

The Privacy Policy of Lois Norris

This policy was drafted in February 2021. I may from time to time update this policy and the latest version will be available on my profile on the No 5 Chambers website.

My details

I am a barrister and I provide legal services, which include, inter alia, legal advice, advocacy and training. In order to provide those services, I need to collect personal data of my clients and others, which may include opponents and witnesses.

I am registered with the Information Commissioner's Office as a data controller. My registration number is ZA743061.

I am a member of No 5 Chambers, Fountain Court, 5 Steelhouse Ln, Birmingham B4 6DR ["Chambers"]. Chambers Data Protection Manager is Robert Woods.

You can contact me regarding data protection via the email ln@no5.com

I do not use automated decision-making in the processing of your personal data.

Introduction

This policy explains how I collect, use and keep your personal data. *Personal data* is information that relates to an identified or identifiable individual.

Personal data includes, but is not limited to:

- Personal details;
- Family details;
- Details regarding your lifestyle and social circumstances;
- Financial Details;
- Education, training and employment details;
- Medical details.

Some of the personal data which I collect will likely be categorised as *special data* as defined by Article 9 of the General Data Protection Regulation ["GDPR"]. Special data is data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purposes of

uniquely identifying a natural person, data concerning health or data concerning a person's sex life or sexual orientation ("special category data"). By way of example, if I collect data about your health, this is "special data".

Why do I collect and/or process your data?

There are various reasons I may need to collect your data. These include, inter alia:

- To enable me to respond to enquiries;
- To receive instructions and/or to agree the terms upon which I am to be instructed;
- To enable me to provide, and/or you or third parties to obtain, legal services, advice and representation;
- To comply with regulatory and legal obligations including, but not limited to, obligations under the Bar Standards Handbook, the Proceeds of Crime Act 2002, the Terrorism Act 2006 and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 or under any similar or equivalent legislation that may be in force from time to time;
- For conflict-checking;
- For record keeping and accounting purposes;
- To assist in training pupils and mini-pupils, work experience students and other persons shadowing me or attending my chambers on education visits;
- To obtain professional indemnity insurance and to comply with my obligations under contracts of professional indemnity insurance;
- To maintain client relationships;
- To administer my professional practice;
- To ensure network and information security;
- For use in relation to complaints, legal proceedings or fee disputes or potential complaints, legal proceedings or fee disputes;
- As otherwise required or permitted by law;
- Pursuant to a contractual agreement where I will be unable to provide legal services if you do not provide personal data as the same will be required for performance of the contractual agreement.

Data processing and collection

The vast majority of the information that I hold about you is provided to me by yourself and/or your representative/agent/a third party when you seek to use my services. I may obtain data from you directly or through others.

The General Data Protection Regulation [“GDPR”] requires all data controllers that collect and process data to have a lawful basis for doing so. There are six lawful bases set out in the GDPR and they are:

- (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests: the processing is necessary to protect someone’s life.
- (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual’s personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

For my part, I rely on the following bases: Consent, Contract, Legal Obligation and Legitimate Interests.

As for Legitimate Interests, the data is required, inter alia, for me to:

- Provide legal services;
- Comply with legal and regulatory requirements;
- To bring or respond to claims arising out of my activities and for any requirements when engaging my professional indemnity insurance;
- To comply with accounting rules.

As to the lawful basis or bases upon which I process your special category data, I rely on the following:

- Your consent where freely given;
- The processing relates to special category data which you manifestly make public;
- The processing is necessary for the purpose of establishing, exercising or defending legal rights.

Sharing your data

I may share your personal data with:

- Courts and/or tribunals;
- Barristers, solicitors and other legal professionals;
- Other parties in the matter to which my instructions relate;
- Lay and professional clients;
- Witnesses and potential witnesses, including expert witnesses;
- No 5 Chambers Limited, clerks, chambers' staff and administrators, and members of chambers serving on committees or otherwise involved in the management of chambers;
- External service providers;
- IT support staff;
- In the event of complaints, the head of chambers and members of chambers and staff who deal with complaints or assist in the process of dealing with complaints;
- My regulatory or legal advisors in the event of a dispute or other legal matter;
- Ombudsmen and regulatory authorities (including, but not limited to the Legal Ombudsman, the Bar Standards Board, the Financial Conduct Authority and the Information Commissioner's Office) (it is possible that such ombudsmen and/or regulatory authorities will lawfully disclose your personal data without your or my agreement);
- The general public in relation to the publication of legal judgments and other decisions of courts and tribunals;
- Outsourced service providers, such as photocopying companies and digital dictation services, but this is pursuant to them confirming they are GDPR compliant via written contracts.

Transfers to third countries and international organisations

I do not routinely transfer data to countries worldwide but I may do on occasion, including to countries which have no adequacy decision of the EU Commission (“third countries”). This policy is of general application and so I cannot state whether it will be necessary to transfer personal data to a third country or not in particular cases. There are a variety of circumstances in which I may do so. Those include, inter alia:

- If I work or travel abroad and have a mobile device ;
- If I communicate with a client, professional adviser or witness who is located in a third country;
- If I am instructed in a case which involves courts, parties or tribunals in a third country.

If I do this, it will be either for the purpose of performing a contract, because the transfer is necessary for the establishment, exercise or defence of legal claims or to protect the vital interests of you or a third party. Furthermore, if a judgment was to be published on my chambers profile, it could be accessed worldwide.

Retention

In relation to personal data which I control or process when providing legal services as a barrister, my retention period is seven years from the date that I complete work on the file, after which, if personal data held by me has not been destroyed or properly disposed of at an earlier date, I shall review the personal data I hold. I retain your personal data while you remain a client unless you ask me to delete it. I will delete or anonymise your information at your request unless:

- there is or may be an unresolved issue, such as a claim or dispute;
- I am legally required not to do so; or
- there are overriding legitimate interests, including but not limited to fraud prevention and protecting clients’ safety and security.

I keep your data for 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 period.

The normal retention periods set out above are subject to the following exceptions:

- I may retain records of a client's name and that of other parties involved in an instruction or arbitration or mediation with a short description of the nature of the instruction or arbitration or mediation in order to check for conflicts of interests until I retire from practice as a lawyer or from any form of judicial appointment (including part time appointments) or appointment as an arbitrator;
- Personal data contained in records relating to any complaint will be retained for a period of 6 years from the determination of the complaint or such other period as is specified in the Bar Standards Board Handbook (or equivalent document from time to time).
- Personal data which I am required to hold by law.

Your rights

Under the GDPR, you have a number of rights that you can exercise in certain circumstances and these are free of charge. We are committed to your rights to privacy. In summary you may have the right to:

- Ask for access to your personal data;
- Ask for correction of mistakes in your data or to complete missing information I hold on you;
- Ask for your personal information to be erased, in certain circumstances;
- Ask to receive a copy of the personal information you have provided to me 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 to the processing of data I carry out based on my legitimate interest;
- Restrict my processing of your personal information in certain circumstances;
- Request not to be the subject to automated decision making which produces legal effects that concerns you or affects you in a significant way.

If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners' Office on Individual Rights.

To exercise any of these rights, please contact Lois Norris at No 5 Chambers.