

DATA PROTECTION POLICY OF NEIL THOMPSON

January 2021

Review date: January 2022

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 personal data that I hold relating to identifiable individuals.
3. In case of any queries or questions in relation to this policy please contact me, Neil Thompson.
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. The categories of data subjects whose data I collect are my own clients and all persons involved in the cases with which I deal, including opponents of my clients. The categories of personal data are almost limitless. They include all data which naturally comes to me in the course of my practice as a barrister. This may include sensitive data of the type listed in Art 9 of the GDPR.
6. 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 own responsibility, No5 Chambers Limited has its own policies and 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.
7. 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 assume that they will comply with it unless there is any reason to suggest otherwise.

8. 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

9. Terms used in this policy which are defined terms in the GDPR have that defined meaning.

10. I will process personal data lawfully within the meaning of Art 6, fairly and transparently.

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.

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.

11. I will collect data only for the purpose of delivering legal services in my practice as a barrister.

12. I will not further process data in a manner incompatible with that purpose.

13. 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.

14. I may use personal data for the following purposes:

- to provide legal services to my clients, including the provision of legal advice and representation
- to keep accounting records and carry out office administration
- to take or defend legal or regulatory proceedings or to exercise a lien
- to respond to potential complaints or make complaints
- to check for potential conflicts of interest in relation to future potential cases
- to promote and market my services
- to carry out anti-money laundering and terrorist financing checks
- to train other barristers and when providing work-shadowing opportunities
- to respond to requests for references
- when procuring goods and services
- as required or permitted by law.

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 in No5 Chambers' Dropbox 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 Outlook on my PC, laptop, tablet and using the Mail app on my phone.
- 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 Windows PC in my study at home. An Apple Mac in my study at home. They are not portable.
- A MacBook Pro laptop which I often carry with me when out of chambers and away from home.
- An Apple iPad which is usually kept at home, but occasions carried when out of chambers and away from home.
- An iPhone which is always with me.

23. I very 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.

24. Occasionally employees of Cloud Systems Group access my devices for maintenance and similar purposes, but only in my presence and under my supervision.

Security

Objectives

25. 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

26. I usually need papers with me wherever I am working, which might be in chambers, at home, in court, at others' offices, while travelling or in hotels.

27. 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.

28. 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.

29. I take papers home where I often work. They are kept in my private study to which no other person has access without my permission.

30. My 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 No5 Chambers' Dropbox account

31. This account is provided by Advanced Computer Software and is administered on behalf of No5 Chambers by Cloud Systems. Advanced Computer Software warrant that the system is fully secure and that the integrity and accessibility of data is assured.

Files being accessed and/or accessible from my devices

32. Electronic files will never be opened on a screen in circumstances where they can be read by members of the public.

33. 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 encrypted to FIPS 140-2 or CCTM (CESG Claims Tested Mark) standards. Whole disc rather than folder encryption is undertaken. It will not be left unattended and on view. It will only be left unattended at all where this is not reasonably avoidable.
- c. My computers at home and in Chambers requires log in after 10 minutes' inactivity and is thus protected from unauthorised access. In any event there is no one in the house with any interest in accessing my user account.

34. The PC and Apple computers at home and the laptop are protected by up to date anti-virus and anti-spyware software, subjected to regular virus scans and protected by an appropriate firewall.

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

36. 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

37. 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.

38. 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.

39. As to paper documents, these will be returned to instructing solicitors or other professional clients when I no longer need to keep them for the purposes of working on the case. The solicitors and professional clients are entitled to their return and will have their own professional obligations and retention policies.

40. However none of the above two 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.

41. 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

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

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

Disclosure

44. I may share data with other parties. The third parties with which I share data include

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals
- witnesses
- courts and tribunals
- the staff in my chambers
- trainee barristers
- the members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities

45. 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

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

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