

Landmark Chambers – Client Data Protection Policy

General

1. This Policy sets out the basis on which we will process your personal information. Please read the Policy carefully to understand our practices regarding personal information and how we will use it.

Who we are

2. The data controller in respect of personal data is: (i) Landmark Chambers (“Landmark”), (ii) the members of Landmark Chambers (“Members”), and (iii) pupil barristers after their first 6 months of pupillage (“Pupils”). Landmark’s offices are at 180 Fleet Street, London, EC4A 2HG and Fourth Floor, Cornerblock, Two Cornwall Street, Birmingham, West Midlands, B3 2DL.
3. In most cases, Members and Pupils will be independent data controllers. In some circumstances, in respect of personal data relevant to a particular matter when acting on the instructions of a solicitor, Members and Pupils may be joint data controllers with the instructing solicitors.
4. Please note that the way in which your data will be processed will be in accordance with this Policy and only for the purposes set out in the engagement letter with you.
5. Members and Pupils act as a data controller in relation to the processing of client data as set out in this statement. However, in some circumstances where Members and Pupils process personal data on behalf of the relevant instructing solicitor, they may be data processors for the purposes of data protection laws.
6. For the purposes of data protection laws:
 - i. Landmark Chambers is registered as data controller with the Information Commissioner’s Office (“ICO”) with registration number ZA090868.
 - ii. Each individual Member is registered as data controller with the ICO.
 - iii. Pupils are registered as data controllers after their first six months of pupillage.
7. References in this Policy to “Landmark”, “we”, “our” and “us” are references to Landmark, Members and Pupils.

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, Natasha White-Foy, who can be contacted at NWhiteFoy@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

8. 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.
9. This Policy describes the personal information that we collect and explains how we comply with these principles.

Information we may collect

10. We collect the personal information as necessary to enable us to carry out your instructions and to manage and operate our business, and to comply with our legal and regulatory obligations.
11. The personal information that we may collect includes, but is not limited to, the following:
- i. name;
 - ii. home and business address;
 - iii. contact details (such as business and personal telephone numbers and email address);
 - iv. date of birth;
 - v. gender;
 - vi. disability;
 - vii. financial assistance;
 - viii. marital status;
 - ix. copies of passport, national identity card, driving licence, utility bills, bank statements and similar documents;
 - x. bank details;
 - xi. immigration status and work permits;
 - xii. other personal information contained in correspondence and documents which you may provide to us; and
 - xiii. information we obtain from our IT and communications monitoring, or through access card systems and CCTV cameras.
12. You confirm that you are authorised to provide to us the personal information which we shall process on your behalf.
13. Where the personal information relates to your directors, shareholders, beneficial owners, employees, agents, associates or family members it is not reasonably practicable for us to provide to them the information set out in this Policy. Accordingly, where appropriate, you are responsible for providing this information to any such person.

Legal basis for processing

14. We process personal information on the basis of one or more of the following:

- i. Processing is necessary for the performance of our contractual engagement with you: this relates to all personal data we reasonably need to process to carry out your instructions.
- ii. Processing is necessary for compliance with a legal obligation to which we are subject: this relates to our legal obligations in relation to, for example, anti-money laundering.
- iii. Processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data: this relates to our processing for our legitimate marketing purposes, for our management, accounting and administration purposes and for data security.
- iv. You have consented to the processing of your personal data.

Special Categories of (“Sensitive”) Personal Data

15. 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.

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

- i. where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
- ii. where the processing relates to personal data which are manifestly made public by the data subject;

- iii. where the processing is necessary for the establishment, exercise or defence of legal claims;
- iv. where the processing is necessary for reasons of substantial public interest, in accordance with applicable law. Such reasons include where the processing is necessary:
 - a. for the purposes of the prevention or detection of an unlawful act or for preventing fraud; and
 - b. for the provision of confidential advice. You will find more details on this on our Confidentiality and Conflicts of Interest Policy, which can be found at: www.landmarkchambers.co.uk/about-us/terms-of-work-and-client-care/

Data relating to criminal convictions and offences

17. We may also collect and store personal data relating to criminal convictions and offences (including the alleged commission of offences).
18. This data is only processed where it is necessary for the purposes of:
- i. the prevention or detection of an unlawful act and is necessary for reasons of substantial public interest;
 - ii. providing or obtaining legal advice; or
 - iii. establishing, exercising or defending legal rights.

How we use your information

19. We shall use personal information and any other information which each of the data controllers may collect for the purpose of:
- i. the provision of legal professional services to you in connection with your matters as reasonably necessary in order to carry out your instructions, including associated administration and accounting;
 - ii. marketing our services;

- iii. compliance with anti-money laundering requirements and any other law or regulation and the rules of any applicable governmental, regulatory authority or professional body; and
 - iv. any dealings with any governmental, regulatory authority or professional body.
20. Where we request personal information to identify you for compliance with anti-money laundering regulations, we shall process such information only for the purposes of preventing money laundering or terrorist financing, or as otherwise set out in this Policy or permitted by law.
21. We act as a data controller in relation to the processing of personal information as set out in this Policy. However, in some circumstances we may process personal data on your behalf as a data processor for the purposes of data protection laws. Where we process any personal information on your behalf as your data processor, the terms set out in our Data Processing Addendum, a copy of which is available on request from our Privacy Officer, shall apply.

Marketing

22. We may use personal information to notify you about important legal developments and services which we think you may find valuable, for sending you newsletters, blog updates, marketing brochures, invitations to events and similar marketing.
23. We may contact you by post, email or telephone.
24. You can tell us if you do not wish to receive direct marketing by writing to us by contacting our Marketing Team at marketing@landmarkchambers.co.uk. It may take us up to five working days to action your request.
25. If you would like to unsubscribe from any email newsletter or other email marketing, you can also click on the 'unsubscribe' button at the bottom of the email.

Email monitoring

26. Emails which you send to us or which we send to you may be monitored by us to ensure compliance with professional standards and our internal compliance policies. Monitoring is not continuous or routine but may be undertaken on the instruction of the Head(s) of Chamber(s) or Chief Executive where there are reasonable grounds for doing so.

Third party processors

27. Our information technology systems are mostly operated by third parties and therefore some data processing is carried out on our behalf by a third party. Details regarding these third party data processors can be obtained from our Privacy Officer whose details are given above.
28. Where processing of personal data is carried out by a third party data processor on our behalf we endeavour to ensure that appropriate security measures are in place to prevent unauthorised access to or use of your data.

Disclosure of personal information

29. Personal information will be retained by us and will not be shared, transferred or otherwise disclosed to any third party, save as set out in this Policy.
30. If we are working with other professional advisers in relation to any matter handled by us on your behalf then, unless you instruct us otherwise, we shall assume that we may disclose your information to them.
31. We may disclose and share personal information:
- i. with our Members, Pupils, employees, mini pupils and consultants;
 - ii. to other professional advisers and third parties in accordance with your instructions;
 - iii. to our professional indemnity, management liability and commercial combined insurers, brokers or advisers, and auditors, lawyers or risk managers who we or they may appoint;
 - iv. if we, acting in good faith, consider disclosure to be required by law or the rules of any applicable governmental, regulatory or professional body.

Your rights

Access to your information and updating your information

32. 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*").

33. 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*").

34. We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate.

Right to object

35. 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

36. 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

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

38. 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.

39. 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.

Exercising your rights

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

41. 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.
42. 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

43. 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. Hard copy information files are restricted to authorised individuals, such as Members, Pupils and any other individual authorised by Landmark, including employees.
 - ii. We use, as appropriate, encryption, firewalls, access controls, policies and other procedures to protect information from unauthorised access.
 - iii. Where appropriate, we use pseudonymisation and/or encryption to protect your information.
 - iv. 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.
44. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal information, we cannot guarantee the security of your data transmitted over the internet.

International transfers

45. 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 us or our Privacy Officer (see details above).

How long we keep your information

46. Personal information received by us will only be retained for as long as necessary to fulfil our engagement. Following the end of our engagement we will retain your information 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 data will be securely destroyed in accordance with our Data Retention Policy. Further details regarding our Data Retention Policy can be obtained from our Privacy Officer whose details are set out above.

Complaints

47. You should address your complaints to our Privacy Officer whose details are set out above. You may also refer to our Complaints Policy, which you can find here: www.landmarkchambers.co.uk/about-us/terms-of-work-and-client-care/.

48. In addition, you have the right to complain to the Information Commissioner’s Office (<https://ico.org.uk/>) about our data processing activities in relation to your personal information if you think they infringe applicable data protection laws (ICO helpline on **0303 123 1113**).

Changes to the policy

49. We may change this Policy from time to time. The current version will always be available from us in hard copy or on our website.

Version Control and History

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