**PRIVACY NOTICE – MIRIAM SMITH**

In order to provide legal advice and representation, I need to collect and hold personal information. This may be your personal data or information relating to other parties involved in the matter. I will take all possible steps to protect personal information. I will ensure that I do not do anything that may infringe your rights or undermine your trust.

Please read the following information carefully. This privacy notice describes the information I collect about you, how it is used and shared, and your rights regarding it.

**Data controller**

I am registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that I hold and process as a barrister. My registered address is 5 Paper Buildings, London, EC4Y 7HB and my ICO registration number is ZA303883. If you need to contact me about your data or this privacy notice, you can reach me via clerks@5pb.co.uk.

**Data collection**

The vast majority, if not all, of the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. Your solicitor and/or I will tell you why we need the information and how we will use it. On occasion I may also obtain information that is available publicly.

**What data do I process about you?**

I collect and process both personal data and special categories of personal data as defined in the General Data Protection Regulation (GDPR). This may include:

* Name
* Email address
* Phone number
* Address
* Payment or bank details
* National Insurance number
* Date of birth
* Next of kin or family details
* Details pertaining to education and employment
* Information on your background, current circumstances, lifestyle and social circumstances
* Financial information.

Where relevant, I may also need to process special category personal data that includes:

* Racial or ethnic origin
* Political opinions
* Religious and philosophical beliefs
* Trade union membership
* Genetic data
* Biometric data for the purpose of uniquely identifying a natural person
* Physical or mental health details
* Sex life and sexual orientation
* Criminal convictions/previous criminal proceedings, outcomes and sentences, and related security measures.

**My lawful basis for processing your information**

The GDPR requires all organisations that process personal data to have a lawful basis for doing so. The lawful bases identified in the GDPR that I seek to rely upon are as follows:

* **Consent of the data subject** –where this required, I will ensure that I have your specific consent for processing your data. You provide this consent when you agree that I will provide legal services.
* **Performance of a contract with the data subject or to take steps to enter into a contract.**
* **Compliance with a legal obligation** –to comply with various regulatory and professional obligations, e.g. filing tax returns with HMRC.
* **The legitimate interests of my business 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;
* Provision of legal services and advice;
* Processing is necessary to ensure network and information security, including preventing unauthorised access;
* For purposes of practice management, accounting and debt recovery;
* For completion of professional regulatory requirements;
* Processing for direct marketing purposes, or to prevent fraud; and
* Reporting threats to public security.

Consent can be withdrawn at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to any such withdrawal. However, where I also rely on other bases for processing the information, you may not be able to prevent processing of the data. For example, if a lay or professional client has instructed me to carry out work and I have spent time undertaking that work, they may owe me money which I will be entitled to claim.

**Special category processing**

I process special category data when:

1. I have your explicit consent to do so; or
2. It is necessary for the exercise or defence of legal claims or judicial acts.

**Criminal data processing**

On occasion, I process data relating to criminal convictions or proceedings where it is necessary for:

* The purpose of, or in connection with, any legal proceedings;
* The purpose of obtaining legal advice; or
* The purposes of establishing, exercising or defending legal rights.

In relation to this type of data, I rely on your consent for processing for the purposes set out below. If you do not consent to processing for the purpose of responding to potential complaints or making complaints, I will be unable to take your case. This is because I need to be able to retain all the material about your case until there is no prospect of a complaint.

**How I use your personal data**

I use to your personal data to:

* Provide legal advice to professional and lay clients;
* Provide representation in courts and tribunals;
* Keep accounting records and carry out office administration;
* Make statutory returns, for example as required by HMRC;
* Investigate and address your concerns;
* Investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law;
* Carry out anti-money laundering and terrorist financing checks;
* Assist in training pupils and mini pupils when providing work-shadowing opportunities;
* Assist in any tendering or panel membership applications;
* Assist in any other applications for the purpose of professional development or career progression;
* Communicate legal updates and judgments to other legal professionals;
* Communicate with you about news, updates and events;
* For marketing purposes;
* As required or permitted by law.

**Sharing your personal data**

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 your personal data with:

* Lay clients;
* Family and associates of the person whose personal information I am processing;
* Instructing solicitors or other lawyers involved in the case;
* Opposing counsel or other legal professionals involved in the case;
* Experts and other witnesses;
* Prosecuting authorities;
* Courts and tribunals;
* A pupil or mini pupil when providing work-shadowing opportunities;
* My Chambers management and Chambers’ staff who provide administrative services;
* Chambers’ IT support staff, email providers and data storage providers;
* My regulator or legal advisors in the event of a dispute or other legal matter;
* Law enforcement officials, government authorities, or other third parties to meet any legal obligations;
* Legal directories, for the purpose of professional development;
* Any relevant panel or tendering committee, for the purpose of professional development;
* Accountants and banking officials;
* In the event of complaints or disputes, the Head(s) of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, the Legal Ombudsman, the Bar Mutual Indemnity Fund;
* Business associates, professional advisers and trade bodies such as the Bar Council;
* Other regulatory bodies, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner’s Office;
* Current, past or prospective employers;
* The general public in relation to the publication of legal judgments and the decisions of courts and tribunals;
* The intended recipient, where you have asked me to provide a reference;
* Any other party where I ask you for consent, and you consent, to the sharing.

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

**Transfers to third countries and international organisations**

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your information out of the EEA in any particular case or for a reference. However, if you reside outside the EEA or your case or the role for which you require a reference involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions, you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your information, please indicate this when providing initial instructions.

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. The list can be found here. Most do not. If your information has to be transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.

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

* Cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to. 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>
* Cloud data storage services based in Switzerland, in order to enable me to store your data and/or backup copies of your data so that I may access your data when I need to. 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.>

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

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

If you would like any further information, please use the contact details at the end of this policy.

**Retention of personal data**

I retain your personal data while you remain a client unless you ask me to delete it.

My Retention and Disposal Policy (copy available on request) details how long I hold data for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your information at your request unless:

* There is an unresolved issue, such as a claim or dispute;
* I am legally required to; or
* There are overriding legitimate business interests to do so.

**Your rights**

The GDPR gives you specific rights in terms of your personal data. For example, you have to be informed about the information I hold and what I use it for; you can ask for a copy of the personal information I hold about you; you can ask me to correct any inaccuracies with the personal data I hold, and you can ask me to stop sending you direct mail, or emails, or in some circumstances ask me to stop processing your details. Finally, if I do something irregular or improper with your personal data, you can 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>

and this is the organisation that you can complain to if you are unhappy with how I have dealt with your query.

**Marketing opt-outs**

You may opt out of receiving emails and other messages from my practice by following the instructions in those messages.

**Future Processing**

I do not intend to process your personal 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 published in January 2021. I continually review my privacy practices and will from time to time update my privacy notice. When I make significant changes, I will publish the updated notice on Chambers’ website.

**Contact details**

If you have any questions about this privacy notice or if you wish to request access to, correction of, or a copy of your information, please contact me or Chambers’ Data Protection Lead, Andrew Ross.

The best way to contact me or the Data Protection Lead is to write to 5 Paper Buildings, London, EC4Y 7HB or to email clerks@5pb.co.uk.