

PRIVACY POLICY FOR ITHACA LEGAL (CHAMBERS OF DANIEL McCARTHY)

ICO Registration Number: ZB784743

Introduction

1. In order 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 I collect about you, how it is used and shared, and your rights regarding it.

Data controller

2. I, Daniel McCarthy, am a sole practitioner. 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 27 Chalcot Road, London, NW1 8LN and my ICO registration number is ZB784743.

Data collection

3. All of 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 also obtain information from other sources as follows:
 - Information that is available publicly in registers, searches or in the media
 - Other legal professionals including solicitors and barristers and their associates, trainees and staff
 - Chambers staff
 - Expert witnesses
 - Prosecution bodies
 - Regulatory, public or administrative bodies
 - Court staff & officials
 - Clients
 - References.

What data do I process about you?

4. Depending on the type of work, I collect and process both personal data and special categories of personal data as defined in the UK General Data Protection Regulation (“the UK GDPR”). This may include:

- Name
- Email address
- Phone number
- Address
- Payment or bank details
- Date of birth
- Next of kin details
- Details pertaining to education and employment
- Information on your background & current circumstances
- Financial information.

5. Where relevant, I may also need to process special category personal data that reveals your:

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

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

My lawful basis for processing your information

7. In order that I can provide legal services and representation for you, I must process your personal data. 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.

8. Examples of legitimate interests include but are not limited to:

- Provision of legal services and advice.
- For purposes of practice management, accounting and debt recovery.
- For completion of professional regulatory requirements.
- Processing for direct marketing purposes, or to prevent fraud.
- Reporting threats to public security.
- Such other purposes as set out below.

Special category processing

9. 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

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

Purposes

11. I use your personal information for the following purposes:

- To enable me to provide legal advice and representation;
- To investigate and address your concerns;
- To communicate with you about news, updates and events;
- To investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law;
- To assist in any tendering or panel membership applications;
- To assist in any other applications for the purpose of professional development or career progression;
- To communicate legal updates and judgments to other legal professionals;
- For marketing purposes;
- For the management and administration of my practice;
- To recover debt and/or for exercising the right to a lien;
- To manage complaints with regulators;
- For communications with regulators; and
- Where relevant, to conduct anti money laundering, terrorist financing or conflict of interest checks.

Recipients of personal data

12. 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;
- Opposing counsel, for the purposes of resolving the case;
- Court Officials, including the Judiciary;
- Opposing lay clients;
- Any staff who provide administrative services for my practice;
- Expert witnesses and other witnesses;
- My regulator or legal advisors in the event of a dispute, complaint or other legal matter;
- Any person involved in the resolution of a complaint in the event of a complaint about my services;
- 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;
- Any other party where I ask you for consent, and you consent, to the sharing.

13. 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

14. I 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: all countries in the EEA; British Overseas Territories including the British Virgin Islands, Bermuda, the Cayman Islands; Singapore; China; Russia; and the United States.

15. The transfers to third countries with inadequate protection will be undertaken:

- For the purpose of performing the contract with you and/or the contract concluded in your interests;
- Because the transfer is necessary for the establishment, exercise or defence of legal claims; and/or
- To protect the vital interests of you or a third party.

16. Any mobile device that I use, such as mobile phones, tablets and laptops are password protected to protect all content, including any personal data as well as confidential and privileged information.

Data retention

17. 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:

- There is an unresolved issue, such as a claim or dispute;
- I am legally required to; or
- There are overriding legitimate business interests to do so.

18. I will typically retain case files for a period of 15 years following the conclusion of a case/matter or receipt of final payment, whichever is the latest. This reflects the period required by the Bar Mutual Indemnity Fund relating to potential limitation periods.

19. Where various pleadings and documents have been drafted, they may be retained for learning purposes and legal research. Where this is the case, I will anonymise the personal information/redact information which may identify an individual/risk assess the continued retention of the documents.

Your rights

20. 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.

21. 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.
22. 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.
23. You can find out more information from the ICO's website: <https://ico.org.uk/for-the-public/>.

Accessing and correcting your information

24. You may request access to, correction of, or a copy of your information by contacting me at daniel@ithaca-legal.com.

Marketing opt-outs

25. You may opt out of receiving emails and other messages from my practice by following the instructions in those messages, or by contacting daniel@ithaca-legal.com.

Cookies

26. Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. My practice website may use cookies and access certain cookies on your computer to:

- Improve your experience of using the website;
- Improve the range of services; and
- 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

27. I will occasionally update my privacy notice and will publish the updated notice on my website.