

4 STONE BUILDINGS

Privacy Policy for Daniel Kessler

Introduction

1. I take your privacy very seriously and am committed to protecting your personal data. I recognise the importance of being clear about how I intend to use your personal data. This Privacy Policy describes the information I collect about you, how it is used and shared, and your rights regarding it.

Data Controller

2. 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 registered address is 4 Stone Buildings, Lincoln's Inn, London WC2A 3XT and my registration number is ZA517175.

Data Collection

3. All personal data collected about you will be recorded, used and protected by me in accordance with applicable data protection legislation. The purpose of processing your personal data is:
 - a. to enable me to provide legal services, advice and representation;
 - b. to enable me to act as an arbitrator and mediator;
 - c. for conflict-checking;
 - d. for use in the defence of potential complaints, legal proceedings or fee disputes;
 - e. to comply with regulatory and legal obligations;
 - f. for keeping anti-money laundering records;
 - g. for exercising a right to a lien;
 - h. for record-keeping and administrative purposes;
 - i. to assist in any tendering or panel membership applications;
 - j. to assist in any other applications for the purpose of professional development or career progression;
 - k. to communicate legal updates and judgments to other legal professionals;
 - l. to communicate with you about news, updates and events;
 - m. for marketing purposes;
 - n. to assist in training pupils and mini-pupils; and
 - o. to investigate and address your concerns.

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4. Where we have a contractual agreement that provides that personal data must be provided, you are obliged to provide the personal data and failure to do so will result in me being unable to provide legal services, advice or representation or act as an arbitrator or mediator.

5. I may receive personal data about you from third parties. Where I receive your personal data from third parties I shall process your personal data in accordance with this Privacy Policy. I may receive your personal data from a number of sources including from clients, solicitors, counsel, a court or tribunal, witnesses or from publicly available sources.

Lawful Basis for Processing

6. The Lawful Basis upon which your personal data will be processed will include one or more of the following bases:
 - a. your consent where freely given;
 - b. performance of a contract, including undertaking my instructions in a given matter;
 - c. to comply with a legal obligation;
 - d. to protect the vital interests of you or another person;
 - e. to perform a task carried out in the public interest or in the exercise of local authority vested in me; and
 - f. for the legitimate interests of you (as data subject), me (as data controller) or a third party, except where such interests are overridden by the interests, rights or freedoms of you as the data subject. The legitimate interests include:
 - i. to enable me to provide legal services, advice and representation;
 - ii. for online spell-checking and translation services;
 - iii. for conflict-checking;
 - iv. for use in the defence of potential complaints, legal proceedings or fee disputes;
 - v. to comply with regulatory and legal obligations;
 - vi. for keeping anti-money laundering records;
 - vii. to assist in training pupils and mini-pupils;
 - viii. for exercising a right to a lien;
 - ix. where the data subject is a client, in order to maintain that client relationship;
 - x. for direct marketing;

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- xi. for record-keeping and administrative purposes;
 - xii. to investigate and address your concerns;
 - xiii. to ensure network and information security; and
 - xiv. to prevent fraud.
7. I use automated decision-making in the processing of your personal data.
8. I use online spellchecking software including Grammarly. This sends encrypted data to the United States for processing. For more information see the Privacy Policy at <https://www.grammarly.com/privacy-policy> (accessed 12 August 2019). Grammarly complies with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union to the United States. Grammarly has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. The Federal Trade Commission has jurisdiction over Grammarly's compliance with the Privacy Shield.

Types of Personal Data

9. I collect and process both personal data and special categories of personal data as defined in the General Data Protection Regulation (GDPR), including, but not limited to, your name, job title, profession, email address, phone number, address, company or business details, financial details, bank details, date of birth, device IP address, criminal records, medical records. In each case this personal data is processed in accordance with this Privacy Policy.

Recipients of personal data

10. I may share your personal data with:
- a. courts and other tribunals including arbitral tribunals;
 - b. barristers, solicitors and other legal professionals;
 - c. pupils, mini-pupils and work experience students;
 - d. lay and professional clients;
 - e. witnesses and potential witnesses, including expert witnesses;
 - f. clerks and chambers' staff and administrators;

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- g. my regulatory or legal advisors in the event of a dispute or other legal matter;
- h. ombudsman and regulatory authorities;
- i. regulators or arbitrators, where complaints or disputes arise;
- j. law enforcement officials, government authorities, or other third parties to meet any legal obligations;
- k. legal directories, for the purpose of professional development;
- l. any relevant panel or tendering committee, for the purpose of professional development;
- m. accountants and banking officials;
- n. current, past or prospective employers;
- o. education and examining bodies;
- p. professional advisers and trade bodies; and
- q. third parties:
 - i. where I ask you and you consent to the sharing;
 - ii. if carrying out a legal or regulatory duty;
 - iii. if it is necessary to do so to enforce our contractual rights;
 - iv. to lawfully assist the police or security services with the prevention and detection of crime or terrorist activity;
 - v. where such disclosure is necessary to protect the safety or security of any persons; and/or
 - vi. otherwise as permitted under applicable law.

Transfers to third countries and international organisations

11. I may transfer personal data to all countries worldwide, including countries which have no adequacy decision of the EU Commission. This includes but is not limited to countries in the EEA; British Overseas Territories including the British Virgin Islands, Bermuda, the Cayman Islands; Singapore; China; Russia; and the United States. The transfers to third countries with inadequate protection will be undertaken:
- a. for the purpose of performing the contract with you and/or the contract concluded in your interests;
 - b. because the transfer is necessary for the establishment, exercise or defence of legal claims; and/or
 - c. to protect the vital interests of you or a third party.

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12. Any mobile device that I use, such as mobile phones, tablets and laptops are password protected and either encrypted to protect all content, including any personal data as well as confidential and privileged information or hold no such personal data about you.

Data Retention

13. My normal retention period is 12 years, after which I shall review the personal data I hold. My Retention and Disposal Policy (copy available on request) details in full how long I hold data for and how I dispose of it when it no longer needs to be held. I retain your personal data while you remain a client unless you ask me to delete it. I will delete or anonymise your information at your request unless:
 - a. there is an unresolved issue, such as a claim or disputes;
 - b. I am legally required to; or
 - c. there are overriding legitimate business interests, including but not limited to fraud prevention and protecting clients' safety and security.

Your Rights

14. The General Data Protection Regulation gives you specific rights around your personal data. For example, (a) you have to be informed about the information I hold and what I use it for, (b) you can ask for a copy of the personal information I hold about you, (c) you can ask me to correct any inaccuracies with the personal data I hold, (d) you can ask me to stop sending you direct mail, or emails, or (e) in some circumstances ask us 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 dealt with you.
15. In particular, you have the right to make a request, which must be in writing, to:
 - a. access to your personal data;
 - b. correct or update your personal data;
 - c. restrict the processing of your personal data; or
 - d. object to the processing of your personal data.

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16. If you provide consent for me to process your personal data, you have the right to withdraw that consent at any time. This will not affect the lawfulness of processing based on consent before its withdrawal. This will also not affect the lawfulness of processing your personal data under another applicable Lawful Basis listed at clause 6 above.

Marketing Opt-out

17. You may opt out of receiving emails and other messages from Chambers or my practice by emailing clerks@4stonebuildings.com or by following the instructions in those messages.

Cookies

18. Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. The Chambers website may use cookies and access certain cookies on your computer to:
 - a. Improve your experience of using the website;
 - b. Improve the range of services; and
 - c. Recognise and count the number of visitors and to see how visitors move around our website when they are using it.

Updates to Privacy Policy

19. I will occasionally update my Privacy Policy and will publish the updated Policy on my website profile.

DANIEL KESSLER
2 NOVEMBER 2020