

Data processing and protection policy

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1 Introduction

I am a barrister-at-law practising in England and Wales with the following contact details:

Name	Niraj Modha
Email address	nirajmodha@tanfieldchambers.co.uk
Physical address	Tanfield Chambers, 2-5 Warwick Court, London WC1R 5DJ
Telephone number	020 7421 5300

I am required to comply with the law governing the management and storage of personal data, which is outlined in the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act.

The protection of personal data and respect for individual privacy is fundamental to the day-to-day operations of my practice. The purpose of this policy is to comply with Article 24 of the GDPR.

Compliance with the GDPR is overseen by the UK data protection regulator, which is the Information Commissioner's Office (ICO). I am accountable to the ICO for my data protection compliance. I am registered at the ICO as a data controller with number Z2628882.

2 Definitions

"**GDPR**" means the General Data Protection Regulation 2016.

"**ICO**" means the Information Commissioner's Office.

"**Personal data**" means any information relating to an identified or identifiable natural person ("**data subject**"); an identifiable person is one who can be identified,

directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

"Processing" means any operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"Controller" means the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by EU or Member State laws, the controller (or the criteria for nominating the controller) may be designated by those laws.

"Processor" means a natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller.

"The consent of the data subject" means any freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to that subject being processed.

3 Principles

There are seven key principles which are set out in the GDPR. These principles are fundamental to this policy. The principles are: lawfulness, fairness, and transparency; purpose limitation; data minimisation; accuracy; storage limitation; security; and accountability. The remainder of this policy demonstrates how I adhere to these principles.

4 Purposes

I collect and use personal data principally in order to fulfil my professional obligations and commitments as a barrister.

This includes: performing contracts that I have with individual clients; taking steps prior to entering into such contracts, for example checking for conflicts of interest, complying with anti-money laundering obligations, providing quotes for services, and communicating with potential clients; furthering and developing my practice through the creation of professional contact lists, the collation of feedback, and the keeping of records and work product for reference; establishing, exercising, and defending legal claims; and complying with legal obligations to government and regulatory authorities.

I only collect and use personal data in the circumstances set out in this policy above. This policy is freely available to my clients and non-clients.

In the unlikely event that I require to use or collect personal data for any purpose that is not listed above, I shall first seek consent from the data subject for that new purpose.

5 Data minimisation and retention

Save as set out in the paragraph immediately below, I shall retain personal data in order to fulfil the purposes mentioned immediately above for the period up to seven years after the date on which I cease practising as a barrister-at-law. After the expiry of the retention period, the personal data and any copies, whether in physical or electronic form, will be permanently erased and destroyed.

I reserve the right to transfer any personal data from physical form into an electronic format and in so doing destroy and securely dispose of any physical records or copies of the personal data prior to the expiry of the retention period.

6 Security

I do not share any personal data with any third party, save insofar as it is necessary for my practice managers or other individuals who are employed by Tanfield Chambers Services Limited ("Tanfield Chambers") to process or use those personal data in order to assist me in fulfilling the purposes described in this policy.

If your personal data has been provided or transferred into electronic format (otherwise than by email), they are stored and accessed electronically only on devices that are password-protected and encrypted.

Personal data that are transmitted to me by email are stored securely but may not be encrypted. This fact must be borne in mind when personal data are transmitted by email. Where possible, all such personal data are copied into electronic format and deleted from the email server.

Any copies of personal data that I create are protected with multi-factor authentication and stored using an end-to-end encrypted cloud storage service with zero-knowledge encryption protocols. This means that all personal data are encrypted prior to being stored on secure servers, and the data stored on those servers which are located inside the EU or in Switzerland cannot be accessed by any person other than myself.

7 Rights

Data subjects have the right of information and access to confirm details about the personal data that is being processed about them including where those data are stored, the right to correct any inaccurate personal data, the right to erasure (or

restriction) of personal data in certain circumstances, the right to have personal data transferred to another data controller, and the right to object to the processing of personal data.

If you wish to exercise any of the above rights, you must send a request in writing by email to me at nirajmodha@tanfieldchambers.co.uk or telephone me on 020 7421 5300. I shall respond within 28 days.

If you wish to exercise your right to request access to your personal data, I reserve the right to charge a fee for such a request if it is manifestly excessive or unfounded, or to refuse such a request if either I am prevented from complying by reason of legal professional privilege or the request would require a disproportionate amount of time or cost.

8 Breaches

A personal data breach is any occasion upon which a breach of security has led to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or unauthorised access to, personal data. If any such breach occurs it shall be documented immediately and a record shall be kept of all steps undertaken by myself to investigate and remedy the breach.

The breach shall be reported to the ICO as soon as practicable and in any event within 72 hours, if I consider it likely that there will be a serious risk to the freedoms and rights of any data subject as a result.

9 Complaints

If you disagree with any aspect of this policy or are not satisfied that your personal data are being processed in accordance with it, you may complain in writing. A copy of Tanfield Chambers' complaints procedure is available online at <https://www.tanfieldchambers.co.uk/instructing-us/solicitors>.

10 Miscellaneous

Tanfield Chambers shall on my behalf issue a fair processing notice (a privacy statement) to all lay clients within 30 days of receiving a lay client's personal data.

This policy shall be continuously reviewed and updated at intervals of not more than one year beginning with the date of creation.