

## **Privacy Notice - General Data Protection Regulation (“GDPR”)**

Please read the following information carefully. This privacy notice contains information about the information collected, stored and otherwise processed about you, the data subject, and the reasons for the processing. It also tells you who I share this information with, the security mechanisms I have put in place to protect your data and how to contact me in the event you need further information.

### **Information controller**

I, Miruna Bercariu, collect, use and am responsible for personal information about you. When I do this I am the ‘controller’ of this information for the purposes of the GDPR and the Data Protection Act 2018.

If you need to contact me about your data or the processing carried out you can use the contact details at the end of this document.

### **Sources of information**

#### **Information collected from you**

When carrying out the provision of legal services I may collect personal information provided by you relevant to my instructions to provide those services.

#### **Information collected from other sources.**

Similar personal information relating to you may also be obtained from third parties, such as opponents in a case, other legal professionals or experts, witnesses, courts and other tribunals, public records and registers.

### **How I may use your personal information**

I may use your personal information for the following purposes:

- i. to provide legal services including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
- ii. to keep accounting records and carry out office administration
- iii. to take or defend legal or regulatory proceedings or to exercise a lien
- iv. to respond to potential complaints or make complaints
- v. to check for potential conflicts of interest in relation to future potential cases
- vi. to carry out anti-money laundering and terrorist financing checks
- vii. to train other barristers and when providing work-shadowing opportunities
- viii. to publish legal judgments and decisions of courts and tribunals
- ix. as required or permitted by law.

### **Whether information has to be provided by you, and why**

If I have been instructed on your behalf or by you, certain personal information may have to be provided to enable me to act for you and to carry out my professional responsibilities.

## **The legal basis for processing your personal information**

I rely on one or more at least of the following as the lawful bases on which I collect and use your personal information:

- You have consented to the processing of your personal information;
- If you are a client, processing is necessary for the performance of a contract for legal services;
- My legitimate interest and/or the legitimate interests of a third party in carrying out the processing.
- In certain circumstances processing may be necessary in order that I can comply with a legal obligation to which I am subject (including carrying out anti-money laundering or terrorist financing checks).
- Processing is necessary in relation to legal proceedings; for obtaining legal advice; or otherwise for establishing, exercising or defending legal rights.
- The processing may be necessary to publish judgments or other decisions of courts or tribunals.

## **Share personal information**

If you are a client, some of the information you provide will be protected by legal professional privilege unless and until the information becomes public in the course of any proceedings or otherwise. As a barrister I have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

It may however be necessary for the purposes set out above to share your information with the following:

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals
- experts and other witnesses
- courts and tribunals
- the staff in my chambers
- trainee barristers and those on work placement
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, the Legal Ombudsman, insurers
- other regulatory authorities
- professional advisers and the Bar Council

I may be required to provide your information to regulators, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the Information Commissioner's Office, there is a risk that your information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or yours, which includes privileged information.

I may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

### **Transfer of your information outside the European Economic Area (EEA)**

I may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).
- cloud data storage services based in Switzerland, in order to enable me to store your data and/or backup copies of your data so that I may access your data when I need to. Switzerland does not have the same data protection laws as the EU but has been recognised by the European Commission as providing adequate protection; see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

If I decide to publish a judgment or other decision of a Court or Tribunal which happens to contain your information, then this will be published to the world.

I will not otherwise transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

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

### **Storage of your personal data**

I may store your data indefinitely, because it may be needed for potential legal proceedings or professional complaint or other regulatory proceedings and conflict checks. However, when the case in relation to which it was provided comes to an end, I will review the data and will take steps to redact or delete particularly sensitive information where this is appropriate.

## **Consent**

You have the right to withdraw any consent you have provided to process your information at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. However, where I also rely on other bases for processing your information, you may not be able to prevent processing of your data. For example, if you have asked me to work for you and I have spent time on your case, you may owe me money which I will be entitled to claim.

If there is an issue with the processing of your information, please contact my clerks using the contact details below.

## **Your Rights**

Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are free of charge. In summary, 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 complete missing information I hold on you;
- Ask for your personal information to be erased, in certain circumstances;
- Receive a copy of the personal information you have provided to me or have this information sent to a third party. This will be provided to you or the third party in a structured, commonly used and machine readable format, e.g. a Word file;
- Object at any time to processing of your personal information for direct marketing;
- Object in certain other situations to the continued processing of your personal information;
- Restrict my processing of your personal information in certain circumstances;
- Request not to be the subject to automated decision-making which produces legal effects that concern you or affects you in a significant way.

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, please:

- Use the contact details at the end of this document;
- I may need to ask you to provide other information so that you can be identified;
- Please 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.

I will respond to you within one month from when I receive your request.

## **How to make a complaint?**

The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the Member State where you work, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

## **Future Processing**

I do not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on the website.

This privacy notice was published on 25 May 2018 and last updated on 25 May 2018.

I continually review my privacy practices and may change this policy from time to time. When I do it will be placed on the website.

## **Contact Details**

If you have any questions about this privacy notice or the information I hold about you, please contact me or my clerks.

The best way to contact me is to contact my clerks by email at email address [clerks@11southsquare.com](mailto:clerks@11southsquare.com)