored on this system.

I require all third parties to respect the security of your personal data and to treat it in accordance with the law. I do not allow third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with my instructions.

International transfers

Personal data which you provide to me in the course of instructing me may from time to time need to be transferred outside of the EEA. Any such transfer of your personal data outside of the EEA will be governed by the agreement I have in place with you to provide you with legal services (or any other services) and will comply with the relevant provisions of the GDPR.

Data Security

I have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, I limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on my instructions and they are subject to a duty of confidentiality.

I have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where I am legally required to do so.

Data retention – how long will you use my personal data for?

I will only retain your personal data for as long as necessary to fulfil the purposes for which I collected it, including for the purposes of satisfying any legal, regulatory, insurance, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, I consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which I process your personal data (and whether I can achieve those purposes through other means) and the legal, insurance and regulatory requirements that apply to me.

In some circumstances you can ask me to delete your data: see below for further information on the "right to erasure".

In some circumstances I may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case I may use this information indefinitely without further notice to you.

Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. For example, you have the right to:

- **Request access to your personal data (commonly known as a “data subject access request”).** This enables you to receive a copy of the personal data I hold about you and to check that I am lawfully processing it.
- **Request correction of the personal data that I hold about you.** This enables you to have any incomplete or inaccurate data I hold about you corrected, though I may need to verify the accuracy of the new data you provide to me.
- **Request erasure of your personal data.** This enables you to ask me to delete or remove personal data where there is no good reason for me continuing to process it. You also have the right to ask me to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where I may have processed your information unlawfully or where I am required to erase your personal data to comply with local law. Note, however, that I may not always be able to comply with your request to erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal data where I am relying on a legitimate interest (or those of a third party)** and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. In some cases, I may demonstrate that I have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing of your personal data.** This enables you to ask me to suspend the processing of your personal data in the following scenarios: (1) if you want me to establish the data’s accuracy; (2) where my use of the data is unlawful but you do not want me to erase it; (3) where you need me to hold the data even if I no longer require it as you need it to establish, exercise or defend legal claims; or (4) you have objected to my use of your data but I need to verify whether I have overriding legitimate grounds to use it.
- **Request the transfer of your personal data to you or to a third party.** I will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for me to use or where I used the information to perform a contract with you.
- **Withdraw consent at any time where I am relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, I may not be able to provide certain services to you. I will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact me by using the details provided above.

For more information about your rights in relation to the way in which I process your personal data, please [click here](#).

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, I may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, I may refuse to comply with your request in these circumstances.

What I may need from you

I may need to request specific information from you to help me confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. I may also contact you to ask you for further information in relation to your request to speed up my response.

Time limit to respond

I try to respond to all legitimate requests within one month. Occasionally it may take me longer than a month if your request is particularly complex or you have made a number of requests. In this case, I will notify you and keep you updated.

Updated: 27 January 2021