

## DATA PROTECTION POLICY OF MUGNI ISLAM-CHOUDHURY

**Updated: November 2022**

Please also refer to my Privacy Policy (attached)

1. I am a Data Controller under the General Data Protection Regulation, and am registered with the Information Commissioner's Office as a Data Controller.
2. This policy applies to all the data that I hold relating to identifiable individuals.
3. In case of any queries or questions in relation to this policy please contact me, MUGNI ISLAM-CHOUDHURY through my clerks at [employment@no5.com](mailto:employment@no5.com).
4. I recognise that I control and am personally responsible for compliance with the GDPR in relation to the personal data that I control, which is all the personal data coming to me in the course of my practice. I recognise and embrace this as a non-delegable responsibility. I do not process data for clients.
5. Employees of and contractors employed by No5 Chambers Limited will have access to some of the data which I control. Although I recognise the non-delegable nature of my responsibility, having No5 Chambers Limited's own policies I consider that those policies are adequate and appropriate. I therefore do not intend to lay down any further or different policies in respect of such employees and contractors.
6. Data controlled by me will sometimes be shared with other data controllers, such as solicitors and other barristers. Where such other professionals are under a regulatory obligation of their own to comply with the GDPR, I will not investigate their compliance but will assume it unless there is any reason not to do so.
7. In the case of data processors who are not employees of No5 Chambers or are not professionals subject to their own regulation as aforesaid, I will ensure that everyone processing personal data which I control understands that they are responsible for

following best data protection practice, are appropriately trained to do so and are appropriately supervised. Where appropriate, I will enter into data processing agreements to promote best data protection practice by those to whom I entrust data.

### **General Data Protection Policy**

8. Terms used in this policy which are defined terms in the GDPR have that defined meaning.
9. I will process personal data lawfully within the meaning of Art 6, and fairly and transparently.
10. When instructions have been received and work upon them is not yet complete, I will collect, retain, access, use and communicate the data for the purpose of delivering my services.
11. When instructions have been fulfilled, I will retain the data only for one or more of the Art 6 reasons: essentially to meet my business needs (to enable me to provide a better service if instructed again in relation to the same or a related matter), to comply with legal requirements, to provide evidence in the event of disputes and to ensure that any records of historic value are preserved.
12. I will collect data only for the purpose of delivering legal services in my practice as a barrister.
13. I will not further process data in a manner incompatible with that purpose.
14. I will collect and process adequate and relevant information, and only to the extent that it is needed for the purpose identified above. However I will take a practical approach to this. I will not sift every document delivered to me and delete those parts which are not strictly necessary for the case on which I am working. It would not be practicable to do so. I will trust professionals and lay clients providing me with data to provide only what is reasonably necessary.
15. I will ensure that so far as it is necessary and within my reasonable power to do so, the personal data is kept up to date.

16. I will keep personal data only so long as the purposes identified above persist.
17. I will take appropriate technical and organisational security measures to safeguard personal data
18. I will not transfer information outside the UK except by communicating it to a client or his/her/its authorised representative abroad.
19. I will set out clear procedures for responding to requests for information.
20. I will ensure that the rights of people about whom information is held, can be fully exercised under the GDPR.

### **Data Storage and access**

#### ***The data***

21. The data I control may be divided into the following groups, according to how and where it is kept. This categorisation is not intended to be exhaustive but is intended to assist in achieving the objectives identified in paragraph 24 below:
  - Hard copy documents
  - Electronic files (pdf, Word, spreadsheets, jpegs, PowerPoint etc) stored digitally on my Microsoft Onedrive account.
  - Documents open for the purpose of working on them, and therefore visible on a screen.
  - Emails - Emails to and from clients which will often include case information and correspondence. I receive, send and store emails in Mail on my laptops and using the Mail app on my phone and iPad.
  - Contact details of clients including personal data such as name/address and financial information relating to billing. This data is kept for me by No5 Chambers.

#### ***The devices***

22. The devices which I use to access this data are:

- A Microsoft Surface which I use at home, court and in chambers
- An Ipad, which I take with me when working out of chambers and away from home.
- An iPhone which is always with me.

23. I occasionally receive data from solicitors or lay clients on external media such as USB sticks. Very occasionally I may wish to copy data to external media.

### ***Third parties***

24. The only third parties with which I share data are No5 Chambers and its staff. I do not have a formal data sharing agreement with my chambers because I have total confidence in the integrity of its systems and of its senior management and I have been assured by its Chief Executive Tony McDaid, its Operations Manager Jo Pickersgill and its Data Protection Officer that its systems are compliant.

25. Occasionally employees of Chambers IT service providers access my devices for maintenance and similar purposes, but only in my presence and under my supervision.

### **Security**

#### ***Objectives***

26. My security objectives are to ensure:

- Confidentiality of information – access to information is restricted to those persons with appropriate authority to access it.
- Integrity of information – information shall be complete and accurate.
- Availability of information – information shall be available and delivered to the right person at the time when it is needed.

#### ***Hard copy documents***

27. I occasionally have hardcopy papers with me wherever I am working, which might be in chambers, at home, in court, at others' offices, while travelling or in hotels.

28. All papers will be moved securely between these locations. On public transport they will not be left unattended out of my brief case. Papers left in an unattended car will be stored out of sight. This will only occur where necessary and for brief periods of low risk. Case files will not be left in a car overnight.
29. Papers will never be left freely available in any common area in circumstances where there is a real risk that they may be read by unauthorised individuals. They will never be opened in circumstances where there is such a risk.
30. I take papers home where I often work. They are kept in my private study to which only members of my immediate family have access. Given the nature of my practice, I am satisfied beyond any doubt that no member of my family has any interest in these papers or will look at them.
31. The house has a burglar alarm which is set when no one is home. Given the nature of my practice, I am satisfied that my home is most unlikely to be targeted for the purpose of stealing personal data and that my case papers are unlikely to be of interest to a casual burglar.

***Electronic files in Microsoft OneDrive and Chambers Dropbox accounts***

32. These accounts are fully secure and password protected. The integrity and accessibility of data is assured through Microsoft and Dropbox.

***Files being accessed and/or accessible from my devices***

33. Electronic files will never be opened on a screen in circumstances where they can be read by members of the public.
34. All devices identified above will be kept secure at all times within the limits of reasonable practicability.
  - a. The phone is password protected and encrypted and will not be left unattended away from home.

- b. The laptop is password protected and will not be left unattended (other than in Chambers or at home) and on view. It will only be left unattended at all where this is not reasonably avoidable.

35. All devices are protected by up to date anti-virus and anti-spyware software, subjected to regular virus scans and protected by an appropriate firewall.

36. Operating software is checked regularly to ensure that the latest security updates are downloaded.

37. Removable storage media such as memory sticks will be rarely used. I do sometimes accept documents on such media and rarely may load documents onto them. On such occasions the memory stick will be guarded as carefully as all other devices containing personal data.

#### **Data Retention**

38. This policy covers the all personal data irrespective of the media on which they are created or held and includes

- client documents;
- notes of meetings;
- instructions received and advice given.

39. My policy is to retain electronic data for at least 15 years. I consider it proportionate to retain for that period since the possibility of a dispute may endure for 15 years from the date of the last work undertaken.

40. As to paper documents, these will be either (1) if requested, returned to instructing solicitors or other professional clients when I no longer need to keep them for the purposes of working on the case or (2) confidentially destroyed through chambers. Any solicitors in receipt of returned papers will have their own professional obligations and retention policies.

41. In public access cases, documents will be retained for at least 15 years and then destroyed.

42. However none of the above three paragraphs is definitive. I will keep individual cases under review. The ultimate disposal decision will have regard to:

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

43. 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.

### **Data Access**

44. All data subjects have the right to access the information I holds about them, except where specific exemptions apply.

45. I will deal with subject access requests in accordance with the Subject Access Request Policy of No5 Chambers.

### **Disclosure**

46. I may share data with other agencies such as government departments and other relevant parties.

47. The data subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows disclosure (including of sensitive data) without the data subject's consent.

### **Data Protection Training**

I will ensure that I am appropriately trained in Data Protection.

## **Privacy Notice – Mugni Islam-Choudhury**

**November 2022**

### **Please also refer to the Data Protection Policy**

Please read the following information carefully. This privacy notice contains information about what data I collect and store about you and why. It also tells you who I share this information with, the security mechanisms I have put in place to protect your data and how to contact me if you have a complaint.

I, MUGNI ISLAM-CHOUDHURY, collect, use and am responsible for personal information about you or your client. When I do this, I am the Data Controller of this information for the purposes of the General Data Protection Regulation and other applicable data protection laws.

### **Information collected by me**

When instructed, I collect the following personal information that you provide to me:

- Information that you provide via an email address, post and any other method;
- Name and Job Title;
- Contact Information including home address, telephone number, date of birth and email address;
- A record of any correspondence;
- Information about your instruction which may include personal data
- Some Sensitive personal information when required as part of your instruction

### **Information collected from other sources**

I may collect the following information from other sources:

- Contact Details, Name, Home Address, Telephone number, Date of Birth and email address;
- Details of your instructions;
- Information provided by a solicitor relating to the instruction;

- Any evidence obtained throughout your instruction, which could contain personal opinions, political beliefs, medical history, and other special categories of data;
- Some Sensitive personal information when required as part of your instruction

### **How I use your personal information**

I use your personal information for the following purposes:

- To provide a legal service to you or your client;
- Act on behalf of the client;
- Investigate on behalf of the client;

### **Legal reasons I collect and use your personal information**

I rely on your instructions as a contract to act on your behalf for the legal basis for processing your information.

### **Who will I share your personal information with?**

I will share information with No 5 Chambers who act as a Data Processor.

I have relationships with other third parties that I may share data relating to your instruction with. I may share your name, address, date of birth and case information. This data sharing enables me to carry out contractual and legal obligations in order to provide a service to you, or your client, and conduct administrative support. For a list of these third parties contact myself.

I will share personal information with law enforcement agencies if required by applicable law.

I will not share your personal information with any other third parties without your consent.

### **How long will I store your personal data?**

I hold data securely and in line with any regulatory obligations. Throughout the process of your instruction personal and Special Character Data (ie: sensitive data) is taken and is required to ensure that all information stored is correct, so I can handle your instruction in a timely and lawful manner. Any documentation, requests, evidence and associated notes or

telephone recordings will be stored electronically to which access is restricted on a need to know basis. No.5 Chambers and Clerks within No. 5 Chambers will need access to your personal and sensitive information in order to conduct our contractual obligations. This information will be kept for 7 years and subsequently deleted after this time although I will store some of your information which I need to carry out conflict checks for the rest of my career. This is likely to be limited to your name and contact details and the name of the case. This will not include any information that is “sensitive” for GDPR purposes. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.

### **Your Rights**

Under the General Data Protection Regulation, you have a number of important rights that you can exercise free of charge. In summary, these rights are:

- Transparency over how I use your personal data and fair processing of your information;
- Access to your personal information and other supplementary information;
- Require me correct any mistakes or complete missing information I hold on you;
- Require me to erase your personal information in certain circumstances;
- Receive a copy of the personal information you have provided to me or have this information be sent to a third party, this will be provided to you or the third party in a structured, commonly used and machine-readable format;
- 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 my processing of your personal information in certain circumstances;
- Request not to be subject to automated decision making which produce legal effects that concern you or affect you in a significantly similar way.

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:

- Email, call or write to me using my clerks email address at [employment@no5.com](mailto:employment@no5.com)
- Provide information so that I can identify you, for example; a copy of your Passport, Driver's License, Utility Bill etc. I may need to contact you to request further information to verify your identity;
- Let me have 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 I receive your request.

### **How to make a complaint?**

I hope that you are happy with the service I provide and that I can resolve any issues or complaints that arise. Please get in touch with me or with Robert Woods, the Data Protection Manager [robertw@no5.com](mailto:robertw@no5.com) if you have any concerns.

The General Data Protection Regulation also gives you the right to lodge a complaint with a supervisory authority. The UK supervisory authority is the Information Commissioner's Office who can be contacted at <https://ico.org.uk/concerns/>.

### **Security**

I take information security seriously and want to ensure you and your client are aware of what procedures and processes I have in place to support this. My IT is provided by No5 chambers who have undergone a risk assessment and mitigation process to help safeguard any of your data held on my IT systems. I conduct reviews of policies and data on an annual basis to ensure that no data is kept for longer than is necessary and the relevant retention periods are adhered to. I complete regular training on the GDPR and Information Security.

### **Future Processing**

I do not intend to process your personal information for any reason other than stated within this privacy notice. If this changes, I will inform you by your preferred method of contact which we will have obtained from the outset.

### **Changes to this privacy notice**

This privacy was published in October 2022. Privacy practices may change this policy from time to time. When I do, I will note this fact on my website.

**Contact me**

If you have any questions about this privacy notice, or the information I hold about you, please contact me directly and we will happily discuss this with you.

The best way to reach me is to contact me by email through my clerks:

[employment@no5.com](mailto:employment@no5.com)

**Alternative formats**

If it would be helpful to have this notice provided in another format (for example: in another language, audio, braille) please contact me.