

PRIVACY NOTICE: YASMIN YASSERI

Introduction

Please read the following information carefully. The General Data Protection Regulation (“GDPR”) and Data Protection Act 2018 gives you rights in relation to the personal information about yourself that I collect and make use of. That information is called “personal data” under the GDPR. This Privacy Notice describes the information I collect about you, how it is used (which will include storing it in soft or hard copy or transmitting it by email or otherwise), how it is shared, and your rights regarding it.

Clients

Thank you for choosing to instruct me in your case.

References in this Privacy Notice to “clients” are intended as references both to my Instructing Solicitors and to the client(s) who have retained my Instructing Solicitors (also referred to as “lay clients”).

I will need to collect, hold and use clients’ personal information in order to provide such services as I am asked to provide.

Others

On occasion, whilst acting for clients, I will need to collect, hold and use personal information provided by people who are not my clients i.e. witnesses or potential witnesses, experts and people with whom I am communicating such as solicitors, court staff and judges.

My intention

I will take appropriate measures to protect your personal information and to ensure that I do not infringe your rights or undermine your trust.

Data Controller

I am a barrister in independent (self-employed) practice from No5 Barristers Chambers. I am registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that I hold and process in that capacity.

If you need to contact me about your data or the processing carried out you can use the contact details at the end of this document or on my website profile.

Data Collection

The majority of the personal information that I collect or hold about you is provided by you to me. Some information might be obtained from third parties such as other legal professionals or experts, witnesses and courts and other tribunals

My Lawful Basis for processing your information

The GDPR requires all organisations that process personal information to have a lawful basis for doing so. The lawful bases identified in the GDPR are:

- Consent of the data subject;
- Performance of a contract with the data subject or to take steps to enter into a contract;
- Compliance with a legal obligation;
- To protect the vital interests of a data subject or another person;
- Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; and
- The legitimate interests of myself, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Examples of legitimate interests include:

- Where the data subject is a client or in the service of the controller;
- Transmission within a group of undertakings for internal administrative purposes;
- Processing necessary to ensure network and information security, including preventing unauthorised access;
- Processing for direct marketing purposes, or to prevent fraud; and
- Reporting possible criminal acts or threats to public security.

My primary lawful bases for processing your information are consent and performance of the contract by which I am instructed to provide legal services, but other lawful bases may become relevant. For example, in the event of a professional negligence claim, I will have a legitimate interest in providing information to my insurer.

The purpose of my processing of your information

I may need to process your personal data for one or more of the following purposes:

- to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, mediations, and arbitral and adjudication determinations, and communicating in connection with that purpose;
- to assist in training pupils and mini-pupils;
- to keep accounting records and enable my clerks to carry out my practice management requirements;
- to investigate or address any concerns raised by my clients or third parties about the provision of my services as a barrister;
- to take or defend or otherwise address legal or regulatory proceedings relating to the provision of my services as a barrister, or to exercise a lien;
- to check for potential conflicts of interest in relation to future potential cases.

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

I collect and process both personal data and special categories of personal data as defined in the GDPR. This includes all or some of:

- Name;
- Email;
- Phone number;
- Address;
- Payment or bank details;
- Date of birth;
- Location details;
- Financial information;
- Medical Records;
- Criminal Records.

Who I may share your information with

As a barrister I have an obligation to keep my clients' information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

It may be necessary to share the personal information I collect and use with some or all of the following:

- Lay and professional clients;
- Other parties and their legal representatives, for the purposes of resolving my client's case;
- Potential witnesses, in particular experts;
- Courts or other tribunals to whom documents are presented;
- Pupils or mini pupils*;
- The Clerks and Staff who are employed by No5 Chambers to provide practice management and administrative services. As part of this a software management tool is used;
- Practice management and administrative services provided by No5 Chambers such as IT support staff, email provider, data transportation, storage and disposal providers;
- In the event of complaints or a dispute or other legal matters, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Boards, the Legal Ombudsman, or my legal advisors;
- Law enforcement officials, government authorities, or other third parties to meet my legal obligations;
- Any other party where I ask you and you consent to the sharing.

Transfers to third countries and international organisations outside the European Economic Area (EEA)

I use Dropbox, which means that I store your information in a cloud-based system in the United Kingdom. Pursuant to the Online Services Terms provided by Dropbox, I am satisfied that such information is appropriately protected and safeguarded as required by the GDPR.

I may transfer personal information to legal representatives in third countries where those legal representatives have been instructed on the same matter as, or on a matter connected with, the matter on which I am instructed by you. The safeguards that apply are the legal and professional obligations of those legal representatives and any relevant contractual terms in the agreement by which you have instructed such legal representatives.

Data Retention

The period for which I may retain personal data will vary from case to case, but in general:

- in respect of clients' cases, I will usually retain personal data whilst that case is ongoing. I will thereafter usually store and retain personal data for a period ("the initial period") not exceeding the period during which any claims arising out of my involvement in the case in question may be brought against me. The initial period will usually be determined by the provisions of the Limitation Act 1980, but will generally be not be less than 15 years from the date of my last involvement in the case, and may be greater. The initial period may be substantially greater where the case includes matters relating to a child, or relating to a person who is mentally incapacitated. At the end of the initial period, any further retention will be reviewed and the personal data will be marked for deletion or marked for retention for a further period. I am likely to mark data for retention for a further period only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out as soon as reasonably practicable;
- I will store some of your information which I need to carry out conflict checks and for accounting purposes for the rest of my career. However, this is likely to be limited to your name, contact details and name of the case. It will not contain any sensitive personal data;
- Names and contact details obtained during the conduct of a client's case will be deleted unless likely to be used again during the course of my provision of legal services;
- Data collected by me for marketing purposes (which will not include sensitive data) will only be stored for as long as it is reasonably believed to be relevant for such purposes.

Whether information had to be provided by you, and why

If I have been instructed by you or on your behalf to provide my services as a barrister, your personal information has to be provided to enable me to provide you with advice or representation and to enable me to comply with my professional obligations. Should you choose not to provide me with such information then I may not be able to provide legal services to you

Your Rights

Under the GDPR you have a number of rights that you can exercise in certain circumstances. For example, you may have the right to:

- (1) obtain from me confirmation as to whether or not information concerning you is being processed and, if so, access to that information;
- (2) to obtain from me, without undue delay, the rectification of inaccurate personal data concerning you, and the right to have any incomplete personal data concerning you completed;
- (3) obtain from me the erasure of personal data concerning you, without undue delay, where certain conditions apply (e.g. it is no longer necessary for me to hold the data for the purposes for which it was originally collected; you have withdrawn your consent upon which the processing may have been based; your personal data has been unlawfully processed). This is subject to exceptions, which include that the processing is necessary for the establishment, exercise or defence of legal claims;
- (4) to restrict the way in which I process your personal data in certain circumstances (e.g. you contest the accuracy of your personal data and you wish to restrict my processing for a period of time until I have provided verification that your personal data is accurate; where my processing is unlawful and, rather than erase your personal data, you wish to restrict my processing of it instead; or where I no longer *need* your personal data for the purposes of the processing, but the data is required by you for the establishment, exercise or defence of legal claims). This right will not prevent me storing the data or processing it for the establishment, exercise or defence of legal claims
- (5) to receive the personal data concerning you, which you have provided to me, in a commonly used format and the right to transmit that data to another data controller, in certain circumstances;
- (6) to object to my processing your personal data at any time where my processing is based on (a) the fact that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority; or (b) the fact that the processing is necessary for the purposes of my “legitimate interests” unless I can demonstrate compelling legitimate grounds (i) for the processing which override your interests, rights and freedoms or (ii) for the establishment, exercise or defence of legal claims.

An important limitation on the above rights is legal professional privilege. This means that I am not allowed to disclose to you any document or record either in hard copy or in electronic form which is privileged, unless you are the person to whom that privilege belongs.

You also have the right to withdraw consent. This means that where my processing of your personal data is based on your consent, you have the right to withdraw your consent for me to continue processing your personal data at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. However, where I also rely on

other bases for processing your information, you may not be able to prevent the processing of your data. For example, if there is an unresolved issue such as a complaint or dispute, or if you have asked me to work for you and I have spent time on your case and you may owe me money which I will be entitled to claim.

Finally if I breach any of my obligations to you in respect of your personal data you may be able to seek compensation for any distress you are caused or loss you have incurred.

You can find out more information from the ICO's website [http://ico.org.uk/for the public/personal information](http://ico.org.uk/for-the-public/personal-information) and this is the organisation that you can complain to if you are unhappy with how I deal with you.

Future Processing

I do not intend to process your personal information except for the reasons stated in this privacy notice.

Accessing and Correcting Your Information

You may request access to, correction of, or a copy of your information by contacting me at No5 Chambers Fountain Court, Steelhouse Lane, Birmingham B4 6DR or at yy@no5.com.

Review of this notice

This notice will be reviewed annually.

This privacy notice was published in February 2021.