

## **Privacy notice – Richard Oakes**

### 1. About this privacy notice

This privacy notice describes how Richard Oakes deals with (or “processes”) personal data.

### 2. Who is the data controller?

Richard is the data controller for all the processing described in this notice.

Richard is a barrister in independent (self-employed) practice from No5 Barristers Chambers. Richard is registered as a data controller with the UK Information Commissioner.

Richard is bound by the rules contained in the Bar Standards Board’s Handbook, including the duty to maintain the confidentiality of his clients’ affairs.

### 3. How to contact Richard about his processing of personal data

To contact Richard about his processing of personal data, you can email ro@no5.com or write to Richard Oakes at No5 Chambers, Fountain Court, Steelhouse Lane, Birmingham B4 6DR.

### 4. What personal data does Richard Oakes process?

#### *Personal data relevant to Richard Oakes’s legal services*

Richard processes personal data provided by his clients in the context of requests for his legal services and other related services (such as acting as a mediator).

That personal data may relate to Richard’s clients, or to:

- witnesses or other individuals concerned in the request for legal advice or the relevant dispute or matter;
- any opposing parties in the relevant matter (or their representatives, where the opposing party is a corporate body);
- other barristers, solicitors and professional representatives (including expert advisors or witnesses) acting for Richard’s clients or for any opposing parties; and
- mediators, adjudicators and judges who have been or are likely to be involved in the relevant matter.

In this context, Richard processes personal data that he or his clients consider relevant to the requested legal services. This also includes information relevant to the payment of Richard’s professional fees – such as bank account information.

Richard may also receive personal data from opposing parties in litigation or disputes, or from individuals acting on behalf of the courts or regulators. That personal data will again include information that the individual providing the data considers relevant to the dispute or matter.

In some situations, the information that Richard receives from his client will include special category data (falling under Article 9 or 10 GDPR). This may include, for example:

- information as to the health of clients or others involved in a case or request for legal advice; and
- information in relation to protected characteristics in discrimination claims.

#### *Other personal data*

Richard also processes personal data in other contexts – such as in relation to:

- other participants in professional interest groups, legal education events or similar groups or events;
- individuals who offer goods or services to Richard – such as (for example) accountants and financial advisors;
- individuals who contact Richard in relation to a case, interest group, event or other matter in which Richard does not (for whatever reason) eventually participate; and
- Richard's contacts on social media.

In this context, Richard may process contact details, information about work positions and other personal data provided by relevant individuals.

#### *Freedom to withhold personal data*

Individuals are free to withhold personal data. However if clients withhold personal data, this may affect Richard's ability to provide legal services for those clients.

Individuals may obtain more information as to the impact of withholding personal data in their particular circumstances by contacting Richard in the manner described in section 3 of this notice.

#### 5. What does Richard use personal data for?

Richard processes personal data for the purposes of his legal practice. This includes:

- Providing legal services, including legal advice, representation in litigation before the courts and tribunals in the UK and elsewhere, and representation in other contexts – for example in disciplinary proceedings or public enquiries.
- Other incidental activities, such as acting as a mediator, teaching law or professional skills, participating in industry events for the sharing of knowledge or discussion of relevant legal developments, the provision of legal or skills training, acting as an expert witness in foreign proceedings, or participating (in the capacity of a self-employed barrister) in other (for example public, political or charitable) bodies and institutions.
- Social activities related to Richard's professional activity – for example participating in or organising social events for barristers and other professionals.
- Carrying out invoicing and fee collection activities.

- Marketing Richard's practice and skills to clients and potential clients, including by publishing details of past cases on the internet, or submitting details of past cases to legal directories.
- Applying for appointments such as to panels of counsel maintained by third parties, or for accreditation as (for example) Queen's Counsel.
- Maintaining records of Richard's practice and fee receipts for the purposes of business planning and submission to third parties such as accountants, financial advisors and providers of professional indemnity insurance.
- Responding in the event of complaints.

Richard is regulated by the Bar Standards Board, and bound to comply with the BSB Handbook. Richard may therefore also process personal data for the purposes of complying with his obligations laid down by the BSB Handbook or otherwise by the Bar Standards Board or other authorities exercising powers conferred by law.

Finally, Richard stores and processes personal data for the purposes of bringing and responding to claims arising out of his provision of legal services and other incidental activities, and in order to comply with accounting rules.

As a general rule, it will be clear from the context in which personal data is provided to Richard which of these purposes will be relevant. However individuals can seek clarification by contacting Richard in the manner described in section 3 of this notice.

## 6. The legal basis for Richard's processing

Richard processes personal data as is necessary for the pursuit of his legitimate interests.

Those legitimate interests include:

- providing legal and other similar services for Richard's clients;
- complying with applicable law and regulatory requirements (including, but not limited to, Richard's obligations under the BSB Handbook and any other requirements imposed by the Bar Standards Board or another authority acting pursuant to law);
- managing Richard's practice and professional commitments; - marketing Richard's professional services;
- carrying out Richard's other professional and incidental activities, as referred to in section 5 of this notice;
- bringing or responding to claims arising out of Richard's activities, and meeting the requirements of Richard's professional indemnity insurance; and
- complying with accounting rules.

*Special category data*

As described in section 4 of this notice, Richard may process special category data in the context of providing legal services. Richard processes this personal data for the purposes of the establishment, exercise or defence of legal claims.

#### *Right to object*

Individuals whose personal data is processed by Richard in pursuit of his legitimate interests have the right under Article 21(1) of the GDPR to object to that processing.

Individuals whose personal data is processed by Richard for direct marketing purposes have the right under Article 21(2) to insist that that processing immediately stops.

In order to exercise those rights, individuals may contact Richard in the manner described above.

In the event of an objection:

- any processing for the purposes of providing legal services will continue, pursuant to Article 21(1) of the GDPR;

- any processing for the purposes of direct marketing activities will immediately cease; and

- as regards processing for other purposes:

  - that processing will continue if Richard can demonstrate overriding legitimate grounds for the processing; and

  - pending verification of whether overriding legitimate grounds exist for the processing, the processing will be restricted in accordance with Article 18 of the GDPR.

#### 7. Recipients to whom Richard sends personal data

Richard transfers personal data to a broad range of recipients.

##### *Recipients within No5 Barristers Chambers*

Richard transfers personal data to No 5 Chambers Limited for the purposes of obtaining its assistance as data processor in the administrative and financial running of his practice.

Richard may also transfer personal data:

- to other members of No5 Barristers Chambers, for example:

  - where other members are instructed by the same client to provide legal services in relation to the same proceedings or request for advice; or

  - where other members are instructed as opposing barristers in the same proceedings; or

  - to pupils or individuals undertaking “mini-pupillage” or other work experience within chambers.

### *IT service providers*

Richard transfers personal data to third parties providing IT facilities and related services as data processors. This includes providers of email processing and storage services, storage and backup of other electronic files, network and internet services, telephony services, and confidential waste and IT equipment destruction services.

### *Other recipients*

Richard transfers personal data to other entities and individuals involved in legal proceedings. This may include:

- Richard's clients, their representatives and professional advisors;
- courts, tribunals, arbitrators and mediators;
- witnesses and other professionals such as expert witnesses; and
- opposing parties, opposing solicitors, opposing barristers and their chambers and other third parties participating in litigation.

Richard may also transfer personal data to recipients outside the context of legal proceedings. This may include:

- other barristers or organisations which represent the interests of barristers or organise events or training for barristers;
- regulatory authorities (such as the Bar Standards Board), Ombudsmen and other authorities exercising legal powers;
- various third parties in connection with external appointments (such as judicial appointments); - entities involved in the selection of barristers as panel counsel or Queen's Counsel;
- professional advisers, for example when seeking legal, financial or accountancy advice or services;
- third party providers of listings or directories of barristers;
- individuals providing assistance such as legal assistants or researchers or typists;
- third party service providers such as restaurants, venue operators or events management companies; and/or
- third parties involved in journalistic or publicity-raising activities, such as events organisers or legal publishers.

## 8. Transfers of personal data to other jurisdictions

### *Up to 31 December 2020*

Richard may transfer personal data for processing outside the EEA where:

- Richard is instructed to provide legal services or to act as an expert witness by a client located outside the EEA, and is required to send information or work product to the client in the course of carrying out the client's instructions; or

- Richard is instructed to represent a client in a dispute or other matter before a court outside the EEA, before an international organisation, or before a mediator or arbitrator outside the EEA, and Richard is required to send information or work product to the relevant international organisation, court, mediator or arbitrator.

As a general rule these transfers will be made for the purposes of establishing, exercising or defending legal claims, in accordance with Article 49(1)(e) of the GDPR.

Other transfers to recipients described in section 7 of this notice may also, in some situations, involve transfers of personal data outside the EEA. These transfers will be made:

- in compliance with the terms of an adequacy decision of the European Commission governing the jurisdiction where the recipient is located; or

- where there is no adequacy decision for the recipient's jurisdiction, in reliance on the European Commission's Standard Contractual Clauses for the transfer of Personal Data to controllers or processors outside the European Union (available [here](#)), together with any additional safeguards that may be required on a case-by-case basis. For further details of individual transfers and safeguards, please contact Richard using the methods described in section 3 of this notice.

*After 31 December 2020*

Richard may transfer personal data outside the UK in situations corresponding to the situations described elsewhere in this section 8.

Those transfers will be made for the purposes of legal claims, pursuant to adequacy regulations under section 17A of the Data Protection Act 2018 ("DPA18") or pursuant to standard data protection clauses specified by the Secretary of State pursuant to section 17C DPA18 or by the Information Commissioner pursuant to section 119A DPA18. Further details of individual transfers and safeguards may be obtained by contacting Richard in the manner described in section 3 of this notice.

#### 9. How long Richard keeps personal data for

As described in section 5 of this notice, Richard processes personal data for various purposes, including for the purposes of ensuring his legal and regulatory compliance and bringing or responding to civil claims.

For this reason, Richard retains personal data for a period of at least seven years, in order to comply with accounting rules and in order that information remains available in the event of civil claims brought during normal limitation periods.

That seven year period will start on the date on which the communication or document containing personal data was received by Richard, except where:

- the communication or document is relevant on an ongoing basis to Richard's provision of services for a client – in which case the period will start on the date on which Richard's provision of services for that client finally ends; or

- the communication or document has been used in or relevant to Richard's other professional activities (such as participation in an event) – in which case the period will start when the activity comes to an end; or

- the communication or document has been used in or relevant to the provision of services to Richard – in which case the period will start when the services come to an end; or

- the communication or document has been relevant to or used in enforcement action or legal proceedings – in which case the period will start on the date on which the enforcement action or legal proceedings were finally resolved (including any appeals); or

Richard conducts a deletion exercise at least once per year, during which any personal data which is "expired" in accordance with these principles is considered for deletion.

The ultimate disposal decision will have regard to:

- on-going business and accountability needs (including audit);
- any applicable limitation period;
- current applicable legislation;
- whether the record has any long-term historical or research value;
- costs associated with continued storage.

No destruction of data will take place unless:

- the data is no longer required for the purpose of my practice;
- no work is outstanding;
- no litigation or investigation is current or pending which affects the data;
- there are no current or pending FOIA or GDPR subject access requests which affect the data.

## 10. Your other rights

You have rights to object to Richard's processing of personal data, as described in section 6 of this notice.

You also have the following additional rights:

- the right to information about and access to your personal data, under Article 15 of the GDPR;

- the right to have inaccurate personal data rectified, and incomplete data completed, under Article 16;

- the right to have your personal data erased, under Article 17;

- the right to have processing activities restricted, under Article 18;

- the right to data portability, under Article 20;

- the right to withdraw consent, where processing is based on consent, under Article 7(3);
- the right not to be subject to decisions based on automated processing which produce legal or other similarly significant effects, under Article 22; and
- the right to complain to a supervisory authority, under Article 77.

To exercise these rights in relation to Richard's processing of your personal data, please contact Richard in the manner described in this notice.

11. Review of this notice This notice will be reviewed annually.

February 2021