UK GDPR Privacy Policy

PRIVACY POLICY OF:

JONATHAN MCDONAGH

SERLE COURT, 6 NEW SQUARE, LINCOLN'S INN, LONDON, WC2A 3QS

ICO REGISTRATION NUMBER: Z3359943

Policy became operational on: 1 OCTOBER 2022

Next review date: 7 October 2027

Privacy Policy

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 reasonable and proportionate 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

I, Jonathan McDonagh, am a member of Serle Court. 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 Serle Court, 6 New Square, Lincoln's Inn, London WC2A 3QS and my ICO registration number is Z3359943. If you need to contact me about your data or this privacy notice, you can reach me at jmcdonagh@serlecourt.co.uk.

Data collection

The vast majority of the information that I hold about you is provided to, or gathered by, me in the course of your case and/or proceedings. If I have been instructed by you or your solicitors, 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, for example in registers, online 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
- Public inquiries.

What data do I process about you?

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, without limitation:

- 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.
- Other personal data relevant to instructions to provide legal services, including data specific to the instructions in question

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.

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

My lawful basis for processing your information

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 applies, I will ensure that I have your 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.
- **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.**

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

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

1. I have your explicit consent to do so; or
2. It is necessary for the exercise or defence of legal claims or judicial acts.

Criminal data processing

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
- Where I have your explicit consent to do so.

Purposes:

I may use your personal information for the following purposes:

- To provide legal advice and representation;
- To assist in training pupils and mini pupils;
- 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 make such returns as may be required by HMRC or professional indemnity insurers;
- 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 debts
- To manage complaints with regulators
- To communicate with regulators
- Where relevant, to conduct anti money laundering, terrorist financing or conflict of interest checks

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;
- A pupil or mini pupil, under my training;
- Counsel and/or solicitors acting for other persons involved in your case or dispute, and/or such other persons themselves, for the purposes of resolving the case or dispute;
- Court Officials, including the Judiciary;
- My chambers' management and 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;
- My professional indemnity insurers and/or their legal advisers, in the event of a dispute or complaint;
- Head of Chambers or complaints committee within my chambers, in the event of a complaint;

- 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.
- 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

I may transfer your personal data to a third country or international organisation where:

- the country or recipient is within the EU or covered by an adequacy decision of the Commission
- appropriate safeguards have been put in place; or
- one of the derogations for specific situations under GDPR Article 49 is applicable to the transfer. These include (in summary):
    - the transfer is necessary to perform, or to form, a contract to which I am a party with you; or with a third party where the contract is in your interests;
    - the transfer is necessary for the establishment, exercise or defence of legal claims;
    - you have provided your explicit consent to the transfer; or
    - the transfer is of a limited nature, and is necessary for the purpose of my compelling legitimate interests.

I retain your personal data while you remain a client unless you ask me to delete it. My Retention and Disposal Policy (copy available on request) details how long I hold data for after the conclusion of your case and how I dispose of it when it no longer needs to be held. 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.

I will typically retain case files for a period of 15 years following the conclusion of a case/matter. This reflects the period required by the Bar Mutual Indemnity Fund and potential limitation periods.

Case documents may also 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

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; and you can ask for a copy of the personal information I hold about you.

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.

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.

You can find out more information from the ICO's website:

http://ico.org.uk/for_the_public/personal_information

Accessing and correcting your information

You may request access to, correction of, or a copy of your information by contacting me at jmcdonagh@serlecourt.co.uk

Marketing opt-outs

You may opt out of receiving emails and other messages from my practice by following the instructions in those messages.

Changes to this Privacy Policy

I continually review my privacy practices and may change this policy from time to time. When I do, the revised version will be placed on Chambers' website.