

Guy Burkill KC

ICO registration Z5373018

Privacy Policy

In order to carry on my practice and 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. This privacy notice describes the information which I may hold or collect about you, how it is used and shared, and your rights regarding it.

Data controller

I am duly 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 3 New Square, Lincoln's Inn, London WC2A 3RS, and my ICO registration number is Z5373018. If you need to contact me about your data or this privacy notice, you can reach me by post at that address or via clerks@3newsquare.co.uk.

Data collection

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. In addition to the information you may provide to me or your solicitor, I may also obtain information from other sources such as:

- Information that is publicly available via web searches, or in registers or the media
- Other legal professionals including solicitors and barristers and their associates, trainees and staff
- Chambers staff
- Expert and other witnesses or potential witnesses
- Regulatory, public or administrative bodies
- Court staff & officials
- Clients
- References

What data do I process about you?

Depending on the type of work, I collect and process personal data as defined in the UK GDPR. This may include:

- Name
- Email address
- Phone number
- Address
- Payment or bank details

- Date of birth
- Details pertaining to education and employment
- Information on your background & current circumstances
- Next of kin details
- Financial information

Where relevant, I may also need to collect and process special category personal data, as defined in the UK GDPR, that may reveal your:

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

On occasion, I may also need to process personal data relating to criminal convictions and offences.

My lawful basis for processing your information

In order that I can provide legal services and representation for you, I must process your personal data. The UK General Data Protection Regulation (the UK GDPR) requires that where I process personal data, I must have a lawful basis for doing so. The lawful bases identified in the UK 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 for the specified purposes. You will also have the right to withdraw your consent at any time. Where you do so this will not affect the legality of data processing which had taken place prior to your withdrawal of consent.
- **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, but are not limited to:

- Where the data subject is a client or in the service of a controller;
- Provision of legal services and advice;
- For purposes of practice management, accounting and debt recovery;
- For purposes of ensuring network and information security including the prevention of unauthorised access;
- For completion of professional regulatory requirements;

- Processing for direct marketing purposes, or to prevent fraud;
- Reporting threats to public security; and/or
- Such other purposes as set out below.

Special category processing

The UK GDPR specifies that where I process special category data, I must rely upon certain exemptions in order to do so lawfully. The following exemptions are applicable in my practice:

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

Criminal data processing

On occasion, I may 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 legal advice;
- The purposes of establishing, exercising or defending legal rights; and/or
- Where I have your explicit consent to do so.

Purposes:

I may use your personal information for the following purposes:

- 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 proceedings relating to your use of my services, 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;
- For the management and administration of my practice;
- To recover debt;
- Communications with regulators including managing any complaints; and/or
- Where relevant to conduct anti money laundering, terrorist financing or conflict of interest checks.

In the course of processing your information to provide legal services to you, I may share your personal data with:

- Instructing solicitors or other lawyers involved in your case;
- A pupil or mini pupil, under my training;
- Opposing counsel, for the purposes of resolving the case;

- Court officials, including the judiciary;
- Opposing lay clients;
- My chambers' management and staff who provide administrative services for my practice;
- Other sub-processors of chambers, such as email, software and cloud computing providers, couriers and document storage companies;
- Expert witnesses and other witnesses;
- My regulator or legal advisors in the event of a dispute, complaint or other legal matter;
- Head of Chambers or complaints committee within my chambers, in the event of a complaint;
- 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;
- Regulators or arbitrators, where complaints or disputes arise; and/or
- Any other party where I ask you for consent, and you consent, to the sharing.
- I may also be required to disclose your information to the police or intelligence services where required by law or pursuant to a court order.

Transfers to third countries and international organisations: I may transfer personal data abroad because I use cloud storage data systems which may store data abroad. However, I only use cloud storage systems that are members of the Privacy Shield program. Further, all data relating to my practice that I upload to cloud storage systems is encrypted on my computers before being uploaded.

I am satisfied that such transferred data is fully protected and safeguarded as required by the UK General Data Protection Regulation.

I retain your personal data while you remain a client unless you ask me to delete it. My Retention and Disposal Policy 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 retain it; or
- There are overriding legitimate business interests to do so.

I may retain some selected pleadings or documents for learning purposes or for legal or technical research or as a historical record of my practice and its development. Where this is the case, I will anonymise or redact personal information which may identify an individual or previous client and risk assess the continued retention of the documents.

Your rights

The UK GDPR gives you specific rights in terms of your personal data. For example, you have the right of access to 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 complain to the ICO if you are unhappy with how I have processed your information or dealt with your query. You may also 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

You may request access to, correction of, or a copy of your information by contacting me by post at my above address or via clerks@3newsquare.co.uk. You may opt out of receiving any emails or other messages from my practice by following the instructions in those messages.

I will occasionally update this privacy policy. When I make significant changes, I will publish the updated notice on my chambers' website profile.

[This version: August 2023]