

Roderick James – Personal Privacy Policy

Please read the following information carefully. This privacy notice contains information about the information that may be collected, stored and otherwise processed about you and the reasons for the processing. It also tells you who I share this information with, the security mechanisms I have put in place to protect your data and how to contact me in the event you need further information.

Data controller

I am Roderick James. As a barrister providing legal services, 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 in respect of it that may infringe your rights or undermine your trust. This privacy notice describes the information I collect about you, how it is used and shared, and your rights regarding it.

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 ICO registration number is **Z513058X**. If you need to contact me about your data or this privacy notice, you can reach me at clerks@crucible.law.

Data collection and sources of information

The vast majority of the information that I hold about you will be provided to or gathered by me in the course of your case and/or proceedings and/or proceedings in which you may be involved as a witness or in some other capacity.

In addition to collecting information from you, I may also collect information from third parties. This could include information obtained from:

- other legal professionals, including your solicitor
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of a complaint being made, my 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 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.

What data might I process about you?

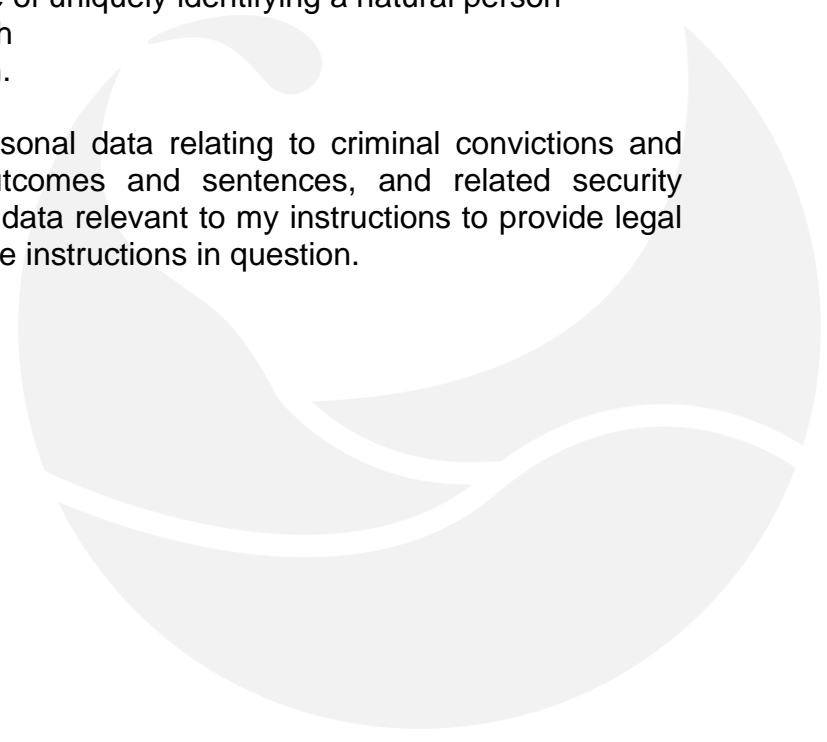
I collect and process both personal data and special categories of personal data as defined in the General Data Protection Regulations (the GDPR). This may include your:

- Name
- Email address
- Phone number
- Address
- Payment or bank details
- Date of birth
- Next of kin details
- Details pertaining to education and employment
- Information on your background & current circumstances
- Financial information.

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

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Physical and / or mental health
- Sex life and sexual orientation.

I may also collect and process personal data relating to criminal convictions and offences, criminal proceedings, outcomes and sentences, and related security measures as well as other personal data relevant to my instructions to provide legal services, including data specific to the instructions in question.



The lawful bases I rely upon 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 is required, I will ensure that I have your specific consent for processing your data.
- **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. maintaining a record of my cases as required by my regulator and maintaining accurate records in support of tax returns filed 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 of or in the service of the controller;
- Where processing is necessary in order to enable the provision of legal services and advice;
- Where processing is necessary to check for potential conflicts of interest in relation to future potential cases;
- Where processing is necessary in order to be able to respond to complaints or potential future complaints;
- Where processing is necessary to ensure network and information security, including preventing unauthorised access;
- For the purposes of practice management, accounting and debt recovery;
- For the completion of professional regulatory requirements;
- Processing for direct marketing purposes, to promote and market my services or to prevent fraud; and
- Where processing is necessary for reporting threats to public security.

Special category processing

I process special category data when:

- I have your explicit consent to do so; or
 - It is necessary for the exercise or defence of legal claims or judicial acts.
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Criminal data processing

I process data relating to criminal offences where it is necessary for:

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

I use your information to:

- Provide legal advice and representation;
- Assist in training pupils and mini pupils;
- Investigate and address your concerns;
- Communicate with you about news, updates and events;
- Investigate or address legal or regulatory proceedings relating to your use of my services, including making or responding to complaints or potential complaints or to deal with other regulatory issues connected to my professional role or as otherwise allowed by applicable law;
- 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;
- For marketing purposes;
- Keep accounting records and carry out office administration;
- Check for potential conflicts of interest in relation to future potential cases;
- Carry out anti-money laundering and terrorist financing checks as required by law; or
- As otherwise required or permitted by law.

I may share your personal data with:

- Instructing solicitors or other lawyers involved in your case;
- Courts and tribunals;
- A pupil or mini pupil, under my training;
- Opposing counsel, for the purposes of progressing or resolving the case;
- Expert and other witnesses, for the purposes of progressing or resolving the case;
- My chambers management and staff who provide administrative services, including data processors, such as 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;
- 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, other relevant regulators or arbitrators and / or the Legal Ombudsman;

- Third party funders of your legal fees where necessary to ensure the continuation of funding; and
- Any other party where I ask you for consent, and you consent, to the sharing.

I may be required to provide your 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 your information may lawfully be disclosed by them for the purpose of any other civil, criminal or regulatory proceedings, without my consent or yours, which includes privileged information.

I may also be required to disclose your information to the police or intelligence services, where, as stated, I am required or permitted to do so by the law.

Transfers to third countries and international organisations

I do not intentionally transfer any personal data to third countries or international organisations except as is necessary for providing legal services or for any legal proceedings.

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. However, if you reside outside the EEA or your case involves courts, tribunals, funding parties or investigatory authorities outside of 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 your 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. 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. Should it become necessary that any of your personal data be transferred to third countries, I will seek your express prior consent for this to be done.

How I will store and retain your personal data

I will limit the extent to which any personal data is held or stored in hard copy form to the minimum possible. I will usually store your information on a personal computer or another electronic device. Each device is encrypted, and password protected, with a minimum 9 digit pass key to it. Where appropriate entry can be gained through biometric data such as my fingerprint or face recognition system with the device.

Data to which I have access and process will also be stored electronically on the Crown Court Digital Case System, on my chambers' diary / case management system and / or my chambers' email system. Each of these systems are subject to password and / or encryption protections.

Where your information is supplied to me on any form of independent electronic device such as an external hard drive, a CD Rom or USB stick I comply with my chambers policy on information, management and security. I keep a data log of such devices and when I receive new data on an external electronic source (other than attachments to email), I log the receipt of that data. The log will identify where that data will be stored once accessed or how it will be destroyed (once downloaded) or if it has been returned to you or the firm you have instructed. In accordance with my wider professional obligations under the BSB Code rC15.5 I will take all reasonable and necessary steps to ensure that your data is kept safe and confidential.

I will follow my chambers wider Information Management Policy, which includes protections afforded to data including the receipt and handling of physical papers. This policy is available on request.

How long I will retain your personal data for

I will retain your personal data while you remain a client or while it remains necessary for me to retain it in order to comply with my legal and / or regulatory obligations as to the maintenance of business records. I will normally store all your personal data until at least 1 year after the expiry of any relevant minimum period set by my regulator or other authority for the retention of documentation. Examples of such periods are:

- Those set by my regulator in order to ensure that records of my dealings with your case are retained for a reasonable time for the purposes of any potential legal and/or regulatory proceedings (which may include appellant proceedings by you). The relevant period will usually be 6 years, but may be longer where the case includes information relating to a child or youth or someone who does not have the capacity to litigate themselves;
- Information related to anti-money laundering checks must by law be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later; and
- Information provided to HMRC in respect of annual accounts and tax records must be retained for a period of at least 6 years.

In each instance, the minimum period will be calculated by reference to the date when the last item of work was carried out, the date of the last payment being received or the date on which all outstanding payments are written off, whichever is the latest.

At least once a year, I will review the personal data which I retain. At the point of each review, any material in respect of which the relevant limitation period has expired and which no longer needs to be retained will be marked for deletion. A further retention period is likely to occur only where the information is needed for active legal proceedings, regulatory matters or complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.

Even where your personal data has been marked for deletion, however, I will continue to store some of your information in order to be able to carry out conflict checks for the rest of my career. However, this is likely to be limited to your name and contact details/ the name of the case/your company and any other parties' names and addresses that may be connected to your legal instruction. This will not include any special category information, as explained above.

Names and contact details held for marketing purposes will be stored indefinitely or until I or my clerks are informed or become aware that you as an individual or you as a firm have ceased to be a potential client.

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.

Accessing and correcting your information

You may request access to, correction of, or a copy of your information by contacting me at clerks@crucible.law.

Marketing opt-outs

You have the right to opt out of receiving marketing emails and other messages from my practice. At present, no such emails or other messages are sent by me and there is no intention for this to change. However, should you receive any such email or message in the future, you may opt out by following the instructions in those messages.

Review of this policy

I will review this privacy notice regularly. When I make significant changes, I will publish the updated notice on my chambers' website profile page.

This policy was last reviewed and updated on: 21st September 2020

