

Privacy Notice

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Introduction

Three New Square Intellectual Property (“**3NS IP**”) is a set of barristers’ chambers that practises intellectual property law.

Individual barrister members of 3NS IP (“**Barristers**”) are self-employed practitioners.

In addition, 3NS IP operates a service company, Three New Square IP Services Limited (“**the Company**”), to perform various functions for and on behalf of members of chambers and to deal with administrative tasks.

This privacy notice is given to you on behalf of both (a) the Barristers and (b) the Company (collectively “**Chambers**”).

Please read the following information carefully. This privacy notice explains various aspects of how Chambers processes personal data and contains information about your rights.

Depending on the context, the controller may be an individual Barrister or the Company.

Two sources of law referred to in this notice are the General Data Protection Regulation 2016 (“**GDPR**”) and the Data Protection Act 2018 (“**DPA 2018**”).

If you need to contact Chambers about your personal data or the processing carried out you can use the contact details at the end of this notice. Please note that if you choose not to provide personal data to Chambers, we may not be able to provide you with our services.

Key definitions

The terms below are defined in the GDPR. We have provided summary definitions to assist you as you review this privacy notice. The definitions below should not be used as a substitute for the definitions in the GDPR.

Personal data means information relating to an identifiable or identified living person.

Special category personal data means:

- personal data that reveals any of the following about an individual: racial or ethnic origin; political opinions; religious or philosophical beliefs; or trade union membership and
- personal data that consists of: genetic data; biometric data used for the purpose of identifying an individual; data concerning health; or data concerning an individual's sex life or sexual orientation

Personal data you provide

Barristers and/or the Company may collect personal data that you provide, including:

- a. personal details
- b. family details
- c. lifestyle and social circumstances
- d. details of goods and services
- e. financial details
- f. education, training and employment details
- g. physical or mental health details
- h. racial or ethnic origin
- i. political opinions
- j. religious, philosophical or other beliefs
- k. trade union membership
- l. sex life or sexual orientation
- m. genetic information
- n. biometric information for the purpose of uniquely identifying a natural person
- o. criminal proceedings, outcomes and sentences, or related security measures
- p. other personal data relevant to instructions to provide legal services, including information specific to the instructions in question or relevant to the post applied for.

Personal data we collect from other sources

The same categories of your personal data may also be obtained from third parties such as from: individual Barristers, Chambers staff and/or door tenants; pupil/trainee barristers, mini-pupils and/or persons undertaking work experience; experts, witnesses and/or potential experts/witnesses; members of the public; your family, friends and/or associates; courts, tribunals, ADR bodies (such as arbitrators and/or mediators), and/or their staff; suppliers of goods and/or services; investigators; other professionals including solicitors, barristers, patent/trade mark attorneys and other professionals; government departments; regulators; prosecution authorities; public records and registers; the press, the internet and/or other publicly available sources; lay and/or professional clients of Chambers; your current, past and/or prospective employers; education and/or examining bodies; business associates and/or trade bodies, for instance the Bar Council.

How Chambers uses your personal data: Purposes

Barristers may use your personal data for the following purposes:

- i. to provide legal services to their professional and lay clients and/or to act in a judicial capacity, including the provision of legal advice and/or representation in courts, tribunals and/or ADR forums (such as arbitrations and/or mediations) and/or acting as a judge, a person hearing a case in a tribunal, or as a person conducting ADR (such as an arbitrator and/or mediator)
- ii. to keep accounting records and/or carry out office administration
- iii. to take and/or defend legal and/or regulatory proceedings and/or to exercise a lien
- iv. to make, deal with and/or respond to complaints and/or potential complaints
- v. to check for potential conflicts of interest, including in relation to future potential cases
- vi. to promote and/or market their services
- vii. to carry out anti-money laundering and/or terrorist financing checks
- viii. to train other barristers and/or when providing pupillage, mini-pupillage and/or other work-experience opportunities
- ix. to liaise with door tenants
- x. to make, deal with and/or respond to requests for references
- xi. when procuring goods and/or services
- xii. when contributing to textbooks, journals and other publications;
- xiii. to publish legal judgments and/or decisions of courts and/or tribunals on our website or elsewhere
- xiv. to conduct their individual professional practices
- xv. as required and/or permitted by law.

The Company may use your personal data for the following purposes:

- i. to promote and/or market the services of 3NS IP
- ii. to assist Barristers and/or door tenants in: the conduct of their professional practices and/or the provision of legal services and/or their judicial capacity and/or in their work as a person hearing a case in a tribunal and/or as a person conducting ADR (such as an arbitrator and/or mediator) and/or any of the matters listed in points i-xv above
- iii. to train barristers
- iv. to provide work experience (including mini-pupillage)
- v. to recruit and/or train staff and/or pupils
- vi. to assess applications for tenancy, pupillage, mini-pupillage and/or work-experience opportunities
- vii. to fulfil equality and/or diversity and/or other regulatory requirements
- viii. to procure goods and/or services
- ix. to manage Chambers and/or to provide services to 3NS IP
- x. to allocate work and/or to check for potential conflicts of interest, including in relation to future potential cases
- xi. to manage matters relating to employment of Chambers' staff, including payroll and pensions
- xii. to maintain Chambers' accounts and/or financial and/or other records
- xiii. to make, deal with and/or respond to requests for references
- xiv. to publish legal judgments and/or decisions of courts and/or tribunals on our website or elsewhere
- xv. when contributing to textbooks, journals and other publications
- xvi. to make, deal with and/or respond to complaints and/or potential complaints
- xvii. to carry out anti-money laundering and/or terrorist financing checks

- xviii. to deal with the administration of 3NS IP
- xix. as otherwise required or permitted by law.

Who will Chambers share your personal data with?

It may be necessary to share your personal data with, among others, the following:

- processors, such as IT support staff, email providers, information storage providers
- in the event of complaints, the Head of Chambers and/or Barristers who deal with complaints, the Bar Standards Board and/or the Legal Ombudsman
- other regulatory authorities, including the Information Commissioner and/or the Financial Conduct Authority
- current, past and/or prospective employers and/or employees and/or, in the case of recruitment of barristers to and/or from other chambers, your current, past and/or prospective chambers
- education and/or examining bodies
- other professionals including solicitors, patent attorneys, trade mark attorneys and/or other advisors
- experts, witnesses and/or potential experts/witnesses
- prosecution authorities
- police and/or intelligence services (where required and/or permitted by law)
- courts, tribunals, ADR bodies (such as arbitrators and/or mediators), and/or their staff
- Chambers' staff (both clerking and/or administrative), other Barristers and/or door tenants
- trainee/pupil barristers, mini-pupils and/or people conducting work experience
- lay and/or professional clients
- professional indemnity insurers
- investigational and/or regulatory bodies
- trade bodies, including the Bar Council
- the general public - e.g. by publishing legal judgments and/or decisions of courts and/or tribunals

Marketing and promotion

In relation to personal data collected for marketing purposes, the personal data consists of, among other things:

- names, contact details, and/or name of organisation
- the nature of your interest in Chambers' marketing which could be linked to, by way of example, the nature of advice that you have received from (and/or the nature of your previous interactions with) Chambers and/or Barristers
- your attendance at Chambers events

This will be processed so that you can be provided with information about Chambers and the Barristers/Mediators/Arbitrators and/or to invite you to events.

You may contact Chambers using the contact details at the end of this document if you no longer wish to receive such invitations or information.

The lawful basis for processing your personal data

The lawful bases on which Barristers and/or the Company may process your personal data include those set out below:

- to the extent to which you have consented to them doing so;
- where necessary for the performance of a contract (such as, by way of example, a contract for legal services) and/or in order to take steps at your request prior to entering into a contract;
- where the processing is necessary for legal proceedings, legal advice, and/or otherwise for establishing, exercising and/or defending legal rights;
- where processing is in the legitimate interests of the Company and/or the Barristers and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above and where such interests are not overridden by your rights. For instance and by way of example we rely on legitimate interests to process personal data relating to pupils and mini-pupils where the law does not require us to obtain consent;
- where processing is necessary in order that Barristers and/or the Company can comply with a legal obligation to which they are subject (including carrying out anti-money laundering and/or terrorist financing checks);
- where there is a substantial public interest in the processing, including in the administration of justice;
- where processing is necessary to prevent and/or detect unlawful acts where necessary for reasons of substantial public interest and the processing must be carried out without consent so as not to prejudice those purposes;
- where processing is necessary for the purposes of identifying and/or keeping under review the existence and/or absence of equality of opportunity and/or treatment between members of staff, tenants, pupils and/or mini-pupils with a view to enabling such equality to be promoted and/or maintained;
- where your personal data is manifestly made public by you;
- where the processing is necessary to publish judgments and/or other decisions of courts and/or tribunals;
- where processing is necessary for the purposes of performing and/or exercising obligations or rights which are imposed and/or conferred by law on the Company and/or you in connection with employment, social security and/or social protection;
- where processing is necessary for the assessment of your working capacity and/or health and/or social care purposes; and/or
- where the processing is de minimis.

Transfer of your personal data outside the UK and European Economic Area (EEA)

It may sometimes be necessary for Chambers to share your personal data outside the UK and/or outside the EEA, for example:

- where you and/or our service providers are located outside the UK and EEA, for example if cloud information storage services are based in the USA and the providers have agreed to comply with the EU-U.S. Privacy Shield;
- where there is an international dimension to the matter in which we are advising you and/or if you reside outside the UK and EEA and/or your case or the role for which you require a reference involves persons or organisations or courts and tribunals outside the UK and EEA then it may be necessary to transfer some of your personal data to that country outside the UK and the EEA for that purpose;
- if you are in a country outside the UK and EEA or if the instructions you provide come from outside the UK and EEA then it is inevitable that personal data will be transferred to those countries; and/or
- where transfer of your personal data is necessary for the conduct of legal proceedings.

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

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

Your rights

Under the GDPR and DPA 2018, you have a number of rights that you can exercise in certain circumstances. Among other things, you may have the right to:

- ask the Barristers and/or Company for access to your personal data that is held by them;
- ask the Barristers and/or the Company for your personal data held by them to be erased;
- ask for the personal data that you have provided to the Barristers and/or the Company to be provided to you in a structured, commonly used and machine-readable format, and you can transmit that data to another controller;
- object to the processing of your personal data by the Barristers and/or the Company;
- ask for personal data about you that are held by the Barristers and/or the Company to be updated if you believe that they are inaccurate;
- ask the Barristers and/or the Company to restrict their processing of your personal data;
- if we are relying on consent to process your personal data, you always have the right to revoke your consent.

The GDPR and DPA 2018 set out in detail various conditions for the exercise of these rights as well as various limitations and exemptions (such as, for example, where legal professional privilege applies).

Further guidance about your rights under the GDPR and DPA 2018 can be found on the website of the Information Commissioners Office at www.ico.org.uk.

If you want to exercise any of these rights, please:

- use the contact details at the end of this notice;
- make it clear who you are seeking to exercise your rights against: if it is individual Barristers, please name them and/or if it is the Company please say so;
- provide additional information if requested so that you can be identified;
- provide a contact address so that you can be contacted to request further information to verify your identity;
- provide proof of your identity and address;
- state the right or rights that you wish to exercise; and
- ensure that your request is reasonably clear and not cluttered with extraneous matter.

How long will Chambers store your personal data?

It may be necessary for Chambers to keep your personal data after our relationship has come to an end, for example:

- to respond to any questions, complaints or claims made by you and/or on your behalf;

- to show that we treated you fairly and/or discharged our professional obligations;
- to keep records required by our professional regulators and/or insurers and/or any applicable law and/or regulation;
- to conduct checks for conflicts of interest;
- for business management purposes; and/or
- for the preparation and maintenance of precedents and/or internal training.

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

How to make a complaint

In the first instance it is best to approach Chambers directly to see if your complaint can be dealt with informally. The contact details for Chambers are below.

You have the right to lodge a complaint with the Information Commissioners' Office about the processing of your personal data by Barristers and/or the Company. The contact details for the Information Commissioner can be found on their website at:

www.ico.org.uk

Changes to this privacy notice

Chambers reviews its privacy practices from time to time and may change this notice. Amended privacy notices will be placed on the Chambers' website from time to time.

Contact details

If you have any questions about this privacy notice or the information Chambers holds about you, please contact Chambers using the contact details below - stating clearly and unambiguously that your query relates to this privacy notice and/or GDPR issues. Individual Barristers and the Company can be contacted at:

Address

3 New Square IP, 3 New Square, Lincoln's Inn, London. WC2A 3RS.

Telephone

+44 (0)20 7405 1111

Email

gdpr@3newsquare.co.uk

DX Number

LDE 454

This notice is dated February 2020