

Privacy Notice for 5 Essex Chambers

November 2023

We want you to know that when you use 5 Essex Chambers you can trust us with your information. We are determined to do nothing that would infringe your rights or undermine your trust. This Privacy Notice describes the information we collect about you, how it is used and shared, and your rights regarding it.

Data Controller

We are registered with the Information Commissioner's Office (ICO) as a Data Controller for the personal data that we hold and process. Our registered address is 10A South Square, Gray's Inn, London, WC1R 5JJ, our registration number is ZB495712 and our Data Protection Lead (DPL) is the Management Committee (with the input from 5 Essex Chambers' data protection barristers). Our Data Protection Lead can be contacted by e-mailing clerks@5essex.co.uk, marked 'For the attention of Data Protection Lead'.

Why we process personal data?

Most of the information that we hold about you is provided to us by yourself when you seek to use our services or you are employed by us or work with in various capacities. We will tell you why we need the information and how we will use it.

Personal data is any information that can be used to identify an individual, and it can range from the most basic of details such as contact information through to more complex data.

Identification can be by the information alone or in conjunction with any other information. The processing of personal data is governed by both the UK General Data Protection Regulation ('UK GDPR') and the Data Protection Act 2018 ('DPA').

However, not all personal data is considered equal. There are two different categories: 'personal data' and 'special categories of personal data'.

We collect and process both personal data and special categories of personal data as defined in UK GDPR. This includes:

- Personal and family information, including names, dates of birth, and personal contact details;
- Financial details such as financial status and bank details;
- Records of goods and services relevant to Chambers

- Records of education, training and employment;
- Other personal information relevant to the provision of legal services, including information relevant to the specific instructions given in a case.

Sensitive and special data including:

- Information about physical and mental health;
- Racial or ethnic origin
- Political opinions
- Religious, philosophical or other beliefs
- Trade union membership
- Sex life or sexual orientation

How Do We Collect Information?

In most circumstances you will provide us with personal data when you get in touch with us whether this is to instruct a barrister in the provision of legal services or when you are employed by us or are a member of chambers or provide services to us.

5 Essex Chambers may also obtain information from third parties, parties involved in legal proceedings, such as witnesses, courts, tribunals. In addition, we may obtain information from other employees, contractors, referees and individual members of chambers. Information may also be supplied by suppliers of goods and services, government departments, and public records including the media.

5 Essex Chambers complies with its obligations under the UK GDPR:

- by collecting and retaining only data necessary to pursue Chamber's legitimate business interests;
- by ensuring that appropriate technical measures are in place to protect personal data;
- by keeping personal data up to date;
- by storing and destroying data securely.

How 5 Essex Chambers Uses Your Personal Information

5 Essex Chambers may use your personal information for the following purposes:

- Direct your enquiries to the appropriate barrister
- Process or support payments for goods and services;

- Maintain the safety, security and integrity of our services;
- Investigate and address your concerns or any complaints relating to our services;
- Communicate with you about services, news, updates and events;
- Investigate or address legal proceedings relating to your use of our services or as otherwise allowed by applicable law;
- Make statutory returns as required by law or regulatory returns as required by regulators;
- to promote and market the services of the Barristers;
- to assess applications for and provide: tenancy, pupillage, mini-pupillage and work-shadowing opportunities;
- to facilitate work experience;
- to fulfil all regulatory and operational obligations as employers;
- to publish legal judgments and decisions of courts and tribunals;
- to carry out anti-money laundering and terrorist financing checks;
- as otherwise required or permitted by law;
- for management and administration of each barrister's work;
- in the course of providing legal services, 5 Essex Chambers may collect (in order to facilitate/manage instructions and cases for barristers) information about criminal convictions and offences.
- contact forms – we may collect any personal information which you choose to provide when you fill in forms on 5 Essex Chambers' website (based on your subscription preferences);
- events – if you register for one of our events, we may share your name, professional title and your company details with other people that are attending the same event;
- other marketing – we may have obtained limited personal data at an event or through an introduction by a third party or through mutual networking activity in person or via social media, email or other digital communications;
- CCTV within the Chambers building;
- In addition, if you visit 5 Essex Chambers' website, some limited personal data may also be collected. Please see the 5 Essex Chambers' website section below.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

We do not use automated decision-making in the processing of your personal data.

Our Legal Basis For Processing Your Personal Information

The UK GDPR requires all organisations that process personal data to have a Lawful Basis for doing so. The Lawful Bases identified in the UK GDPR include:

- Consent of the data subject
- Performance of a contract with the data subject or to take steps to enter into a contract
- Compliance with a legal obligation
- To protect the vital interests of a data subject or another person
- Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- The legitimate interests of ourselves, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Our Lawful bases for processing personal data are set out below:

Legal Obligation

5 Essex Chambers' website is required to process information to comply with various legal obligations including record keeping, administration and regulatory activities. As an employer we also have additional employment related legal obligations.

Legal Contract

We are required to process personal information to enter into and fulfil various obligations for contracted services or relating to employment contracts.

Public Interest

The processing is necessary to prevent or detect unlawful acts where it is in the substantial public interest and it must be carried out without consent so as not to prejudice those purposes.

Legitimate Interest

We will rely on the legitimate interest of 5 Essex Chambers when processing information for the purposes set out above to include the management, administration and operation of Chambers, for all business development and marketing purposes, to conduct all employment functions and obligations, to comply with all regulatory functions required by professional regulators.

Consent

On occasion we may rely upon your consent particularly in relation to our marketing activity. To the extent that a professional or lay client has given consent to processing of their personal data in connection with services provided by a 5 Essex Chambers barrister, the processing of their data will be based on that consent. At all times you retain the right to withdraw your consent. Where we have relied upon your consent and you opt to withdraw it this does not invalidate our lawful basis for processing data historically.

Special category processing and criminal offence data processing

If we are processing special categories of data such as medical records, we are entitled by law to do so where it is necessary for the purposes of employment law and to support individuals with a particular disability or medical condition. We may also obtain your consent to process this type of data.

To the extent that 5 Essex Chambers may process special category personal data or criminal conviction data relating to documents/information received for the purpose of instructing barristers/managing cases, this is done because it is necessary purpose of, or in connection with, any legal proceedings and for the establishment, exercise or defence of legal claims (both in respect of litigation and for legal advice).

If we are processing any special category of data such as any Covid-19 related data, including Track and Trace information, we are entitled by law to do where the collecting the data is likely to be in the interests of the individual, the organisation, and the public health, in the efforts to tackle COVID-19.

Legal proceedings

Some of the personal data processed by 5 Essex Chambers will relate to actual or potential legal proceedings in respect of which our barristers are instructed. Such processing will be necessary for the purpose of litigation and for legal advice

Legal bases in relation to CCTV use

The information collected will be only be processed for one or more of the following purposes: protecting the health and safety of employees and visitors to the Chambers building, preventing and detecting crime or criminal activity, and protecting our buildings and assets from damage, disruption, vandalism or other criminal activity.

Who Will 5 Essex Chambers Share Your Personal Information With?

It may be necessary to share your information with the following:

- the Clerks and other members of staff who are employed by 5 Essex Chambers;
- Delivery partners;
- Our business or marketing partners (such as solicitors' firms with whom we undertake joint marketing events);
- Any other party where we ask you and you consent to the sharing;
- Our legal advisors in the event of a dispute or other legal matter;
- Law enforcement officials, government authorities, or other third parties to meet our legal obligations;

- IT Support services
- Professional advisers and consultants engaged in the course of running 5 Essex Chambers;
- Regulatory bodies including the Bar Standards Board and the Legal Ombudsman;
- Recruitment agencies;
- Other barristers chambers;
- Prosecution authorities;
- Courts and tribunals;
- Members of 5 Essex Chambers including Barristers, pupils and mini-pupils (subject to a written confidentiality agreement);
- Advisers and other parties involved in any matter you discuss with us, or engage a member of 5 Essex Chambers to act on, such as professional clients, lay clients and professional clients;
- legal directory publishers for the purposes of peer group review and feedback on the members and staff of 5 Essex Chambers.
- Next of kin for employees and members;
- The intended recipient, where you have asked 5 Essex Chambers to provide a reference;
- The general public in relation to the publication of legal judgments and decisions of courts and tribunals;
- other parties and their legal representatives in any proceedings, where necessary to do so for legal proceedings or advice.

Except for the reasons set out above 5 Essex Chambers will not share your personal data with third parties without obtaining your prior consent, unless there is a legal basis in UK GDPR/DPA to do so. Any third parties that we may share your data with are obliged to keep your details securely, and to use them only to fulfil the service they provide on our behalf.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Transfer Of Your Information Outside the UK and the European Economic Area (EEA)

Personal data is stored on secure servers in the UK or European Economic Area (EEA), save in relation to some e-mail marketing data processed on Chambers' behalf by Campaign Monitor (with data securely stored in a US-based data centre and subject to a Data Protection Addendum in respect of international data transfer). We have satisfied ourselves that the conditions laid down in

the Regulation are complied with by the controller and processor by Model Contract Clauses/UK Data Protection Addendum.

How Long Do We Keep Your Personal Data?

We retain your personal data while you remain a client, member, pupil or employee unless you ask us to delete it. Our Retention and Disposal Policy (copy available on request) details how long we hold data for and how we dispose of it when it no longer needs to be held. We will delete or anonymise your information at your request unless:

1. There is an unresolved issue, such as claim or dispute;
2. We are legally required to retain the data to meet out legal, statutory and regulatory obligations;
3. There are overriding legitimate business interests, including but not limited to fraud prevention and protecting clients' safety and security.

Your Rights

Under the UK GDPR, you have a number of rights that you can exercise in certain circumstances. Where those circumstances are established, you may have the right to:

- Ask for access to your personal information and other supplementary information;
- Ask for correction of mistakes in your data or to supplement information 5 Essex Chambers holds on you;
- Ask for your personal information to be erased;
- Receive a copy of the personal information you have provided or have this information sent to a third party;
- Object at any time to processing of your personal information for direct marketing;
- Object to the continued processing of your personal information;
- Restrict processing of your personal information.

If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](#).

If you want to exercise any of these rights, or for any further enquiries relating to data protection at 5 Essex Chambers please contact the DPL at clerks@5essex.co.uk, marked 'For the attention of Data Protection Lead'

You may also raise a complaint directly with the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Marketing

You may opt out of receiving emails and other messages from our organisation by following the instructions in those messages, unless they are directly related to a commercial contract between 5 Essex Chambers or any Member of 5 Essex Chambers, with you or your company, or the management of a legal case or proceedings. You may do so by adjusting your subscription choices in the preferences centre or the “unsubscribe” option included in any marketing e-mail or other marketing material sent by us.

Security precautions in respect of your data

5 Essex Chambers will take reasonable technical and organisational precautions to prevent unauthorised access, disclosure, modification, or unauthorised destruction of your personal data. This includes using encryption of computer data where appropriate, as well as physical security measures.

Cookies

Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. We use cookies to:

- Validate users;
- Remember user preferences and settings;
- Determine frequency of accessing our content;
- Measure the effectiveness of marketing campaigns; and
- Analyse site visits and trends.

The 5 Essex Chambers site contains links to other websites. 5 Essex Chambers is not responsible for the content or privacy notices of these websites

Future Processing

5 Essex Chambers does not intend to process your personal information except for the reasons stated within this privacy notice. In the event of changes, this privacy notice will be updated.

We will occasionally update our Privacy Policy. When we make significant changes, we will publish the updated Policy on our website.