

Landmark Chambers – Employee, Pupil, Mini Pupil and Candidate Data Protection Policy

Introduction

1. Landmark Chambers is committed to ensuring that your privacy is protected. This Employee and Candidate Data Protection Policy explains how we process personal information concerning our:
 - i. employees, including volunteers, agents, temporary and casual workers (“Employees”);
 - ii. pupil barristers, including pupil barristers on secondment from any other Authorised Training Organisations (“Pupils”);
 - iii. students in communication with Landmark for work experience, as mini pupils, or in conjunction with any other student outreach programme as advertised or agreed by Landmark (“Mini Pupils”);
 - iv. Any other person in communication with, and/or visiting, Landmark for the purposes of responding to an advertised vacancy (“Candidates”).
2. References in this Policy to “you” and “your” are references to Employees, Pupils, Mini Pupils and Candidates.
3. This Policy sets out what personal information we collect, why we collect it, how we use it, the legal basis that we have for doing so, and the procedures that we have in place to protect your personal information. It is important to read this Policy, together with any other Privacy or Data Protection Policy we may provide in specific circumstances when we are processing your personal information, so that you are aware of how and why we are using your information.
4. This Policy does not form part of any Contract of Employment, Terms and Conditions of Pupillage, or any other contract for services and may be amended at any time.

Who we are

5. We are Landmark Chambers, a trade protected association registered in England Wales under number 04525957 with its registered office at 180 Fleet Street, London, EC4A 2HG. We are registered with the UK Information Commissioner’s Office (“ICO”) under registration number ZA090868.

6. Landmark is a data controller of the personal information of its to Employees, Pupils, Mini Pupils and Candidates. This means that we are responsible for deciding how we hold and use personal information about you.

Contacting us:

We are not required to appoint a formal data protection office under data protection laws. However, our Privacy Officer is our HR and Administration Manager, Carolyn Entwistle, who can be contacted at centwistle@landmarkchambers.co.uk.

If you have any questions about our Policy or your information, or to exercise any of your rights as described in this Policy or under data protection laws, you can contact us:

By post:

Landmark Chambers,
180 Fleet Street,
London,
EC4A 2HG

By email:

dataprotection@landmarkchambers.co.uk

By telephone:

+44 (0) 20 7430 1221

Data protection principles

7. Anyone processing personal data must comply with the principles of processing personal data as follows:
 - i. Lawfulness, fairness and transparency – data must be processed lawfully, fairly and in a transparent manner.
 - ii. Purpose limitation - data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
 - iii. Data minimization - data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
 - iv. Accuracy - data must be accurate and, where necessary, kept up to date.

- v. Storage limitation - data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
 - vi. Integrity and confidentiality - data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage by using appropriate technical or organisational measures.
8. This Policy describes the personal information that we collect and explains how we comply with these principles.

Information we may collect

9. We collect the personal information of our Employees in order to ensure the effective management of Chambers' administration, to monitor their performance and to comply with our legal and regulatory obligations as employers.
10. We collect the personal information of our Pupils in order to ensure the effective management of Chambers' administration, to monitor their performance and to comply with our legal and regulatory obligations as one of the Bar Standard Board's Authorised Training Organisations ("ATO").
11. We collect personal information for our Mini Pupils and Candidates to assist with our recruitment processes and to monitor equality and diversity in the context of recruitment.
12. We set out below a list of the categories of information we may collect from Employees, Pupils, Mini Pupils and Candidates. We aim to make this list as comprehensive as possible but it is not exhaustive. The information that we may collect includes, but is not limited to, the following:
- i. personal contact details such as name, title, home address, telephone number and email address;
 - ii. date of birth;
 - iii. other personal information required for the purpose of diversity monitoring, including: gender, marital status, ethnicity, religion or belief, sexual orientation, disability and dependents;
 - iv. next of kin and emergency contact information;
 - v. copies of passport, driving licence and similar documents;
 - vi. education history, training and professional experience;
 - vii. current and past employment details;
 - viii. immigration status and work permits;
 - ix. languages spoken and level of proficiency;

- x. other information given in your CV;
 - xi. right to work documentation;
 - xii. references;
 - xiii. performance records and appraisals;
 - xiv. holiday records;
 - xv. appraisals and relevant disciplinary and grievance records;
 - xvi. remuneration and payroll information, including National Insurance number and bank account details;
 - xvii. pension and benefits information;
 - xviii. your photograph;
 - xix. other personal information contained in correspondence and documents which you may provide to us; and
 - xx. data from building access controls including images from CCTV operating in and around our offices.
13. You confirm that you are authorised to provide to us the personal information which we shall process on your behalf.
14. We also collect data derived from our IT and communications monitoring in relation to our Employees and Pupils, including monitoring their website browsing history, their usage of the Skype for Business instant messaging service and Outlook email account(s), and their access of any electronic files or systems owned and operated by Landmark.

Information provided by third parties

15. In the context of Pupils, we also collect information about our Candidates from:
- i. Pupillage Gateway, a recruitment portal owned by The General Council of the Bar and operated by Jobs Go Public; and
 - ii. Our own recruitment portal, which is operated by Steers McGillan Eves.
16. The information which we may collect from these third parties includes, but is not limited to, the following:
- i. personal contact details such as name, title, home address, telephone number and email address;
 - ii. date of birth;
 - iii. other personal information required for the purpose of diversity monitoring, including: gender, marital status, ethnicity, religion or belief, sexual orientation, disability and dependents;
 - iv. education history, training and professional experience;
 - v. current and past employment details;

- vi. languages spoken and level of proficiency;
- vii. other information given in your CV;
- viii. pension and benefits information; and
- ix. other personal information contained in documents which you may provide to us.

17. In the context of our Employees, we also collect holiday records from TeamSeer, an online staff and administration service owned and operated by Access UK Limited.

Special Categories of (“Sensitive”) Personal Data

18. You may also supply us with, or we may receive, special categories of (or “sensitive”) personal data. This is defined by applicable data protection laws as:

- i. personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership;
- ii. genetic data or biometric data for the purpose of uniquely identifying an individual; and
- iii. data concerning health or concerning a natural person’s sex life or sexual orientation.

19. We will use this information for the purposes of either performing our contractual obligations or exercising obligations or rights which are imposed or conferred on us by law in connection with our obligations as an employer including:

- i. diversity information about your race or ethnic origin, religious beliefs or sexual orientation for monitoring of equality of opportunity or treatment;
- ii. information about your disability status for considering whether adjustments may need to be made to accommodate Employees, Pupils, Mini Pupils or Candidates with a disability;
- iii. reporting and maintaining a record of any accidents at work; and
- iv. in relation to Employees and Pupils only, information about your health to monitor sick leave and take decisions as to your working capacity.

20. We process these special categories of personal data on the basis of one or more of the following:

- i. where the processing is necessary for carrying our obligations in the employment field;

- ii. where you have given explicit consent to the processing of those personal data for one or more specified purposes;
- iii. where the processing relates to personal data which are manifestly made public by you;
- iv. where the processing is necessary for reasons of substantial public interest in accordance with applicable law. This includes where the processing is necessary for equality of opportunity of treatment; and
- v. where the processing is necessary for the establishment, exercise or defence of legal claims.

Data relating to criminal convictions and offences

21. We may also collect, store and otherwise process personal data relating to criminal convictions and offences (including the alleged commission of offences).

22. This data is only processed where it is necessary for the purposes of:

- i. the processing is necessary for exercising obligations or rights in connection with employment;
- ii. the processing is necessary for reasons of substantial public interest in accordance with applicable law. This includes where the processing is necessary:
 - a. for equality of opportunity of treatment;
 - b. or the purposes of the prevention or detection of an unlawful act or for preventing fraud.
- iii. the processing is necessary for the purposes of, or in connection with any legal proceedings (including prospective legal proceedings), or necessary for obtaining legal advice; or otherwise for establishing, exercising or defending legal rights.

How we use your information

23. The information about you which is obtained by us during the application process and during the course of your employment or contract for services (whether obtained directly from you or from third parties) may be used by us for the following purposes:

- i. to consider your suitability for employment or consultancy services;
- ii. to take up your references;
- iii. to conduct appropriate checks;
- iv. to negotiate and communicate with you in relation to your application;
- v. to manage our Employees, operate our business and for administrative purposes;
- vi. to undertake business analysis activities;
- vii. to monitor Employee and Pupil performance;
- viii. to manage tax, pensions and National Insurance payments;
- ix. to confer benefits in connection with your employment or contract for services;
- x. to comply with our legal and regulatory obligations and for other legal purposes; and
- xi. to market our services on our website and in client proposals using your name, professional experience and photograph.

24. Information we obtain from our IT and communications monitoring in relation to Employees and Pupils is used for compliance with our legal and regulatory obligations, for quality assurance and training purposes. It is also used for the prevention or detection of any unlawful acts, and for establishing, exercising, or defending legal rights.

Legal basis for processing

25. The legal basis for our processing of your personal information is based on the fact that you are an Employee, Pupil, Mini Pupil or Candidate and it is necessary for us to process your information in order to:

Purposes for which we will process the information	Legal Basis for the processing
To consider your application in line with our recruitment purposes.	It is in our legitimate interests to recruit Employees, Pupils, Mini Pupils and members, and to select the best candidates. We consider this to be necessary for our legitimate interests and will not be prejudicial or detrimental to you.

<p>To carry out background and reference checks.</p>	<p>It is in our legitimate interests to assess the suitability of successful Candidates. We consider this to be proportionate and will not be detrimental to you.</p>
<p>For administrative purposes in connection with your Contract of Employment, Terms and Conditions of Pupillage or contract for services.</p>	<p>It is necessary to comply with our legal obligations as an employer and an ATO. In addition, it is necessary to comply with our contractual obligations to independent consultants.</p>
<p>To manage tax, pensions and National Insurance payments and confer benefits in connection with your employment or contract for services.</p>	<p>It is necessary to comply with our legal and statutory obligations as an employer. In addition, it is necessary for the performance of our contract of employment or contract for services with you.</p>
<p>To monitor Employee and Pupil performance and conduct performance reviews.</p>	<p>It is in our legitimate interests to monitor our Employees and Pupils, and their performance levels. We consider this to be necessary for our legitimate interests and will not be prejudicial or detrimental to you.</p>
<p>To undertake business analysis activities.</p>	<p>It is in our legitimate interests to manage and monitor our Human Resources function. We consider this to be necessary for our legitimate interests and will not be prejudicial or detrimental to you.</p>
<p>To comply with our legal and regulatory obligations.</p>	<p>It is necessary to comply with our legal and statutory obligations as an employer, ATO, and service provider.</p>
<p>For marketing our services.</p>	<p>It is in our legitimate interests to market our services by providing details of our Employees on our website (including your photograph). We consider this use to be</p>

	proportionate and will not be prejudicial or detrimental to you.
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26. Where we rely on legitimate interests as a lawful basis, we will carry out a balancing test to ensure that your interests, rights and freedoms do not override our legitimate interests. If you want further information on the balancing test we have carried out, you can request this from us by contacting our Privacy Officer, as provided above.
27. Where you provide consent, you can withdraw your consent at any time and free of charge, but without affecting the lawfulness of processing based on consent before its withdrawal. You can update your details or change your privacy preferences by contacting our Privacy Officer, as provided above.
28. If you choose not to provide information requested where such information is necessary for the performance of our contract with you (i.e. paying you or providing a benefit), we will not be able to perform the contract we have entered into with you.
29. For Candidates, if you choose not to provide information requested which is necessary for us to assess your suitability for the role (such as evidence of qualifications or work history), we will not be able to take your application further.
30. Landmark will only use your personal information for the purposes for which we have collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you in a timely manner and we will explain the legal basis which allows us to do so.

Sharing your information with third parties

31. For the purposes set out under “How we use your information” and “Legal basis for processing” above, we may share information concerning our Employees, Pupils and Mini Pupils with:
- i. our professional advisors (including lawyers, consultants, insurers and insurance brokers);
 - ii. our bank, accountants and accountancy software providers;
 - iii. our diary management system service providers; and
 - iv. providers of IT and system administration services,

all of whom are based in countries within the EEA.

32. We may also share your information with the following third parties in connection with your Employee benefits. These third parties will also be data controllers of your personal information and your personal information will be processed in accordance with the third party's privacy policy with which you should familiarise yourself:

- i. Our medical health insurer which is BUPA;
- ii. Our death in service group life scheme which is provided by AVIVA; and
- iii. Our pensions provider which is AVIVA.

We shall notify you of any changes or additions to the Employee benefits providers which shall be communicated to you by email or other appropriate method.

33. For the purposes set out under "How we use your information" and "Legal basis for processing" above, we may share information concerning our Candidates with other Employees and members of Chambers.

34. We will also disclose personal information concerning Employees, Pupils, Mini Pupils and Candidates to other third parties where there is a legitimate reason to do so, including for the following reasons:

- i. in the event that we sell or buy any business or assets, in which case we may disclose your personal information to the prospective seller or buyer of such business or assets;
- ii. if all or substantially all of our assets are acquired by a third party, in which case personal information held by it about its employees will be one of the transferred assets.

35. We will also disclose your personal information to the extent we are under a duty to disclose or share your personal information in order to comply with any legal obligation.

Information about data subjects connected to Employees and Pupils

36. In connection with the administration of Employees' benefits, we may collect your family members' and/or friends' personal information. As it is not reasonable for us to contact and obtain consent from such individuals as to the processing of their data, we ask you to obtain this consent for us and to confirm that you have it so that, where applicable, we can share their personal information with the relevant insurer.

Accuracy of Data

37. We will take reasonable steps to try to ensure that your information is kept accurate and up-to-date. All Employees, Pupils, Mini Pupils and Candidates are requested to ensure that the HR and Administration Manager is notified of any changes to their personal information without undue delay.

38. Where you have notified the HR and Administration Manager, or we otherwise become aware of an inaccuracy in your personal information, we will take every reasonable step to sure that the information is either erased or rectified without delay.

Policies and procedures

39. We implement a number of additional policies in relation to data privacy and data security. Most of the policies relevant to our Employees, Pupils and Mini Pupils can be found in the Employee Handbook and/or are made available as part of the relevant induction process. Please familiarise yourselves with these additional policies as set out below. If you have any questions about such policies and procedures you should speak to your Line Manager.

40. The following is a list of the additional policies which may be updated from time to time. Any new or updated policies will be communicated to you by email or any other appropriate method:

- i. Data Protection and Privacy Policy;
- ii. ITC Policy; and
- iii. Data Retention Policy.

Your rights

41. Subject to certain limitations, you have the following rights under data protection laws in relation to your personal information:

Access to your information and updating your information

42. You have the right to access information which we hold about you. If you so request, we shall provide you with a copy of your personal information which we are processing ("*subject access request*"). We may refuse to comply with a subject access request if the request is manifestly unfounded or excessive or repetitive in nature.

43. You also have the right to receive your personal information in a structured and commonly used format so that it can be transferred to another data controller ("*data portability*"). This right only applies where your personal data is processed by us with

your consent or for the performance of a contract; and when processing is carried out by automated means.

44. We endeavour to ensure that your personal information is accurate and up to date and you have the right to have inaccurate personal information rectified or completed if it is incomplete. We may refuse to comply with a request for rectification if the request is manifestly unfounded or excessive or repetitive.

Right to object

45. You have the right to object at any time to our processing of your personal information for direct marketing purposes.

When we process your information based on our legitimate interests

46. You also have the right to object, on grounds relating to your particular situation, at any time to processing of your personal information which is based on our legitimate interests. Where you object on this ground, we shall no longer process your personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Your other rights

47. You also have the following rights under data protection laws to request that we rectify your personal information which is inaccurate or incomplete.

48. In certain circumstances, you have the right to:

- i. request the erasure of your personal information ("*right to be forgotten*");
- ii. restrict the processing of your personal information to processing to which you have given your consent, or for the establishment, exercise or defence of legal claims, or for the protection of the rights of others.

49. Please note that the above rights are not absolute, and we may be entitled to refuse requests, wholly or partly, where exceptions under applicable law apply. We may refuse a request for erasure, for example, where the processing is necessary to comply with a legal obligation, or necessary for the establishment, exercise, or defence of legal claims. We may refuse to comply with a request for restriction if the request is manifestly unfounded or excessive or repetitive in nature.

Exercising your rights

50. You can exercise any of your rights as described in this policy and under data protection laws by contacting the Privacy Officer.

51. Save as described in this policy or provided under applicable data protection laws, there is no charge for the exercise of your legal rights. However, if your requests are manifestly unfounded or excessive, in particular because of their repetitive character, we may either:

- i. charge a reasonable fee taking into account the administrative costs of providing the information or taking the action requested; or
- ii. refuse to act on the request.

52. Where we have reasonable doubts concerning the identity of the person making the request, we may request additional information necessary to confirm your identity.

Security of your information

53. We store your information in hard copy and in electronic format. We use industry standard technical and organisational measures to protect information from the point of collection to the point of destruction. For example:

- i. We use, as appropriate, encryption, firewalls, access controls, policies and other procedures to protect information from unauthorised access.
- ii. Where appropriate, we use pseudonymisation and/or encryption to protect your information.
- iii. We will only transfer personal data to a third party if it agrees to comply with those procedures and policies, or if it puts in place adequate measures itself.

54. Despite these precautions, Landmark cannot guarantee the security of data transmitted over the internet or that unauthorised persons will not obtain access to personal information. In the event of a data breach, Landmark have put in place procedures to deal with any suspected breach and will notify you and any applicable regulator of a breach where required to do so.

International transfers

55. Your personal data may be transferred, stored, and processed, outside of the European Economic Area. Regardless of where your personal data is transferred, we shall ensure that your personal data is safe and shall take all steps reasonably necessary to put in place appropriate safeguards to ensure that your personal data is treated securely and in accordance with this Policy and applicable law. Details regarding these safeguards can be obtained by contacting our Privacy Officer.

How long we keep your information

56. We will retain the information we collect about Employees and Pupils in your personnel file for the course of your employment, pupillage or contract for services. Following the end of employment, pupillage, or contract for services we will retain your personnel file for as long as necessary and permitted for legal, regulatory, fraud and other financial crime prevention and legitimate business purposes. After this period, your personal information will be destroyed in accordance with our Data Retention Policy.

57. Where Candidates make a successful application for an employed role or pupillage within Landmark and are subsequently employed by us or offered a pupillage with us, any documentation relevant to the recruitment process (including your application) will become part of your personnel file in accordance with paragraph 57 above.

58. Personal information about unsuccessful tenancy, Employee, Pupil or Mini Pupil Candidates will be held for 6 months after the recruitment exercise has been completed. It will then be destroyed or deleted. We may retain de-personalised statistical information about applicants to help inform our recruitment activities, but no individuals are identifiable from that data.

Complaints

59. If you have concerns about our use of your personal information, please send an email with the details of your complaint to our Privacy Officer using the details above.

60. In addition, you have the right to make a complaint at any time with a supervisory authority, in particular in the EU (or EEA) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in the UK is ICO who may be contacted at <https://ico.org.uk/concerns/> or telephone on **0303 123 1113**.

Changes to the policy

61. We may change this Policy from time to time. We will communicate any Policy updates by email or any other appropriate method.

Version Control and History

#	Description	Updated by	Version	Date
1.	Approved by CMC		1.0	May 2018
2.				
3.				
4.				
5.				