

# Privacy Notice

*Robert Mundy*

Please read the following information carefully.

This privacy notice contains information about the personal data I collected, store and process and the reasons I process it. 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 if you need further information. It does not create contractual rights.

## **Who Am I?**

- 1 My name is Robert Mundy. I am a barrister and mediator practising from St Philips Chambers, 55 Temple Row, Birmingham B2 5LS.
- 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 registration number is Z1669837.
- 3 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.

## **What I use personal information for?**

- 4 I use personal information for the following purposes (the "Purposes"):
  - (a) to provide legal services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations;
  - (b) to keep accounting records and carry out office administration;
  - (c) to take or defend legal or regulatory proceedings or to exercise a lien;
  - (d) to investigate and address concerns;
  - (e) to respond to potential complaints or make complaints;
  - (f) to check for potential conflicts of interest in relation to future potential cases;
  - (g) to promote and market my services;
  - (h) to carry out anti-money laundering and terrorist financing checks;
  - (i) to train other barristers and when providing work-shadowing

opportunities;

- (j) to respond to requests for references;
- (k) to comply with my legal and professional duties; and
- (l) as otherwise required or permitted by law.

### **Who do I collect information about?**

- 5 Some personal information relates to my clients. But not all does. For instance, it might be necessary for a client to tell me about another person's affairs in so I can advise the client or represent him or her in court.

### **What personal information do I collect?**

- 6 When carrying out the provision of legal services or providing a reference I may collect personal information. Depending on the nature of the case and the legal services I am providing, this may include sensitive information, including information about:
- (a) family details
  - (b) lifestyle and social circumstances
  - (c) goods and services
  - (d) finances
  - (e) education, training and employment
  - (f) physical or mental health
  - (g) racial or ethnic origin
  - (h) political opinions
  - (i) religious, philosophical or other beliefs
  - (j) trade union membership
  - (k) sex life or sexual orientation
  - (l) genetic data
  - (m) biometric data for the purpose of uniquely identifying a natural person
  - (n) criminal proceedings, outcomes and sentences, and related security measures
  - (o) other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

### **Who do I collect information from?**

- 7 I will collect much of this information from my clients or solicitors who instruct me on behalf of my clients. But I may also obtain information, including information in these categories from others, such as:
- (a) other legal professionals,
  - (b) other professionals or experts,
  - (c) members of the public,
  - (d) my clients' family and friends,
  - (e) witnesses,
  - (f) courts and other tribunals,
  - (g) government departments,
  - (h) in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman,
  - (i) other regulatory authorities,
  - (j) current, past or prospective employers,
  - (k) education and examining bodies,
  - (l) business associates, professional advisers and trade bodies, e.g. the Bar Council,
  - (m) the intended recipient, where you have asked me to provide a reference,
  - (n) the general public in relation to the publication of legal judgments,
  - (o) data processors, such as my Chambers staff, IT support staff, email providers, data storage providers, and
  - (p) public sources, such as the press, public registers and law reports.
- 8 If you are not a client and I receive information in circumstances where I have an obligation of professional confidentiality, I will not normally tell you I have information about you.

### **Do you have to provide me with personal information?**

- 9 If I have been instructed by you or on your behalf on a case, I may require you to provide me with personal information so I can provide you with advice or representation, comply with my professional obligations and keep accounting records.

- 10 If you have asked me for a reference, I may require you to provide me with personal information so I can provide the reference and comply with my professional obligations.

**What legal basis do I rely on to process personal information?**

- 11 My clients have a legitimate interest in receiving legal advice and representation and effective mediation services. I rely on their legitimate interests in processing personal information.
- 12 I also rely on the my clients', my regulators' and my own legitimate interests in processing the information for the Purposes set out above.
- 13 If you are a client, processing your personal data may be necessary for the performance of a contract for legal services. If you are a potential client processing is necessary may be necessary to take steps at your request prior to entering into a contract.
- 14 If you have consented to the processing of your personal information, then I may process your information for the Purposes set out above to the extent to which you have consented to me doing so.
- 15 In certain circumstances processing may be necessary in order that I can comply with a legal obligation to which I am subject (including providing legal services to others and carrying out anti-money laundering or terrorist financing checks).
- 16 In relation to information in categories 2 to 2 above (those being categories which are considered to include particularly sensitive information):
- (a) I am entitled by law to process the information where the processing is necessary for legal proceedings, related legal advice, or otherwise for establishing, exercising or defending legal rights.
  - (b) Otherwise I may, with your consent, process the information for the purposes set out in purposes (1), (1), (1), (1) and (2) above. I need your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purpose (1) (responding to potential complaints) I will be unable to take your case. This is because I need to be able to retain material about your case until there is no prospect of a complaint. And if you do not consent to processing for purpose (2), I will not be able to provide a reference, because I need to provide an informed and complete reference.

**Who will I share your personal information with?**

- 17 It may be necessary to share personal information with:

- (a) my clients,
  - (b) any solicitor or other intermediary used by a client,
  - (c) other legal professionals, such as counsel for an opposing party,
  - (d) experts and other witnesses,
  - (e) my chambers management and staff who provide administrative services
  - (f) data processors, such as my Chambers staff, IT support staff, email providers, data storage providers,
  - (g) prosecution authorities,
  - (h) courts and tribunals,
  - (i) trainee barristers,
  - (j) lay clients,
  - (k) family and associates of the person whose personal information I am processing,
  - (l) in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman,
  - (m) other regulatory authorities,
  - (n) current, past or prospective employers,
  - (o) education and examining bodies,
  - (p) business associates, professional advisers and trade bodies, e.g. the Bar Council, and
  - (q) the intended recipient, where you have asked me to provide a reference.
- 18 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.
- 19 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 information, including privileged information, may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or yours.
- 20 I may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

### **How long will I store your personal data?**

- 21 I will normally store personal information:
- (a) for around 8 years from the date of the last work done (or, in the case of emails or paper notes, for around 8 years from date of creation/receipt) . This is because it may be needed for potential legal proceedings. At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.
  - (b) I will store some personal information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to names and contact details and brief details of the nature of the case.
- 22 Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later.
- 23 Names and contact details held for marketing purposes will be stored indefinitely or until I become aware or am informed that the individual has ceased to be a potential client.

### **Can you withdraw your consent?**

- 24 If I am relying on your consent to process your in categories (2) to (2) above, for example, because you are a client of mine, you have the right to withdraw this consent 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 and I will be entitled to rely on your personal information to do this.
- 25 If there is an issue with the processing of your information, please contact my clerks using the contact details below.

### **When may I transfer information outside the European Economic Area (EEA)?**

- 26 This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your information out of the EEA in any particular case or for a reference. However, if you reside outside the EEA or your case or the role for which you require a reference involves persons or

- organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your information please indicate this when providing initial instructions.
- 27 Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. The list can be found [here](#). Most do not. If your information has to be transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.
- 28 I may transfer your personal information to the following which are located outside the European Economic Area (EEA):
- (a) 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).
  - (b) 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).
- 29 If I decide to publish a judgment or other decision of a Court or Tribunal containing your information then this will be published to the world.
- 30 I will not otherwise transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.
- 31 If you would like any further information please use the contact details at the end of this document.

### **How do you exercise your rights?**

- 32 The General Data Protection Regulation gives you specific rights around your personal data. For example, you may be entitled to be informed about the

information I hold and what I use it for, or to ask for a copy of the personal information I hold about you, or to ask me to correct any inaccuracies with the personal data I hold. You can ask me to stop sending you direct mail, or emails, or 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](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.

- 33 If you want to exercise any of these rights, please:
- (a) use the contact details at the end of this document;
  - (b) please provide a contact address so that you can be contacted to request further information to verify your identity;
  - (c) provide proof of your identity and address; and
  - (d) state the right or rights that you wish to exercise.
- 34 I will respond to you within one month from when I receive your request. I may need to ask you to provide other information so I can verify your identity.

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

- 35 The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

### **Future processing**

- 36 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 my chambers' website.

### **Changes to this privacy notice**

- 37 This privacy notice was published in January 2023 and last updated in January 2023.
- 38 I continually review my privacy practices and may change this policy from time to time. When I do it will be placed on on my chambers' website.



**Contact details**

- 39 If you have any questions about this privacy notice or the information I hold about you, please contact me or my clerks.
- 40 The best way to contact me is to write to me at St Philips Chambers, 55 Temple Row, Birmingham B2 5LS or contact my clerks by email at [commercial@st-philips.com](mailto:commercial@st-philips.com).