

PRIVACY POLICY OF:

**David Yates KC
Pump Court Tax Chambers
16 Bedford Row
London
WC1R 4EF**

ICO Registration Number: Z921334X

23 December 2021

Policy became operational on: 23 December 2021

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 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

I, David Yates QC, am a member of Pump Court Tax Chambers. 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 16 Bedford Row, London, WC1R 4EF and my ICO registration number is Z921334X. If you need to contact me about your data or this privacy notice, you can reach me at dyates@pumptax.com.

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. Your solicitor/instructing agent 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/instructing agent, 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?

Depending on the type of work, I collect and process both personal data and special categories of personal data as defined in 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.

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 General Data Protection Regulation (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.**

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 use your personal information for the following purposes:

- Provide legal advice and representation;
- Assist in training pupils and mini pupils;
- Investigate and address your concerns;
- Communicate with you about news, updates and events;

- Investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law;
- Assist in any tendering or panel membership applications;
- Assist in any other applications for the purpose of professional development or career progression;
- Communicate legal updates and judgments to other legal professionals;
- For marketing purposes.
- For the management and administration of my practice
- To recover debt
- To manage complaints with regulators
- Communications 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;
- Opposing counsel, for the purposes of resolving the case;
- Court Officials, including the Judiciary;
- Opposing lay clients
- 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;
- 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

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your information out of the EEA in any particular case or for a reference. However, if you reside outside the EEA or your case or the role for which you require a reference involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your information please indicate this when providing initial instructions. Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. Most do not. If your information has to be transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.

I may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection see https://ec.europa.eu/info/law/law-topic/dataprotection/data-transfers-outside-eu/eu-us-privacy-shield_en.
- cloud data storage services based in Switzerland, in order to enable me to store your data and/or backup copies of your data so that I may access your data when I need to. Switzerland does not have the same data protection laws as the EU but has been recognised by the European Commission as providing adequate protection; see https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outsideeu/adequacy-protection-personal-data-non-eu-countries_en.

If I decide to publish a judgment or other decision of a Court or Tribunal containing your information then this will be published to the world. I will not otherwise transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

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

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 or potential issues, such as a claim or dispute;
- I am legally required to; or
- There are overriding legitimate business interests to do so.

I will normally store all your information:

- until at least 1 year after the expiry of any relevant limitation period (which will for this purpose be 15 years), from the date of the last item of work carried out, the date of the last payment received or the date on which all outstanding payments are written off, whichever is the latest. This is because it may be needed for potential legal proceedings. At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.
- I will store some of your information which I need to carry out conflict checks for the rest of my career. However, this is likely to be limited to your name and contact details and the name of the case. This will not include any information within categories (g) to (m) above.
- Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later;
- Names and contact details held for marketing purposes will be stored indefinitely or until I or my clerks become aware or are informed that the individual has ceased to be a potential client.

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

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.

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 [x email address].

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 notice

This privacy notice was published on 23 December 2021

I continually review my privacy practices and may change this policy from time to time.

When I do it will be placed on the website