

## **Privacy Notice - Instructed Counsel**

### **Atkin Chambers' Barristers' Case Related Data**

Processing of personal data in connection with instructions undertaken by barristers

*Date of last revision: 10 October 2023*

#### **1. About this notice**

1.1 This notice sets out information regarding the processing of personal data collected by barristers and staff of Atkin Chambers in the course of any enquiries made about instructing a barrister at Atkin Chambers, or in the course of any barrister at Atkin Chambers carrying out any legal work as a barrister.

1.2 This notice applies only to personal data that is not subject to legal professional privilege. Barristers have obligations to keep their clients' information confidential, under legal professional privilege, unless it otherwise becomes public or is disclosed as part of a case or in proceedings.

1.3 We, as barristers at Atkin Chambers, are committed to protecting and respecting your privacy. In order to provide legal services to our clients, including advice and representation services, we need to collect and hold personal data. This includes our client's personal data and the personal data of others who feature in the matter upon which we are instructed. This Privacy Notice describes to you:

- Who we are
- What personal data we collect and store about you, and how we collect it
- Why we collect personal data and what we do with it
- How we retain your information and keep it secure
- Your rights and how to exercise them
- How to contact us.

#### **2. Who we are**

2.1. We obtain personal data in the course of our professional work. We, as self-employed barristers, control that data and therefore for the purposes of data protection law are "Data Controllers".

2.2 Staff employed by Atkin Chambers Limited also obtain personal data in the course of assisting us with instructions. However, we remain the controllers of the personal data.

2.3 Each barrister's contact details are on the website. If you would like to contact us about this notice, including if you wish to receive further information about any aspect of it, you can contact us via our Data Protection Manager, Julie Demeritt, at [GDPR@atkinchambers.com](mailto:GDPR@atkinchambers.com).

### **3. What personal data do we hold and process from or about you?**

3.1 Barristers obtain and make use of personal data in carrying out their professional work. Our barristers obtain and process your personal data for the purpose of providing you with advice, representation or other legal services in accordance with your instructions and their professional duties.

3.2 If you are an individual client in receipt of our barristers' services or are a prospective client or making an enquiry, some of the personal data we may obtain from you is:

- Name and job title
- Contact information, including email address
- Payment information
- Other information relevant to the provision of our services
- Information that you provide to us as part of providing the services to you
- Relevant information as required for the Anti-Money Laundering Regulations.

3.3 Current data protection law contains special restrictions on the processing of sensitive classes of personal data, known as "Special Category" data. Special Category data includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic data, biometric data, and data concerning a person's health, sex life or sexual orientation.

3.4 The processing of personal data by us may include the processing of Special Category data where the person to whom those data relates has given explicit consent to the processing, or where the processing is necessary for the establishment, exercise or defence of legal claims.

### **4. How do we collect personal data?**

4.1 We obtain and make use of personal data in carrying out our professional work. The personal data will be obtained from a range of sources, which may include the party engaging us, disclosure obtained from other parties and from publicly available information, including information available on the internet. The personal data may relate to our clients or to other persons.

### **5. Whose personal data do we process?**

5.1 We process personal data about our lay and professional clients, potential clients, about individuals who feature in the matter in respect of which we are asked to provide legal services, witnesses and experts, opponents, other barristers with whom we are working, court staff and members of the judiciary, others ancillary to actual or potential proceedings, and prospective pupils and mini-pupils.

## 6. The lawful basis for processing your information

6.1 The General Data Protection Regulation (GDPR) requires data controllers to have a lawful reason, referred to in the GDPR as a “Lawful Basis”, for processing personal data. There are several lawful reasons we may process your data. Please note that more than one may apply at any given time.

6.2 We will use your personal data only for the purposes for which it was provided to us, unless we fairly consider that we need it for another reason that is compatible with the original purpose and our professional obligations to you do not prevent us from such use.

6.3 Our lawful reasons for processing are:

- *Contractual Necessity*

We will process your personal data on the basis that it is necessary to enable us to fulfil our contractual duties to you or to take steps to enter into a contract with you.

- *Legitimate Interests*

We will process your personal data for our legitimate business purposes, which include the following:

- To provide legal services including advice and representation services to you as the client.
- Where you are not the client, to provide legal services including advice and representation services to the client from whom or on whose behalf we have collected your personal data.
- To carry out billing and administration services in relation to those services, including fee collection services carried out by Atkin Chambers Limited staff.
- To deal with complaints or concerns, including any legal or regulatory action.
- To provide training to work experience students.
- To aid in the training and selection of pupils.
- To ensure our network and systems are secure.
- To assess and improve our services.
- For accounting purposes.
- For banking purposes.
- For marketing purposes. Please note we will not share information from which you can be identified for marketing purposes unless you have consented or it is already lawfully in the public domain. You can remove yourself from the Atkin mailing list at any time by clicking the “unsubscribe” button at the bottom of our emails.

- *Compliance with law*

We may process your personal data to enable us to comply with applicable laws. This includes:

- To make statutory returns to HMRC or other State revenue/customs authorities for VAT, duty or income tax purposes.
- To comply with our professional and regulatory obligations.

- In order to keep records of data processing, including the deletion of data. This processing will be necessary for compliance with our legal obligations under the GDPR.
- Performance of a task carried out in the public interest, namely processing necessary for the administration of justice.
- *Consent*  
We may process your personal data with your consent. Where this is our lawful reason for processing, we will ensure that you have consented to the processing for each specific purpose for which we will process your data. Where the processing includes Special Category data, we will ensure that we have obtained your explicit consent to the processing in question. You may withdraw your consent at any time and without giving any reason.

## **7. Do we share your personal data?**

7.1 For the purposes set out in this notice, and subject always to our professional obligations of confidentiality and the legal professional privilege of our clients, we may provide your personal data to a number of people/organisations, some of whom may be:

- Instructing solicitors
- Other barristers, legal representatives or experts with whom we are working
- Atkin Chambers' pupils (including work experience students)
- Atkin Chambers' management and administration staff
- Atkin Chambers' IT providers
- Our regulatory and/or legal advisors in the event of a dispute or other legal matter
- Opposing legal representatives
- Judges and court staff
- Law enforcement officials, government authorities, or other third parties to meet our legal obligations
- The barristers' accountants
- Atkin Chambers' accountants
- The barristers' banks
- Atkin Chambers' bank, including auditors
- Any other party where we ask you and you consent to the sharing

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

## **8. Do we transfer personal data outside the EEA?**

8.1 This notice is of general application and as such it is not possible to state whether it will be necessary to transfer personal data out of the European Economic Area (the EEA) in any particular case. In some cases, we may transfer personal data to a country outside the EEA or to an international organisation, for example when communicating with another professional adviser acting in relation to our instructions or when we need to work on a case while in a non-EEA country. We may also transfer personal data to a country outside the EEA if the barrister or client resides or is located outside of the EEA, or provides instructions from outside the EEA, or if the matter involves persons, organisations, courts or tribunals outside the EEA. A transfer to a country outside the EEA may be made:

- a) Where the European Commission has determined that the non-EEA country (or a territory or sector within it) or international organisation provides an adequate level of data protection. Most non-EEA countries have not been assessed by the Commission to provide adequate protection. If personal data has to be transferred outside the EEA, then it may not have the same protections and the person to whom it relates may not have the same rights as would be the case within the EEA. The list of those countries that have been assessed to provide adequate protection can be found on the ICO website linked here: [https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en).
- b) Where the person to whom the personal data relates has explicitly consented to the proposed transfer after having been informed of the potential risks.
- c) Where the transfer is necessary for the performance of a contract between the barrister and the person to whom the personal data relates, or the implementation of pre-contractual measures taken at the request of that person; or
- d) Where the transfer is necessary for the establishment, exercise or defence of legal claims.
- e) Where information concerning a judgment or decision of a court or tribunal is published on Atkin Chambers' website, making the information available outside the EEA.

## **9. How long will your personal data be kept?**

9.1 We will not keep your information in a form that identifies you for longer than is necessary for the purposes set out in this notice or as required by applicable law. We will review whether to keep, delete, destroy or anonymise your information around 15 years after the end of the matter in which it featured. This will normally be around 15 years after the end of the case, or 15 years after the date of the last payment or the date of writing off of fees.

## **10. How do we keep your personal data secure?**

10.1 We have security measures in place designed to ensure appropriate security for your personal data, including protections against unauthorised or unlawful processing and against accidental loss, destruction or damage.

10.2 Only authorised Atkin Chambers' staff, trainees and third parties processing data on our behalf have access to your personal data, and then only to the data necessary for the purposes for which they have been given access.

10.3 Measures have been taken to ensure that all persons who have access to your personal data process it in accordance with the law, adhere to the Atkin Chambers' Privacy Notice and to the strict confidentiality rules that apply to material protected by legal professional privilege.

10.4 Atkin Chambers has contractual safeguards in place with its third-party data processors (such as our IT systems and software providers) to ensure that your personal data is processed only as instructed by Atkin Chambers.

10.5 If you would like more information about this, or about anything else in this notice, please use the contact details in section 2.3.

## 11. Your information rights

11.1 You have the following rights under data protection law:

- **Right to be informed** about the collection and use of your personal data.
- **Right of access** to your personal data, and the right to request a copy of the information that we hold about you and supplementary details about that information, unless it meets one of the Exemptions in the DPA 2018, for instance access to confidential references. You will be asked to provide proof of your identity and residential address, and you may be asked to provide further details to assist us in the provision of such information.
- **Right to have inaccurate personal data that we process about you rectified.**
- **Right to erasure**-in certain circumstances you have the right to have personal data that we process about you blocked, erased or destroyed.
- **The right to object to, or restrict:**
  - Processing of personal data concerning you for direct marketing
  - Continued processing of your personal data.
- **The right of portability** of your data in certain circumstances.

11.2 You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

11.3 Please note that these rights are subject to certain limitations that exist in law. In particular, a number of rights are not exercisable in relation to personal data:

- That consists of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- Where disclosure of the data:
  - is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings)
  - is necessary for the purpose of obtaining legal advice, or
  - is otherwise necessary for the purposes of establishing, exercising or defending legal rights to the extent that the exercise of those rights would prevent us from making the disclosure

11.4 Please contact us using the details in section 2.3 of this notice if you would like to exercise any of these rights or know more about them.

11.5 Further information about your information rights is available on the ICO's website: <https://ico.org.uk>.

## **12. Accessing and Correcting Your Information**

12.1 You may request access to, correction of, or a copy of your information by contacting the Data Protection Manager at [GDPR@atkinchambers.com](mailto:GDPR@atkinchambers.com).

## **13. Marketing Opt-Outs**

13.1 You may opt-out of specific communications at any time if they are not directly related to our commercial contract between Atkin Chambers Limited or any member of Atkin Chambers, with you or your company, or the management of a legal case or proceedings.

*You may do so by using the "unsubscribe" option included in any marketing e-mail or other marketing material sent by us.*

## **14. Cookies**

14.1 The Atkin Chambers website uses cookies to better the user's experience while visiting the website. A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site.

14.2 Where applicable this website uses a cookie control system allowing you, on your first visit to the website, to allow or disallow the use of cookies on your computer / device. This complies with recent legislation requirements for websites to obtain explicit consent from users before leaving behind or reading files such as cookies on a user's computer / device.

14.3 Traffic log cookies are used to identify which pages are being used. This helps those responsible for the upkeep and maintenance of this website to analyse personal data about webpage traffic and improve the website in order to tailor it to user needs. This information is only used for statistical analysis purposes and is then removed from the system.

14.4 You may refuse the use of cookies by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use the full functionality of this website. By using this website, you consent to the processing of personal data about you in the manner and for the purposes set out above. The cookies in use to deliver Google Analytics service are described in the table below.

Cookie	Title	Description
__utma __utmb __utmc __utmz	Google Analytics	<p>These cookies are used to store information, such as what time your current visit occurred, whether you have been to the site before, and what site referred you to the web page.</p> <p><b>These cookies contain no personally identifiable information but they will use your computer’s IP address to know from where in the world you are accessing the Internet.</b></p> <p>Google stores the information collected by these cookies on servers in the United States. Google may transfer this information to third-parties where required to do so by law, or where such third-parties process the information on Google’s behalf.</p>

14.5 This website does not support “Do Not Track” requests. To determine whether any of the third-party services it uses honour the “Do Not Track” requests, please read their privacy notices.

## 15. Usage analytics

15.1 Analytics allow Atkin Chambers to monitor and analyse web traffic and can be used to keep track of how visitors to the site use it. The Atkin Chambers website uses Google Analytics (Google Inc.). Google Analytics is a web analysis service provided by Google Inc. (“Google”). Google utilises the personal data collected to track and examine the use of this website, to prepare reports on its activities and share them with other Google services. Google may use the personal data collected to contextualise and personalise the adverts within its own advertising network.

15.2 You can find Google’s Privacy policy here: <https://www.google.com/intl/en/policies/privacy/>



15.3 Google provides a tool to allow you to opt out of their analytics, please go here: <https://tools.google.com/dlpage/gaoptout?hl=en>. Please note this tool is provided by Google and not Atkin Chambers, and Atkin Chambers is not responsible for this tool.

## **16. Changes to this privacy notice**

16.1 We will occasionally update this notice. When we make significant changes, we will notify clients of these through either mail or email. We will also publish the updated Notice on the Atkin Chambers website and announce that changes have been made to it.

## **17. What should you do if you have a complaint?**

17.1 We hope that you will be satisfied with the way in which we approach and use your personal data. Should you find it necessary, you have a right to raise a concern with or make a complaint to the information regulator, the Information Commissioner's Office: <https://ico.org.uk/>. However, we hope that if you have a complaint about the way we handle your personal data, you will contact us in the first instance via our Data Protection Manager at [GDPR@atkinchambers.com](mailto:GDPR@atkinchambers.com) so that we have an opportunity to resolve it.

**END OF PRIVACY NOTICE**

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Barristers regulated by the Bar Standards Board