

Orchard Street Law

workplace injury and disease • clinical negligence • product liability

Barrister

Daniel Bennett

Clerk

Lee Parkes

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Privacy Notice for Barristers' Clients

Name of Barrister: Daniel Bennett

1. Organisations that process personal data are subject to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Daniel Bennett is registered as a data controller under the GDPR/Data Protection Act 2018, registration number Z5455291.
2. This notice sets out information regarding the processing of any personal data about you that the barrister named above (the "Barrister") may receive in the course of any enquiries made by you or on your behalf about instructing the Barrister, or in the course of carrying out any legal work which the Barrister is instructed to carry out on your behalf. The General Data Protection Regulation (the "GDPR") requires the Barrister to provide this notice to you.
3. The Barrister is the controller of your personal data. The Barrister may be contacted through his/her clerk whose details are as follows:

Lee Parkes

Aaramis Business Solutions, No.1 Bell Yard, London WC2A 2JR

Tel: 0207 293 0022 London Tel: 01689 638145 Petts Wood

Email: lp@aaramis.co.uk

4. When enquiries are made by you or on your behalf about instructing the Barrister, your personal data may be processed for the purpose of responding to such enquiries and agreeing the terms on which the Barrister is to be instructed, including the

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fees that the Barrister will charge. This processing will be necessary for the purposes of the legitimate interests pursued by the Barrister in receiving instructions and carrying on his or her professional practice. Where the proposed instructions are on a contractual basis, the processing may also be necessary in order to take steps at your request prior to entering into a contract.

5. When the Barrister has been instructed to advise or represent you or provide any other legal services to you, he or she may process your personal data for the purpose of providing you with advice, representation or other legal services in accordance with your instructions and the Barrister's professional duties. This processing will be necessary for compliance with the Barrister's duties to you as the Barrister's client and with the Barrister's obligations under the Bar Standards Board Handbook. In cases where the Barrister accepts instructions under a contract with you, the processing will be necessary for the performance of that contract.
6. During and after the period when the Barrister is acting for you, the Barrister may process your personal data for the purpose of dealing with any queries, complaints, claims or litigation arising out of or in connection with the instructions; fee collection; dealing with any dispute about fees; the preparation of accounts and tax returns; keeping any records that may be required in the event of a tax investigation; compliance with any applicable regulatory obligations; checking for conflicts in connection with any instructions or prospective instructions to the Barrister in other cases; and maintaining back-ups of electronic systems to allow for data recovery in the event of accidental deletion or corruption.
7. The Barrister may also process your personal data to train other barristers and when providing mini pupillages or other work-shadowing opportunities. Such processing will be necessary for the purposes of the legitimate interest pursued by the Barrister in conducting his or her professional practice.
8. The Barrister may process your personal data in order to keep records of data processing including the deletion of data. This processing will be necessary for compliance with the Barrister's legal obligations under the GDPR.
9. In certain cases, the Barrister may process your personal data in order to carry out and keep records of customer due diligence checks or make disclosures of suspicious activities. This processing will be necessary for compliance with the Barrister's legal obligations under the Proceeds of Crime Act 2002, the Terrorism Act 2006, the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 or under any similar legislation that may be in force from time to time.
10. The GDPR (as supplemented by the Data Protection Act 2018) contains special restrictions on the processing of:
 - a. 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 ("Special Category Data"); and

- b. Personal data relating to criminal offences, alleged offences, convictions or sentences, or related security measures (“Criminal Offence Data”).
11. The processing of your personal data by the Barrister may include the processing of Special Category Data where you have given your explicit consent to the processing of that data or where the processing is necessary for the establishment, exercise or defence of legal claims. Where you have given your explicit consent to the processing of Special Category Data, you are entitled to withdraw that consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.
 12. The processing of your personal data by the Barrister may include the processing of Criminal Offence Data where you have given your consent to the processing of that data or where the processing of that data is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or otherwise for the purposes of establishing, exercising or defending legal rights.
 13. As a client, some of the information you provide will be protected by legal professional privilege unless and until the information becomes public in the course of proceedings or otherwise. The Barrister has an obligation to keep your information confidential, except where the information becomes public or is disclosed as part of the case or proceedings. The processing by the Barrister of your personal data may, where this is lawful and necessary for the purposes described above, involve the disclosure of certain personal data to other persons or entities, including:
 - a. courts and tribunals;
 - b. the solicitors acting on your behalf;
 - c. other barristers acting on your behalf;
 - d. other parties or their representatives;
 - e. witnesses or experts in proceedings, and potential witnesses or experts;
 - f. clerks in Chambers;
 - g. support staff in Chambers;
 - h. pupils and mini-pupils, and persons shadowing barristers or attending Chambers on educational visits;
 - i. external service providers;
 - j. in the event of complaints, the Heads of Chambers and Members of Chambers who deal with complaints, and professional regulatory bodies such as the Bar Standards Board and the Legal Ombudsman;
 - k. providers of professional indemnity insurance;

- l. the general public in relation to the publication of legal judgments and decisions of courts and tribunals;
 - m. in certain circumstances and to the extent required by law, the Bar Standards Board, the Financial Conduct Authority and the Information Commissioner's Office. It is possible that those authorities may process or disclose information obtained by them, for the performance of their lawful duties.
14. The Barrister may retain your personal data, where necessary for the purposes set out above, for up to 16 years after the latest of the following dates:
- a. The date on which the last item of work is carried out.
 - b. The date on which the last fees due to the Barrister are paid or written off.
 - c. The date on which any proceedings in respect of which the Barrister is instructed are finally concluded.
 - d. The expiry of the time limit for any further appeal in any such proceedings.
15. At or before the expiry of the 16-year period referred to above, the Barrister will securely destroy any of your personal data that he or she has retained, unless he or she determines that it is necessary to continue to retain any of the personal data for any of the purposes described above, in which case a further retention period may be set and the matter reviewed again on or before the expiry of that further period.
16. The above is subject to the following exceptions:
- a. The Barrister may retain records of your name, together with the names of any other parties and a brief description of the nature of the case, for conflict-checking purposes, until the Barrister has retired from any form of legal practice or from any judicial appointment.
 - b. Fee records containing information relevant to the tax affairs of the Barrister may be retained for a period of 20 years from the end of the Barrister's accounting year.
 - c. Personal data contained in records of processing which the Barrister is required by the GDPR to maintain, or which are maintained in order to demonstrate compliance with the GDPR, may be retained for as long as is necessary.
 - d. Personal data contained in records that the Barrister is required to keep under the legislation referred to in paragraph 8 above may be retained for the periods specified in the legislation.
 - e. Personal data contained in records relating to any complaint will be retained for a period of 6 years from the determination of the complaint or such other period as is specified in the Bar Standards Board Handbook.
 - f. Encrypted annual back-up tapes of Chambers' electronic systems will be retained centrally for 16 years and stored securely. Any personal data recorded on

such tapes will not be deleted whilst the tape is retained. However, such tapes will be used only in order to restore, where necessary, specific files or emails which it is permissible to retain under Chambers Data Retention Policy.

17. You have rights under the GDPR:

- a. to request that the Barrister gives you access to your personal data;
- b. to request that the Barrister rectifies any inaccurate personal data concerning you;
- c. to request that the Barrister erases your personal data;
- d. to request that the Barrister restricts the processing of your personal data;
- e. in certain cases, to receive personal data concerning you, which you have provided to the Barrister, in a structured, commonly used and machine-readable format.

Full details of these rights, and the circumstances in which they apply and limitations to them, are set out in Articles 15 to 20 of the GDPR.

18. You also have the following rights under Article 21 of the GDPR:

- a. You have the right to object, on grounds relating to your particular situation, to the processing of personal data concerning you based on the legitimate interests pursued by the Barrister. If you object to such processing, the Barrister will no longer process the personal data except (i) where there are demonstrable compelling legitimate grounds for the processing which override your interests, rights and freedoms or (ii) for the establishment, exercise or defence of legal claims.
- b. You have an absolute right to object at any time to the processing of personal data concerning you for direct marketing purposes.

19. You have the right to lodge a complaint regarding the processing of your personal data with the Information Commissioner: <https://ico.org.uk/>.

20. You are not required to provide your personal data under any law, contract or other obligation. But if you decide not to provide personal data that is relevant to your case, it may become difficult or impossible for the Barrister to advise you or to act on your behalf.

21. Any changes we make to this privacy notice in the future will be posted on our website, and be notified to you if appropriate. This privacy notice was last updated on 27/09/19.