

## **Privacy Notice - General Data Protection Regulation (“GDPR”)**

Aparna Rao

Barrister, 5 Paper Buildings, Temple, London, EC4Y 7HB

ICO Registration Number: ZA095712

Please read the following information carefully. This privacy notice contains information about the personal information collected, stored and otherwise processed by me in the course of my professional practice and the reasons for the processing. It also sets out who I may share this information with, the security mechanisms I have put in place to protect the data and how to contact me in the event you need further information.

As a provider of legal services – practising as Aparna Rao – I collect, use and am responsible for personal information. When I do this I am the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act 2018.

I can be contacted about this information, or the processing carried out, via the contact details at the end of this document.

### **Information collected**

When carrying out the provision of legal services I collect some or all of the following personal information (referred to below as “information”):

1. personal details
2. family details
3. lifestyle and social circumstances
4. physical or mental health details
5. criminal proceedings, outcomes and sentences, and related security measures
6. other personal data, including financial data, relevant to instructions to provide legal services, including data specific to the instructions in question.

### **Sources of information**

The above categories of information may include information which has been obtained from:

- lay clients
- professional clients
- other legal professionals
- experts and other witnesses
- members of the public
- prosecution authorities
- investigators
- government departments
- courts and tribunals
- trainee barristers
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities

- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council
- the intended recipient, where you have asked me to provide a reference.
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals
- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers.
- public sources, such as the press, public registers and law reports.

### **The purposes for which the information is used**

The information may be used for the following purposes:

1. to provide legal services to my clients (whether lay or professional), including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
2. to keep accounting records and carry out office administration
3. to take or defend legal or regulatory proceedings or to exercise a lien
4. to respond to potential complaints or make complaints
5. to check for potential conflicts of interest in relation to future potential cases
6. to promote and market my services, including applying for any tendering or panel membership applications, or any other applications for the purpose of professional development or career progression
7. to carry out anti-money laundering and terrorist financing checks
8. to train other barristers and when providing work-shadowing opportunities
9. to publish legal judgments and decisions of courts and tribunals
10. as required or permitted by law.

The information which I have collected from the above sources has to be provided to enable me to (i) provide my clients with advice and to conduct their case in accordance with their instructions; (ii) advise and represent prosecution authorities and agencies in the conduct of criminal litigation and (iii) to comply with my professional obligations and to keep accounting records.

### **The legal basis for processing the information**

I rely on the following as the lawful bases on which I collect and use the information:

#### **Consent/Contract**

- I rely on the client's explicit consent to process the client's information in highly sensitive categories. The client provides this consent when the client agrees that I will provide legal services.
- This consent can be withdrawn at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to such withdrawal. However, where I also rely on other bases for processing the information, the client may not be able to prevent processing of the data. For example, if I have been asked by the client to do work for the client and I have spent time undertaking that work, the client may owe me money which I will be entitled to claim.
- If there is an issue with the processing of the information, please contact my clerks using the contact details below.

- If consent to the processing of information in the course of my provision of legal services has been provided by my client, then I may process that information for the purposes set out above to the extent to which the client has consented to me doing so.
- For a client, processing is necessary for the performance of a contract for legal services or in order to take steps at the client's request prior to entering into a contract.
- In relation to information which is considered to include particularly sensitive information and which include information about criminal convictions or proceedings I rely on the client's consent for any processing for the purposes set out in purposes (2), (4), (6), (8) and (9) above. Consent is required to carry out processing of this data for these purposes. However, if my client does not consent to processing for purposes (4) and (9) (responding to potential complaints) I will be unable to take the case. This is because I need to be able to retain all the material about the case until there is no prospect of a complaint and to provide an informed and complete reference.

### Legitimate Interests

- In relation to information which I process other than by consent, I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.
- In certain circumstances processing may be necessary in order that I can comply with a legal obligation to which I am subject.
- The processing may necessary in order to publish judgments or other decisions of courts or tribunals.
- In relation to information in categories which are considered to be particularly sensitive information, including information about criminal convictions or proceedings, I am entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights.
- When I collect and process information which has not been obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.
- The processing of the information is essential to the provision of legal services; without it I cannot offer legal services. This is the core of my practice. In my view the processing is proportionate: I only use the information for the strictly and limited purpose of providing legal services. The processing is neither obvious nor intrusive. Some of the information which I collect and process will by necessity not be subject to the express consent or personal knowledge of the person to whom the information belongs (for example when I am provided with evidential material in the course of providing advice or conducting litigation). That information will only be used for the purpose set out above and retained for the periods as set out below. The likelihood and severity of the impact (if any) of my processing that information is limited as it will principally be in connection with proposed or active litigation as determined by the Courts or as agreed between the parties. The occasions when it will be processed for other purpose as set out above will be rare. I will collect, use and process all information in accordance with my professional and regulatory obligations, in particular the Bar Standards Board and the Information Commissioner's Office.

### Sharing the information

Some of the information which I collect or is provided to me will be protected by legal professional privilege unless and until the information becomes public in the course of any proceedings or otherwise. As a barrister I have an obligation to keep the 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 information with the following:

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers.
- other legal professionals including other barristers and instructing solicitors
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- the staff in my chambers
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council
- the intended recipient, where you have asked me to provide a reference
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals I may be required to provide information to regulators, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the Information Commissioner's Office, there is a risk that information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without consent, which includes privileged information.

I may also be required to disclose the information to the police or intelligence services, where required or permitted by law.

**Transfer of information outside the European Economic Area (EEA):**

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer information out of the EEA in any particular case or for a reference. It may be necessary to transfer some of the data to a country outside of the EEA if a client resides outside the EEA or the client's case or the role for which the client requires a reference involves persons or organisations or courts and tribunals outside the EEA. If a client is in a country outside the EEA or if the instructions provided come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to a particular client, and the client wants additional precautions to be taken in respect of the information, this should be made clear when initial instructions are provided.

Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. Most do not. If the information has to be transferred outside the EEA, then it may not have the same protections and the same rights may not be available as within the EEA.

I may transfer the information to the following which are located outside the European Economic Area (EEA):

- Cloud data storage services based in the USA which have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store data and/or backup copies so that I may access

it when necessary. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).

- Cloud data storage services based in Switzerland, in order to enable me to store data and/or backup copies so that I may access it when necessary. Switzerland does not have the same data protection laws as the EU but has been recognised by the European Commission as providing adequate protection; see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

If I decide to publish a judgment or other decision of a Court or Tribunal containing information, then this will be published to the world.

I will not otherwise transfer information outside the EEA except as necessary for providing legal services or for any legal proceedings.

Further information can be provided via the contact details at the end of this document.

### **Security of storage of information**

I will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of likelihood and severity of its processing to the data subject. This will include:

- Secure storage of digital (via the Cloud as above) and hard copy information
- Encryption
- Password protection to all devices capable of accessing personal data

### **Length of storage of information**

I will normally store all information:

- Until at least 7 years from the date of the last item of work carried out, the date of the last payment received, or the date on which all outstanding payments are written off, whichever is the latest. This is because it may be needed for potential legal proceedings, such as appeals out of time to an appellate court, or for the purposes of complaints or related cases. At this point any further retention will be reviewed and the relevant data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters, insurance purposes, training purposes or active complaints. Deletion will be carried out as soon as reasonably practicable after the data is marked for deletion.
- I will store some of the information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to name, date of birth and the name of the case. This will not include any highly sensitive material.
- Information related to anti-money laundering checks will be retained until six years after the completion of the transaction or the end of the business relationship, whichever is the later.
- Names and contact details held for marketing purposes will be stored indefinitely or until I or my clerks become aware or are informed that the individual has ceased to be a potential client.

## **The rights of the person whose information I have collected**

Under the GDPR, the person whose information I have collected has a number of rights that can be exercised in certain circumstances. These are free of charge.

More information about these rights is available in the Guidance from the Information Commissioners Office on

[Individual's rights under the GDPR.](#)

In order to exercise any of these rights, please:

- Use the contact details at the end of this document;
- I may need to ask for other information to be provided to establish the identity of the person who is exercising the right;
- Provide a contact address for further contact;
- Provide proof of identity and address;
- State the right or rights that are being exercised.

I will respond within one month from receipt of the request.

## **Complaints**

The GDPR also provides the right to lodge a complaint with the Information Commissioners' Office if the complainant is in the UK, or with the supervisory authority of the Member State where the complainant works, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

## **Future Processing**

I do not intend to process the information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on the website.

## **Changes to this privacy notice**

This privacy notice was last revised on 11 January 2021.

I continually review my privacy practices and may change this policy from time to time. When I do it will be updated on my chambers profile.

## **Contact Details**

Any questions about this privacy notice or the information I hold about, should be addressed to me or Chambers' Data Protection Lead - [Andrew Johnson](#).

The best way to contact me or the Data Protection Lead is to write to me at 5 Paper Buildings, London, EC4Y 7HB.