

## Monckton Chambers Privacy Notice

This Notice is provided on behalf of: (1) the Barristers who practise from Monckton Chambers (“the Barristers”); and (2) Monckton Services Limited (“MSL”), a company which carries out functions in relation to and on behalf of the Barristers and Monckton Chambers.

This Notice explains how MSL and the Barristers process personal data. In some contexts, the data controller is an individual Barrister. In other contexts, the data controller is MSL. This Notice covers both situations. This Notice also explains your rights in relation to any personal data about you that is processed by the Barristers or MSL.

### Legal Framework & Definitions

The way in which Barristers and MSL process personal data is governed by data protection law, which includes the EU General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (“DPA 2018”).

The following terms are defined by the GDPR and DPA 2018. A short explanation is given below, although this is not intended to substitute any definitions set out in the legislation.

By **personal data**, we mean information relating to an identified or identifiable person.

By **special category personal data** we mean personal data consisting of genetic data; biometric data used for the purpose of identifying an individual; data concerning health; data concerning an individual’s sex life or sexual orientation; or data that reveal an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership.

By **criminal offence data** we mean data about whether an individual has committed or has been convicted of a criminal offence.

By **data controller** we mean the person or body who determines the purposes and means of the processing of personal data.

### Processing of personal data by Barristers

Barristers process personal data for the purpose of conducting their professional practice, and for the purpose of providing legal services in the course of such practice.

Barristers are data controllers in respect of any personal data processed by them directly for the purposes of their own individual professional practice. For example, Barristers are data controllers in respect of the personal data held in their own email accounts, in their electronic professional diaries, or on any electronic device which they use for work purposes. A Barrister will also be the data controller in respect of any personal data contained within hard copy papers relating to a case or matter that has been allocated to that barrister.

The legal basis upon which Barristers process personal data as data controllers is as follows.

Where a professional or lay client has given consent to the processing of their personal data by a Barrister, the processing of that personal data by the Barrister is based on consent.

Where consent has not been given for the processing of personal data by the Barrister, processing is based on the Barrister's legitimate interests in conducting their professional practice and in providing legal services.

Where a Barrister processes special category personal data or criminal offence data, it will be on the basis that the processing is necessary for the establishment, exercise or defence of legal claims. This will apply to the processing of personal data in connection with litigation and for the purpose of providing legal advice.

### **Processing of personal data by MSL for the purposes of supporting Barristers' practices**

MSL employs staff members (including barristers' clerks) to assist Barristers in conducting their practices, and to deal with the administration of Monckton Chambers.

MSL is the data controller for electronic personal data processed by MSL staff for the purposes of assisting Barristers to run their practices.

MSL is also the data controller in respect of any personal data processed in connection with any unallocated case (i.e. a case that has been referred to Monckton Chambers but has not been allocated to a particular Barrister).

The legal basis upon which MSL processes personal data for the above purposes is as follows.

Where a professional or lay client has given consent to the processing of their personal data by MSL, then the processing of that personal data by MSL is based on consent.

Where consent has not been given for such processing, any such processing is based on MSL's legitimate interests in assisting the Barristers to conduct their professional practices and provide legal services.

Where MSL processes special category personal data or criminal offence data, this is on the basis that the processing is necessary for the establishment, exercise or defence of legal claims. This will apply to circumstances where the personal data is processed in connection with litigation, or for the purpose of providing legal advice.

### **Processing of personal data for the administration of Monckton Chambers**

MSL is the data controller for data that is processed for the purposes of administering MSL. This includes data that is processed for billing purposes and for marketing purposes. In relation to marketing data, MSL will not send marketing emails except where permitted under the Privacy and Electronic Communications Regulations 2003 or any successor legislation.

MSL is also the data controller in respect of all data relating to: staff employed by MSL, job applicants, contract workers who provide services to MSL, and mini-pupils and pupils at Monckton Chambers.

The basis on which MSL processes such personal data is as follows.

Marketing data is processed on the basis of the legitimate interests of Monckton Chambers, the Barristers and MSL in marketing the services of Barristers practising at Monckton Chambers. The processing of personal data for the purposes of direct marketing by email is carried out on the basis of consent.

The processing of staff data and data relating to contract workers is necessary for the performance of employment or other contracts to which MSL and the relevant data subjects are parties.

The processing of special category personal data in connection with employment is conducted on the basis that the processing is for employment purposes, or for occupational health purposes.

Data relating mini-pupils and pupils is processed on the basis of the legitimate interest of Monckton Chambers, the Barristers, and MSL in the recruitment and training of new barristers and of potential new members of Monckton Chambers.

### **Your rights**

Under the GDPR and DPA 2018, you have various rights in connection with any personal data about you that is processed by a Barrister or by MSL as data controller.

You can ask the Barrister or MSL to give you access to personal data about you that is held by them.

You can ask the Barrister or MSL to erase personal data about you that is held by them.

You can ask the Barrister or MSL to restrict their processing of personal data about you, so that the data will only be used for limited purposes (set out in the GDPR).

You can object to the processing of your personal data by the Barrister or MSL.

You can ask for personal data about you that you have provided to the Barrister or MSL to be provided to you in a structured, commonly used and machine-readable format, and you can transmit that data to another data controller.

All of these rights are set out in detail in the GDPR and DPA 2018, which explain the conditions for the exercise of these rights, and any limitations. Various exemptions may apply, including in relation to data that is protected by legal professional privilege.

If you wish to exercise any of these rights, please make it clear whether you are seeking to exercise your rights against one or more Barristers (and if so, please identify them) and/or against MSL.

### **Consequences of failing to provide data**

If you are a client of one or more Barristers, and you do not provide information to them, or if you withdraw any consent for the processing of personal data by them or MSL, or require them or MSL to cease processing your data or to erase your data, then the effect may be that the Barrister(s) in question are unable to provide legal services to you, or the Barristers in question are unable to provide all of the legal services that you have asked for.

### **Right to lodge a complaint**

You have the right to lodge a complaint to the Information Commissioner about the processing of your data by a Barrister or MSL.

The Commissioner's contact details are:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113  
<https://ico.org.uk>

### **Contact details**

The data controller for your personal data may be an individual Barrister practising at Monckton Chambers, or may be MSL. This Notice explains above who will be the data controller in relation to specific personal data.

Barristers, and MSL, can be contacted at:

Monckton Chambers  
1 & 2 Raymond Buildings  
Gray's Inn  
London WC1R 5NR

Where appropriate, personal data may also be processed to the extent that we are required to do so by law; or in connection with any legal proceedings or prospective legal proceedings, including in order to establish, exercise or defend our legal rights.