

## Privacy Notice - Clients

This privacy notice contains important information about the information about you that I may collect, use, store or otherwise process, and my reasons for this processing. It also tells you who I share this information with, the security mechanisms I have put in place to protect your information and how to contact me in the event you want further information or to exercise your rights.

### Who Am I?

I, Mr Jamie Gamble, collect, use and am responsible for personal information about you. When I do this I am the controller and/or processor of this information for the purposes of the GDPR and the Data Protection Act 2018. I am registered with the Information Commissioner's Office as a Data Controller.

If you want to contact me about your information or my controlling or processing of it you can use the contact details at the end of this notice.

### Whether information has to be provided by you, and why:

If I have been instructed by you or on your behalf on a case, some personal information about you has to be provided to me, to enable me to provide you with legal advice and/or representation, and to enable me to comply with my professional obligations and to keep accounting records.

### Types of Information:

In order to provide legal services to you I will collect and/or use personal information about you such as:

- a. personal details including your name, date of birth and contact details
- b. family details
- c. lifestyle and social circumstances
- d. financial information
- e. education, training and employment information
- f. physical and/or mental health information
- g. rarely, racial or ethnic origin
- h. rarely, political opinions
- i. rarely, religious, philosophical or other beliefs
- j. rarely, trade union membership
- k. rarely, sex life or sexual orientation
- l. rarely, genetic data
- m. rarely, biometric data
- n. details of criminal proceedings, outcomes and sentences, and related security measures
- o. other personal data relevant to providing you with legal services.

## Sources of Information:

Usually your information will have been provided to me by you, or by your solicitor on your behalf.

I may also collect and/or use personal information about you from third parties such as:

- data processors, such as my Chambers staff
- expert witnesses
- other witnesses
- other legal professionals
- your family or associates
- public sources, such as the press, public registers and law reports.
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies
- courts or tribunals
- prosecution authorities
- other regulatory authorities
- in the event of a complaint, the Head of Chambers, any other members of Chambers who deal with complaints, the Bar Standards Board, and/or the Legal Ombudsman

## Purposes:

I may collect and/or use your personal information for the following purposes:

- i. to provide legal services to you
- ii. to comply with my professional obligations
- iii. to carry out anti-money laundering and terrorist financing checks
- iv. to check for potential conflicts of interest in relation to future potential cases
- v. to take or defend legal or regulatory proceedings
- vi. to respond to potential complaints or make complaints
- vii. to keep accounting records and carry out office administration
- viii. to train other barristers or provide work-shadowing opportunities
- ix. to publish legal judgments and decisions of courts and tribunals
- x. to promote and market my services
- xi. other purposes as required or permitted by law.

I may use your personal information for purposes (set out in the list above) other than that for which I originally collected it.

## The legal basis for processing your personal information

The legal basis upon which I collect and/or use your personal information is one or more of the following:

- **legitimate interests:** usually, it is necessary for me to process your information in order to provide you with the service you have asked me to provide, such as legal advice or representation. It may also, or alternatively, be necessary for me to process your information for one or more of the other “purposes” listed below.
- **your consent:** where you have consented to my processing of your personal information to some extent, then that may also or alternatively be the basis on which I process your information.
- **compliance with a legal obligation:** occasionally, the processing may be necessary in order for me to comply with a legal obligation to which I am subject (such as carrying out anti-money laundering checks).

**Sensitive Information** (criminal convictions and information known as “special category data”)

Information listed as (f) to (n) above is particularly sensitive and I rely on one or more of these further legal bases to process it:

- **legal claims:** often, the processing will be necessary for the establishment, exercise or defence of a legal claim (which includes my provision of legal services to you, as well as any legal claim by or against me arising out of my provision of legal services to you).
- **your consent:** where you have consented to my processing of your sensitive personal information to some extent, then that may also or alternatively be the basis on which I process your information.
- **public information:** where you have made the information public, I am allowed to process it.

You have the right to withdraw your consent at any time. This will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. If you refuse or withdraw your consent to my processing of your information I may no longer be able to represent you.

Where I also rely on other bases for lawfully processing your information, I may continue to process some or all of your information.

## What do I do with your information?

### Security

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.

I take the confidentiality of your information very seriously and have extensive measures in place to avoid any breach of confidentiality. This includes:

- encryption, anti-virus protection and passcode protection on all of my electronic devices
- storage in locked, alarmed premises
- storage in encrypted, GDPR compliant cloud services
- not leaving information unattended in a public place
- destruction only via secure means
- careful consideration given to means of transportation

I am happy to provide further details or information about this should you so wish. You can contact me using the details set out at the end of this notice.

### Who may I share your personal information with?

I will share your personal information with your solicitor. I may sometimes share your personal information with others such as:

- other legal professionals
- experts and other witnesses
- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- Online calculation tools, which are themselves GDPR compliant
- pupil barristers and/or work experience students
- courts and tribunals
- your family and/or associates
- prosecution authorities
- other regulatory authorities
- current, past or prospective employers or chambers
- education and/or examining bodies
- professional associates, professional advisers and trade bodies, e.g. the Bar Council
- in the event of a complaint, claim or regulatory proceedings, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, the Legal Ombudsman, the Financial Conduct Authority, the Information Commissioner's Office and/or my professional insurer.

In the case of the Information Commissioner's Office, there is a chance that your information, including privileged information, may lawfully be disclosed by them for the purpose of civil or criminal proceedings, without my consent or yours.

I may also be required to disclose your information to the police or intelligence services.

### Transfer of your information outside the European Economic Area (EEA)

I will not usually transfer your information outside the EEA.

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

- cloud data 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 data and/or backup copies of your data so that I may access your data when they need to. The USA does not have the same data 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/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).
- cloud data storage services based in Switzerland, in order to enable me to store your data and/or backup copies of your data so that I may access your data when I need to. Switzerland does not have the same data 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/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

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

If you reside outside the EEA or your case involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose.

Some countries and organisations outside the EEA have been assessed by the European Commission and their data 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.

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.

I will not otherwise transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

If you would like any further information please use the contact details at the end of this policy.

### How long will I store your personal information?

I will normally store all of your personal information:

- until approximately 1 year after the expiry of any relevant limitation period (which is usually 6 years from the date of the conclusion of the Court proceedings or claim but for a minor is 6 years from their 18<sup>th</sup> birthday). This is because it may be needed for potential legal proceedings. At this point any further retention will be reviewed and the data will be deleted as soon as is reasonably practicable, without further recourse to you, or retained for a further period. The latter will only occur where there is

reason to believe that the information is or will be needed for legal proceedings, regulatory matters or a complaint.

- In respect of protected parties, since there is no limitation period unless that party gains capacity, I will store their information indefinitely unless I am reliably informed that they have gained capacity in which case I will store the information as set out above.
- 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, contact details and/or date of birth and will not include any sensitive information i.e. within categories (f) to (n) above.
- I may, at my discretion, delete or destroy some or all of your information in my possession earlier than set out above.

## 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 data and other supplementary information;
- Ask for correction of mistakes in your data or to complete missing information I hold on you;
- Ask for your personal data to be erased, in certain circumstances;
- Receive a copy of the personal data you have provided to me or have this data 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 or pdf;
- Object at any time to processing of your personal data for direct marketing;
- Object in certain other situations to the continued processing of your personal data;
- Restrict my processing of your personal data 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:

- contact me using the contact details at the end of this document;
- 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 may need to ask you to provide other information such as further proof of your identity, or the basis upon which you seek to exercise the specified right.

I will respond to you within one month from when I receive your request.

## How to make a complaint?

The GDPR also gives 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 data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

## Future Processing and Changes to this Privacy Policy

This privacy notice was published on *[insert date]* and last updated on 5<sup>th</sup> June 2018.

I continually review my privacy practices and may change this policy from time to time. If or when I do it will be placed on my page(s) of Chambers' website [www.no5.com](http://www.no5.com) .

I do not intend to process your personal information except for the reasons stated within this privacy policy. If this changes, this privacy policy will be amended and placed on my page(s) of Chambers' website.

## Contact Details

If you have any questions about this privacy policy or the information I hold about you, please contact me via my clerks.

The best way to contact me is to email my clerks, marking your email for my urgent attention, at [mt@no5.com](mailto:mt@no5.com). Alternatively you may write to me at my Chambers address: No5 Chambers, Fountain Court, Steelhouse Lane, Birmingham B4 6DR.