

# **Jonathan Kirk QC - Privacy Notice**

## **How I use your information**

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

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## **1. Who am I?**

My name is Jonathan Kirk QC. I am a barrister practicing at Gough Square Chambers. I am self employed, and when I act as a barrister I am the controller of certain information.

If you want to contact me you can:

- Telephone me on 0207 353 0924 (please ask for Jonathan Kirk QC)
- Email me at [jonathan.kirk@goughsq.co.uk](mailto:jonathan.kirk@goughsq.co.uk)
- Write to me at Jonathan Kirk QC, Gough Square Chambers, London EC4A 3DE;
- If you use the document exchange (DX) you can write to me at Jonathan Kirk QC, Gough Square Chambers, DX 476 London Chancery Lane

## 2. The information that I may hold

I hold the following different types of personal information

<b>Client Information</b>	
The type of information that I hold	<p>If you are a client, whether you instructing me directly or through a solicitor, then I need information about you so that I can work on your case. The information that I hold will vary from case to case, but may include:</p> <ul style="list-style-type: none"> <li>• <b>Name and contact details</b></li> <li>• <b>Family details</b>, such as the name of your relatives or other information about them</li> <li>• <b>Lifestyle and social circumstances details</b></li> <li>• <b>Financial Details</b>, such as salary</li> <li>• <b>Education, training and employment details</b></li> <li>• Details about any <b>criminal convictions</b> that you may have</li> <li>• <b>Sensitive personal information</b> about you. This can include information about your health, race or ethnic origin, political opinions, religious, philosophical or other beliefs, trade union membership, sex life or sexual orientation, genetic data, or biometric data.</li> </ul>
Why I hold it	<p>I use this information</p> <ul style="list-style-type: none"> <li>• so that I can work on your case</li> <li>• for legal and regulatory purposes, for example to show that I have worked on your case appropriately, to respond to a complaint, or to carry out money laundering checks</li> <li>• to keep accountancy records and for office administration to check for potential conflicts of interest</li> <li>• to train other barristers when providing work-shadowing or pupil opportunities</li> <li>• to be able to carry on my practice as a barrister</li> <li>• for marketing purposes</li> </ul>
Why I am allowed to use the information	<ul style="list-style-type: none"> <li>• <b>Consent</b> – When you provide this information to me you consent for me to work on your case</li> <li>• <b>Contract</b> – If you are a public or professional access client then I need this information to perform the contract between us</li> <li>• <b>Legal obligations</b> - I may have legal and regulatory obligations to use your information, for example to check for money laundering</li> <li>• <b>Legitimate interest</b> – I have a legitimate interest in being able to practice as a barrister</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Public Interest</b> – there is a public interest in the provision of legal services, the administration of justice and acting or providing advice in respect of actual or potential legal claims.</li> </ul> <p>Where I process <b>sensitive personal information</b> I only do so on the basis of consent, or public interest (administration of justice). Where I process information about <b>criminal convictions</b> I only rely on consent, or public interest (administration of justice and actual or potential legal claims)</p>
Who I will share the information with	<ul style="list-style-type: none"> <li>• Some of your information is protected by legal professional privilege, which means that I cannot share it without your consent unless it becomes public. As a barrister I have an obligation to keep your information confidential</li> <li>• I may the names of my cases with my accountant</li> <li>• See section 3 below for who else I may share your information with</li> </ul>
How long I will hold the information for	<ul style="list-style-type: none"> <li>• I will keep details of case names for the duration of my practice, so that I can carry out conflict checks</li> <li>• I may keep contact details for the duration of my practice, for marketing purposes (although if you ask me not to I shall delete them when I no longer need them for other purposes)</li> <li>• After a case has finished I will normally either confidentially destroy or return paper documents to either you or your solicitor. I will keep any electronic records (including emails) for up to 8 years after the end of the case.</li> <li>• If there is a dispute between us, for example you have not paid or you have made a complaint, then I may keep that information for longer, for up to 3 years until the dispute has finally been resolved</li> <li>• I have a legal obligation to keep information about any money laundering checks, until 5 years after the end of the transaction or our relationship, whichever is longer</li> </ul>
How I obtain the information	<p>I may obtain information about your from the following sources:</p> <ul style="list-style-type: none"> <li>• From you, via my instructions</li> <li>• From your solicitor</li> <li>• From the bar pro bono unit</li> <li>• Via my chambers (for example when they send me papers to consider or to quote for)</li> <li>• From other parties in the case, and their legal advisors, for example if they put in a witness statement about you</li> <li>• From other people acting on your behalf, for example a friend or family member if you authorise them to deal with me</li> </ul>

	<ul style="list-style-type: none"> <li>• From publicly available sources, such as the press or public registers</li> <li>• From courts or other tribunals</li> </ul>
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<b>Other Case information</b>	
The type of information that I hold	<p>As part of providing legal advice to my clients I will need to hold information about other people who are not my clients. This may include witnesses, experts, other parties to the litigation or other people involved in the case. The type of information that I hold will vary from case to case but may include</p> <ul style="list-style-type: none"> <li>• <b>Name and contact details</b></li> <li>• <b>Family details</b>, such as the name of your relatives or other information about them</li> <li>• <b>Lifestyle and social circumstances details</b></li> <li>• <b>Financial Details</b>, such as salary</li> <li>• <b>Education, training and employment details</b></li> <li>• Details about any <b>criminal convictions</b> that you may have</li> <li>• <b>Sensitive personal information</b> about you. This can include information about your health, race or ethnic origin, political opinions, religious, philosophical or other beliefs, trade union membership, sex life or sexual orientation, genetic data, or biometric data</li> </ul>
Why I hold it	<p>I use this information:</p> <ul style="list-style-type: none"> <li>• so that I can work on my client’s case</li> <li>• for legal and regulatory purposes, for example to show that I have worked on the case appropriately, or to respond to a complaint</li> <li>• for office administration</li> <li>• to check for potential conflicts of interest</li> <li>• to train other barristers when providing work-shadowing or pupil opportunities</li> <li>• to be able to carry on my practice as a barrister</li> <li>• for marketing purposes</li> </ul>
Why I am allowed to use the information	<ul style="list-style-type: none"> <li>• <b>Legal obligations</b> - I may have legal and regulatory obligations to use your information, for example to show that I have a copy of the case papers in public access cases</li> <li>• <b>Legitimate interest</b> – I have a legitimate interest in being able to practice as a barrister</li> <li>• <b>Public Interest</b> – there is a public interest in the provision of legal services, the administration of justice and acting or providing advice in respect of actual or potential legal claims.</li> </ul>

	Where I process <b>sensitive personal information</b> I only do so on the basis of public interest (administration of justice). Where I process information about <b>criminal convictions</b> I rely on public interest (administration of justice and actual or potential legal claims)
Who I will share the information with	<ul style="list-style-type: none"> <li>• I may the names of my cases with my accountant.</li> <li>• See section 3 below for who else I may share your information with.</li> </ul>
How long I will hold the information for	<ul style="list-style-type: none"> <li>• I will keep details of case names for the duration of my practice, so that I can carry out conflict checks</li> <li>• I may keep contact details for the duration of my practice, for marketing purposes (although if you ask me not to I shall delete them when I no longer need them for other purposes)</li> <li>• After a case has finished I will normally either confidentially destroy or return paper documents to either my client or my instructing solicitor. I will keep any electronic records (including emails) for up to 8 years after the end of the case</li> <li>• If there is a dispute between us, for example you have made a complaint, then I may keep that information for longer, for up to 3 years until the dispute has finally been resolved</li> </ul>
How I obtain the information	<p>I may obtain information about your from the following sources:</p> <ul style="list-style-type: none"> <li>• From my client or my solicitor</li> <li>• From the bar pro bono unit</li> <li>• Via my chambers (for example when they send me papers to consider or to quote for)</li> <li>• From other parties in the case, and their legal advisors, for example if they put in a witness statement about you</li> <li>• From publicly available sources, such as the press or public registers</li> <li>• From courts or other tribunals</li> </ul>

<b>Other professional contacts and third party data</b>	
The type of information that I hold	<p>I will have the details for other professional contacts as part of being a barrister. This may include other barristers, members of my chambers, clerks (both mine and for other barristers), Judges, suppliers of professional services (such as accountants, lawyers, typists, or IT professionals), pupils, mini pupils, and applicants for jobs, pupillage or membership of Chambers.</p> <p>Normally the only information I will hold about such individuals will be <b>name and contact details</b>, although in the case of members of my chambers, my clerks or other chamber's employees or workers, or applicants for pupillage, mini-pupillage, membership of Chambers of</p>

	<p>employment positions this may include <b>financial details, employment history, employment records</b>, and (if you choose to give them to me) <b>sensitive personal information</b> and information about <b>criminal convictions</b>.</p> <p>If you are identified in a law report that I have a copy of then I may hold any information about you that is referred to in that law report. If I write a law report then I may use information that is disclosed in the Judgment.</p>
Why I hold it	I use hold this information so that I can practice as a barrister.
Why I am allowed to use the information	<ul style="list-style-type: none"> <li>• <b>Consent</b> – if you provide me with your details then you consent to me having them</li> <li>• <b>Contract</b> – If I have a contract with you then I will need the information for the purposes of preparing for or carrying out that contract</li> <li>• <b>Legitimate interest</b> – I have a legitimate interest in practising as a barrister</li> <li>• <b>Public interest</b> – there is a public interest in the administration of justice, and the production of law reports</li> </ul> <p>Where I hold information <b>sensitive personal information</b> or information about <b>criminal convictions</b> then I rely on your consent or, in the case of a law report, on the public interest of law reporting.</p>
Who I will share the information with	See section 2 for who I may share this information with
How long I will hold the information for	<ul style="list-style-type: none"> <li>• I may keep contact details, and information about my clerks and information other chambers employees or people who work in chambers for the duration of my practice</li> <li>• I may keep any information about applications for up to 6 months from the date of the application</li> <li>• I will keep information in law reports for the duration of my practice</li> </ul>
How I obtain the information	<p>I may obtain the information from:</p> <ul style="list-style-type: none"> <li>• You, where you choose to give it to me</li> <li>• Other professional contacts who may forward me your contact details, for example if they think that you may be able to provide a service to me</li> <li>• My solicitors or other legal professionals, who may provide me with your contact details, for example if you are a solicitor on the other side of a case on which I am working</li> <li>• Somebody may give me your details on your behalf, for example a court clerk may provide me with a Judge’s email address</li> </ul>

	<ul style="list-style-type: none"> <li>• Other publicly available sources , or example your web page, or a telephone directory, or a court judgement if you are identified in that judgment</li> <li>• My chambers, for example where they provide me with a copy of a CV of an application to join my chambers</li> </ul>
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### 3. Other people that I may provide information to

In addition to what is set out in section 2 above I may also share information with the following people.

#### **My chambers, my clerks, pupils and other support staff**

I may share information with my chambers and with my clerks so that I can practice as a barrister. For example my clerks may file a skeleton argument on my behalf which contains your personal information. I may use a chambers typist, or other support staff employed or acting for chambers. I may also share your information with a pupil or mini-pupil. Whenever I share information with any of these people I shall always do so on the grounds that it is confidential.

#### **Legal Professionals and other people connected to a case**

If your information is relevant to my case I may have to share it with other people. For example I may need to share your information with my solicitor or my client, or somebody acting on their behalf. I may also need to share your information with other legal professionals, such as the Judge, court clerks, or another barrister (for example if I send them a skeleton argument which contains personal information about you in it).

#### **IT support**

I use the following third party suppliers to help me practice. These suppliers may therefore have access to your information:

- My chambers uses a hosted system, operated by Advanced Legal Services Limited. They store and operate my emails, diary, and can host all my electronic documents including case papers.
- I use dropbox, Microsoft OneDrive and Apple iCloud to remotely store information in the cloud.
- I may process PDFs using Adobe Inc. This may include court bundles sent to me on PDF, or law reports.

These suppliers sometimes operate outside of the UK and the EU. In the case of Dropbox, Microsoft OneDrive, Apple and Adobe I rely on Privacy Shield arrangements (an acknowledge by the EU commission that the provider has adequate security provisions in place – to obtain further details 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)). In the case of Advanced Legal Services Limited I have considered their security arrangements and believe them to be adequate. If you would like information about these please contact me.

### **Legal and regulatory bodies**

I am regulated by the Bar Standards Board, who may require access to information that I hold. I may also have to share your information with other regulators, for example the information commissioner, or to other bodies that have a legal right to obtain it, such as the police.

### **Other professional purposes**

If I apply to another chambers, or I apply to be a Judge, I may refer to past cases that I have been involved in as part of that application.

I may also publicise cases that I have been involved in with legal directories, or on my or my chambers website, but I will always make sure that I do not divulge anything that is confidential (or if I do so that it is held on terms that are confidential).

There may be other business associates or professional advisors, or trade bodies such as the bar council, that I need to disclose your information to in the course of my practice.

### **Legal advice and disputes**

I may need to share your information with my legal advisors. If there is a dispute between us or you make a complaint (or at third party makes a complaint or raises a dispute that involves you) I may also need to share your information with any person adjudicating on that dispute or complaint, such as a court or an ombudsman.

### **At your request**

There may be circumstances where you ask me to disclose your information to somebody, for example you ask me for a reference.

## **4. Marketing**

Occasionally either my chambers or myself puts on events or training that may be of interest to you. I may use your personal information to contact you about such events or training, but I will only do so where:

- I have the your express consent; or
- You are a client or a solicitor to whom I have provided services, and you have not asked me not to contact you. If you do not wish to receive such communications please just let me know.

## **5. Public interest processing**

Where I have relied on the public interest to use any of your information then you can object to me doing so. See the “**right to object**” in section 10 below.

## **6. Legitimate Interests**

Where I have referred to having a legitimate interest to use any of your information then I have balanced my legitimate interest against your rights and interests to have your information protected. If you would like details about how I have done this please contact me. You may also object to me processing the information in this way – see the “**right to object**” in section 10 below.

## **7. Withdrawal of consent**

Where I rely on your consent to use your information you may withdraw that consent at any time by contacting me using the details in section 1 above. I shall then stop using your information, unless there is another applicable reason for which I can use it set out in section 2 above. The withdrawal of consent shall not affect the lawfulness of any use of the information that occurred prior to the withdrawal of consent.

Please note that if you are a client and you withdraw your consent for me to use your information then I may not be able to continue to work on your case.

## **8. Your rights**

If I hold information about you then you have the following rights in respect of my use of that information.

- A right of access to your information and to details about how I use your information;
- A right to rectification of inaccurate information
- A right to have information erased (a right to be forgotten)
- A right to restrict the use that I can make of your information
- A right to information portability
- A right to object to the processing of your information.

To exercise any of these rights contact me using the details in section 1 above. You can find more detail about these rights below.

I will comply with any of these rights as soon as possible and in any event no later than one month from the request (although if the request is complex or there are numerous requests I may extend this by up to two further months).

I will not charge for any request, unless it is manifestly unfounded or excessive (for example because it is repetitive). If a request is manifestly unfounded or excessive then I will either charge my reasonable administrative costs to comply with it, or I tell you that I am not going to comply because it is manifestly unfounded or excessive.

### **Access to information**

You may request access to the information that I hold about you, together with information about the purposes for which I use that information, the type of information I hold, who I disclose it to, and the length of time which I hold it for. This is commonly referred to as a subject access request. However, I do not have to disclose any information which is subject to legal professional privilege, or may identify another person.

### **Right to rectification**

If I hold any inaccurate information about you please let me know as soon as possible and I will correct it. You may also request that I supplement any incomplete information that I hold about you.

If I rectify or supplement any information that I hold about you then I will let any third parties to whom I have provided this information know, unless this is impossible or disproportionate. If you ask me to I will tell you to whom I have disclosed this information.

### **Right to erasure**

In certain circumstances you can ask that I erase the information that I hold about you:

- I no longer need to keep it for the purposes for which it was collected or used
- My only basis to process it is your consent and you withdraw that consent
- You object to my use of the information and I do not have any overriding legitimate grounds to continue using the information
- I am using the information unlawfully
- I have to erase it in order to comply with a legal obligation

If you wish to have information about you erased please contact me and I will consider the request. However, there are some circumstances when I do not need to comply with such a request, for example if I need the information for the establishment, exercise or defence of legal claims, or its use is in the public interest.

If I erase any information that I hold about you then I will let any third parties to whom I have provided this information know, unless this is impossible or disproportionate. If you ask me to I will tell you to whom I have disclosed this information.

### **Right to data portability**

Where my processing of your information is based on consent and the processing is carried out by automated means then you have the right to have that information provided to you in a commonly used format, provided that this is technically feasible.

### **Right to restrict processing**

In certain circumstances you can ask that I restrict how I use your information:

- You have made a request for rectification or to supplement inaccurate information. You can ask that I restrict your processing while I deal with your request;
- The use of the information is unlawful, but you ask that I restrict our use of the information rather than delete it

- I no longer need to use it but you want me to keep it so that you can use it for a legal claim

In these circumstances I will stop using your information (although I may still store it) unless you consent to our use, I need it for legal claims, I need to use it to protect another person or where there is an important public interest in us doing so. For example, I may still process information if I need it to work on a case.

If I restrict my use of any information that I hold about you then I will let any third parties to who I have provided this information know, unless this is impossible or disproportionate. If you ask me to I will tell you to who I have disclosed this information.

### **Right to object**

You have the right to object to me using your information where I base my use on either it being in the public interest or it being for legitimate interests (see section 2 above). If you do so and I have no other basis to process it I can only continue to process it if I can demonstrate that I have compelling grounds to do so which override your interests, or I need it for legal claims.

## **9. Complaints**

My use of information is regulated by the Information Commissioner. If you would like to complain about me you can contact the Information Commissioner on 0303 123 1113. More information about your right to complain can be found at <https://ico.org.uk>