

## PRIVACY POLICY

### 1. What this privacy policy tells you

This privacy policy contains important information on how, why, and on what legal basis I collect, store, use or otherwise process your personal data (whether you are a solicitor, another authorised person who can instruct me, or a “lay client” – i.e., the person on behalf of whom I am instructed). It also explains your rights in relation to that personal data, and how to contact me or the supervisory authorities in the event you have a complaint.

Please read it carefully, and do not hesitate to let me know if anything set out in this policy is unclear.

Cornerstone Barristers’ privacy policy, which is separate from but in some ways complementary to this policy depending on the circumstances, can be accessed on chambers’ website.

### 2. Details about me and the applicable law

I collect, use and am responsible for certain personal data about you in the process of conducting my legal practice and offering legal services to you.

When I do so, I am the controller of that personal data. As data controller, I am subject to the UK General Data Protection Regulation (UK GDPR) and, to the extent it is applicable, the Data Protection Act 2018 (DPA 2018). By law, I must always ensure that my processing is generally lawful, fair and transparent, and that it complies with all the other principles and requirements of the UK GDPR.

I hold a valid certificate from, and am registered with, the Information Commissioner’s Office (ICO) as data controller, as required by the Data Protection (Charges and Information) Regulations 2018. My registration number is ZA105302.

### 3. Key terms

I will start by explaining some key terms used in this policy:

|                                |  |
|--------------------------------|--|
| I, me, mine, my                | Ben Du Feu (barrister)   |
| Personal data                  | Any information relating to an identified or identifiable individual.<br><br>For more information about what constitutes personal data, please see the ICO’s definition and explanation <a href="#">here</a> . |
| Special category personal data | Personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs or trade union membership  |

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|-----------------|---|
|                 | <p>Genetic and biometric data (when processed to uniquely identify an individual)</p> <p>Data concerning health, sex life or sexual orientation</p> <p>For more information about what constitutes special category personal data, please see the ICO's definition and explanation <a href="#">here</a>.</p>  |
| Data subject(s) | The individual(s) to whom the personal data relates, e.g. my solicitors or other authorised instructors, my lay clients or third parties.   |
| Chambers        | Cornerstone Barristers  |
| Legal services  | <p>Principally, but not limited to:</p> <ul style="list-style-type: none"> <li>- providing legal advice,</li> <li>- drafting pleadings, contract and/or leases, settlement offers or any other documents,</li> <li>- representation in court and in the context of alternative dispute resolution.</li> </ul> |

All reference to you, clients and lay clients are also to prospective clients and prospective lay clients, where applicable.

#### **4. Personal data I collect about you**

The personal data I collect about you depends on the legal instructions I have accepted, or am asked to consider. Generally, I will process the following personal data about you:

- your name
- date of birth
- contact information, including your email address and telephone number
- official identification details (particularly in the context of direct access work)
- your gender
- financial details, including your billing information
- where applicable, other personal data including your private or work address, education and/or employment details, personal data about any relevant family members, and data relating to criminal convictions and offences or related security measures and/or civil judgments

I may also collect special category data about you, as defined in the Key Terms table above.

## **5. How your personal data is collected and otherwise processed**

I mainly collect your personal data directly from you, principally by email, or, if you are a lay client instructing me via a solicitor, I will mainly collect your personal data from the solicitor. However, I also collect this personal data indirectly via Chambers' clerks, who are often your first point of contact, and who will send me documents containing personal data for the purposes of providing you with a fee estimate for my legal services, or for the provision of legal services.

Depending on each individual case, I will also obtain your (and/or the lay client's) personal data from third parties in the process of offering legal services to you (and/or the lay client). This could, for example, include collecting such data from or through legal professionals, courts and tribunals, public bodies such as local authorities and regulatory bodies, experts, members of the public, and witnesses.

Likewise, I may share your personal data with others, including, but not limited to, other data controllers or data processors including Chamber's administrative staff, interpreters, my professional indemnity insurers, the Bar Standards Board or the Legal Ombudsman, courts and tribunals, other parties to a dispute or potential dispute and their legal advisors, solicitors and barristers, witnesses, and barristers, pupils, mini-pupils, secondees (or similar) in Chambers.

## **6. The purposes for which I process your/your client's personal data**

The main purpose behind the processing of your data is to provide you with professional legal services as a barrister. This is subject to me having a lawful basis for doing so, which is further explained at 7 below.

However, I may also, where I have a lawful basis for doing so, use your personal data for other purposes, including:

- a. to check for conflicts of interest
- b. to carry out office administration
- c. to comply with accounting requirements, e.g. processing of VAT
- d. to take or defend legal or regulatory proceedings
- e. to respond to potential complaints or make complaints
- f. to train other lawyers, pupils, mini-pupils and secondees or when providing any kind of work-shadowing opportunities
- g. to publish professional articles or other form of analysis in legal journals, books, Chambers' website, or other websites
- h. to respond to requests for references

Please be assured that I do not use automated decision-making in the processing of your and/or the lay client's personal data, and that I will never sell any personal data to a third party.

## **7. The basis on which I process your and/or the lay client's personal data**

Under data protection law, I am only allowed to use your personal data if I have a lawful basis for doing so.

I rely on the following to process (which includes both collecting and sharing) your personal data :

- a. your (and/or the lay client) have given clear consent for me to process the relevant personal data for a specific purpose.
- b. processing of the relevant personal data is necessary for the performance of a contract for legal services or in order to take specific steps prior to entering into such contract.
- c. processing of the relevant personal data is necessary for me to comply with a legal obligation, for example, anti-money laundering.
- d. processing of the relevant personal data is necessary to protect someone's life.
- e. processing of the relevant personal data is necessary for the purpose of my legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

There is no hierarchy in the order of this list, and which lawful basis applies depends on individual circumstances. Should you wish to learn more about the basis for the processing of your or the lay client's personal data for a particular purpose, please contact me through Chambers.

In order lawfully to process special category data, I must identify both a lawful basis from the list above and a separate condition for processing under Article 9 UK GDPR. Where I process special category personal data or criminal conviction data, this will normally be on the basis that the processing is necessary for the establishment, exercise or defence of legal claims.

## **8. How your and/or the lay client's personal data is held**

I store your data in electronic form in a secure Chambers IT system, which consists of secure local servers protected by antivirus software, encryption and an enterprise level firewall. Access to the system locally is via a cabled connection and only with network level authentication. Access to the system remotely is via a secure, network authenticated VPN.

Data is also stored on my personal computer, which is secured by password with whole disk encryption. I also have antivirus software protection and I access my Chambers email via two factor authentication. If any data is processed on mobile phones, those are password protected too.

Any personal data that I hold in hard copy in a relevant filing system is stored securely, either in Chambers or in my home.

### **9. How long your personal data will be retained**

I will not keep your personal data for longer than I need it for the purpose for which it is used subject to any applicable legal and/or regulatory requirements.

Normally, I will store personal data until at least 15 years from the date on which I last carried out work on your case, unless your case remains outstanding at the end of that period.

In some cases, I may retain your personal data for longer than 15 years where it is held together with your personal data relating to other cases in respect of which the standard retention period has not expired and it is not reasonable or proportionate to separate the personal data relating to each case.

I will retain a very limited amount of personal data beyond the standard retention period for the purposes of conflict checks throughout my career.

Any personal data processed in the context of anti-money laundering checks will be retained for five years after the completion of the transaction or the end of the professional relationship, whichever is the later.

### **10. Your and/or the lay client's rights**

Unless exemptions apply, you have the following rights, which can be exercised free of charge:

|   |  |
|---|--|
| Access  | The right to be provided with a copy of your and/or the lay client's personal data   |
| Rectification                                     | The right to require me to correct any mistakes in your and/or the lay client's personal data  |
| Erasure (also known as the right to be forgotten) | The right to require me to delete your and/or the lay client's personal data in certain situations   |
| Restriction of processing                         | The right to require me to restrict processing of and/or the lay client's personal data in certain circumstances, e.g. if you contest the accuracy of the personal data                |
| Data portability                                  | The right to receive the personal data you provided to me, in a structured, commonly used and machine-readable format and/or transmit that data to a third party in certain situations |
| To object   | The right to object:<br><br>—at any time to your and/or the lay client's personal data being processed for direct marketing (including profiling);                                     |

|   |   |
|---|---|
|   | —in certain other situations to my continued processing of your and/or the lay client's personal data, eg processing carried out for the purpose of my legitimate interests unless there are compelling legitimate grounds for the processing to continue or the processing is required for the establishment, exercise or defence of legal claims                        |
| Not to be subject to automated individual decision making | The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you and/or the lay client or similarly significantly affects you and/or the lay client  |
| The right to withdraw consents                            | If you and/or the lay client have provided me with a consent to use your and/or the lay client's personal data you and/or the lay client have a right to withdraw that consent easily at any time<br><br>Withdrawing a consent will not affect the lawfulness of my use of your and/or the lay client's personal data in reliance on that consent before it was withdrawn |

If you would like to exercise any of those rights, please email the leader of my clerking team (clerks@cornerstonebarristers.com) in the first instance, who will forward your enquiry to me, call (020 7242 4986 or 0333 240 0591) or write to me in Chambers (Ben Du Feu, 2-3 Gray's Inn Square, London WC1R 5JH), telling me what right you want to exercise and the information to which your request relates.

## 11. Complaints

If you've had a problem accessing your (and/or the lay client's) personal information, or have a concern about the way I am handling your (and/or the lay client's) personal information, you can complain to the Information Commissioner, either [online](#), or via telephone: 0303 123 1113.

## 12. Changes to this privacy policy

This privacy policy was published on 1 July 2022.

I may change this privacy policy from time to time to keep it up to date in light of any data protection law changes. When I do, I will highlight this in the signature to my emails and/or my Chambers online profile and/or this privacy policy.