



5 Essex Court Privacy Policy

Section 1: Introduction

The General Data Protection Regulation (“GDPR”) introduced on 25 May 2018 gives you rights in relation to the personal information about yourself that you provide to 5 Essex Court and its members. That information is called “personal data” under GDPR. Any use that we make of that personal data is covered by this Privacy Policy.

This Privacy Policy explains in more detail what rights you have in relation to the personal information that you provide to us.

This policy sets out the basis upon which any personal data we collect from you, which you provide to us, will be processed. Please read the following carefully to understand our practice when processing personal data and how we will treat it. It is important that you read this Privacy Policy together with any other Privacy Policy or fair processing notice we or one of our members may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This Privacy Policy supplements the other notices and is not intended to override them.

Section 2: About 5 Essex Court /Data Controller

5 Essex Court is a set of barristers’ chambers. All barristers practising from this set of chambers are self-employed individuals. These barristers are registered as Data Controllers with the Information Commissioner Officer (ICO) in their own right, for the personal data that they hold and process on your behalf. Please consult the Member for his or her registration details.

Where you give personal data to a Member in order for him/her to provide services to you then this may be shared with the clerks to process it as a Data Processor on behalf of that Member.

Clerks and other staff at 5 Essex Court are responsible for providing the management and administrative support functions on behalf of all barristers practising from 5 Essex Court.

Data Controller

Jason Beer QC as Head of Chambers is registered with the ICO as a Data Controller on his own behalf covering his individual practice but also on behalf of 5EC chambers as a whole for the personal data that it holds and processes. His ICO registration number is Z4677837.

Members and employees of 5 Essex Court are based at 5 Essex Court, Temple, London, EC4Y 9AH, United Kingdom and can be contacted via the 5 Essex Court website at www.5essexcourt.co.uk, via email at GDPR@5essexcourt.co.uk or by telephone +44 (0)20 7410 2000.

A number of individuals at 5 Essex Court are classed as “door tenants”. Door tenants are not members but the courtesy of displaying his/her name at the entrance to Chambers has been extended to them.

Data Protection Officer

Our Data Protection Officer (DPO) is Alex Ustych and can be contacted at clerks@5essexcourt.co.uk.

Section 3: Collection of your personal data

We may collect your personal data in one of the following ways.

- The management and administration of each barrister’s work – we may obtain your personal data, including special categories of personal data as defined in the General Data Protection Regulation (“GDPR”), for the purpose of instructing or potentially instructing one of the barristers to provide legal advice and/or representation or other legal services in relation to a particular client or case.
- Otherwise in the normal course of business – you may have provided 5 Essex Court with your personal or business details in relation to instructing a barrister on a specific legal matter or for the purposes of communicating regarding legal advice matters or marketing/business development opportunities.

- Contact forms – we may collect any personal information which you choose to provide when you fill in forms on www.5essexcourt.co.uk. This may include, for example, your name, position, company, contact details (such as business email, telephone number and business address) and your personal preferences, choices and requirements specific to particular requests or services. We may use this personal data to respond to your queries, and/or provide the services and/or information that you have requested.
- Events – if you register for one of our events, we may share your name, professional title and your company details with other people that are attending the same event.
- Other marketing – we may have obtained limited personal data at an event or through an introduction by a third party or through mutual networking activity in person or via social media, email or other digital communications.
- Administration of recruitment processes, including pupillage and mini-pupillage and employee/personnel data.
- In addition, if you visit www.5essexcourt.co.uk, some limited personal data may also be collected. Please see the 5 Essex Court website section below.

We sometimes collect Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). In the course of providing legal services members of Chambers' may collect information about criminal convictions and offences.

Where personal contact details have been provided to us by you or on your behalf, 5 Essex Court may use the details to keep you informed about relevant legal updates, future events and our services by email, telephone or post.. You may be contacted by email, telephone or by post for marketing purposes relating to our services and/or to research opinion on proposed legal or business developments where legally permitted to do so, unless you let us know that you do not want to receive this type of marketing. You have the right to object to this processing if you wish and if so, please see the Marketing opt-out section of this Policy.

5 Essex Court may also use your personal data on an aggregated but anonymised basis to analyse how to improve the service that staff and members provide to clients.

5 Essex Court does not use automated decision-making in the processing of your personal data.

Please bear in mind that if you choose not to provide personal data requested by us, or if you object to our processing your personal data, we may not be able to provide you with the information and/or services you have requested or otherwise fulfil the purpose(s) for which we have asked for the personal data.

Section 4: Legal bases for using or storing personal data

The GDPR requires all organisations that process personal data to have a legal basis for doing so. The lawful bases identified in the GDPR, and which provide our legal bases for processing your personal data, are:

- I. Your Consent
- II. Performance of a contract with the data subject or to take steps to enter into a contract.
- III. Compliance with a legal obligation.
- IV. The legitimate interests of ourselves, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

The legitimate interests purposes for which we process personal data include the following:

- To administer the legal services provided by barristers at 5 Essex Court to their clients.
- Transmission between Chambers and the Member or between Members when consent is given to transmission.
- To make, investigate, respond to or address complaints or concerns, including any legal or regulatory action, e.g. anti-money laundering, Legal Services Regulation or the Bar Code of Conduct
- To ensure network and information security, including preventing unauthorised access to personal data.
- To assess and improve our services.
- For marketing purposes.
- To report possible criminal acts or threats to public security.

We will only use your personal data for the purposes for which we 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Section 5: Marketing opt-out

You may opt out of specific communications at any time if they are not directly related to our commercial contract between 5 Essex Court or any member of 5 Essex Court, with you or your company, or the management of a legal case or proceedings.

You may do so by using the “unsubscribe” option included in any marketing e-mail or other marketing material sent by us.

Section 6: Storing and using your personal data

5 Essex Court stores personal data, including email, phone and company name provided to it, on a contact management system.

5 Essex Court will not keep personal data longer than required. We retain your personal data while you remain a client/pupil/employee, unless you ask us to delete it. Details of our retention and deletion processes are available on request, setting out details how long we hold data for and how we dispose of it when it no longer needs to be held.

We may have to share your personal data with the following categories of people—

- the Clerks and other members of staff who are employed by 5 Essex Court;
- courts or other tribunals to whom documents are presented;
- other parties and their legal representatives in any proceedings to which the agreement relates;
- potential witnesses, in particular experts;
- ombudsmen and regulatory authorities;
- current, past or prospective employers;

- education and examining bodies;
- business associates, professional advisers and trade bodies;
- other people with whom you give us your explicit consent on a case by case basis for us to share your personal data with, such as friends or family;
- the email provider that we use to communicate with you;
- members may have trainees called pupils or mini-pupils from time to time who assist them with their practice and with whom they may share your personal data. The pupils and mini-pupils are bound by written confidentiality obligations not to disclose any material about cases that a member may share with them;
- an individual member may use other software and programmes from time to time to process your personal data.

5 Essex Court has an agreement with an IT provider which manages Chambers' IT services, including email, and provides Chambers with secure servers to process and store the personal data that you provide to us. Chambers also uses software known as MLC which allows Clerks and Staff to manage members' diaries, store information relating to cases, and coordinate billing. Your personal data will also be stored on this system.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

You can request that 5 Essex Court suspend processing of your personal data or remove your personal data at any time. You can request rectification or erasure of your details and preferences and any consent given can be withdrawn at any time. Please see the section 'Your Rights'. We will delete or anonymise your information at your request unless:

- The Lawful Basis for collecting your data is continuing.
- We or our Members are presently engaged with you in relation to a matter, or that matter has not yet finally completed or there is an unresolved issue, such as claim or dispute;
- We are legally required to; or
- There are overriding legitimate business interests, including but not limited to fraud prevention and protecting customers'; safety and security.

The personal data is processed at 5 Essex Court operating office and in any other places where the parties involved with the processing are located.

Your personal data is stored on secure servers in the European Economic Area (EEA).

We have put in place procedures to deal with any suspected personal data breach (applying the Information Commissioner Office guidance on data breaches) and will notify you and any applicable regulator of a breach where we are legally required to do so.

Section 7: Security precautions in respect of your data

5 Essex Court will take reasonable technical and organisational precautions to prevent unauthorised access, disclosure, modification, or unauthorised destruction of your personal data.

This includes using encryption of computer data where appropriate, as well as physical security measures.

Section 8: Sharing personal data

Your personal data may be accessible to such employees, directors, officers and barristers at 5 Essex Court or external parties (such as third-party technical service providers, mail carriers, hosting providers, IT companies, communications agencies) as reasonably necessary for the purposes as set out in this privacy notice. Where such sharing takes place, 5 Essex Court will take all reasonable steps to ensure that your personal data is processed in compliance with the GDPR.

A list of third-party and sub-processors may be requested from 5EC at any time.

Your personal data may also be shared with:

- regulators or legal advisors in the event of a dispute or complaint;
- Companies, professional advisers and persons appointed or engaged by You in respect of the same matter that we or our Members are appointed or engaged by You;
- law enforcement officials, government authorities or other third parties in order to comply with legal obligations; and/or

- legal directory publishers for the purposes of peer group review and feedback on the members and staff of 5 Essex Court. 5 Essex Court will not share your data with any other organisations for marketing, market research or commercial purposes.
- Any other party where we ask you and you consent to the sharing.

Section 9: Your Rights

The GDPR gives you rights in relation to your personal data. You have the right to:

- Request access to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for our continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request to erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (1) if you want us to establish the data’s accuracy; (2) where our use of the data is unlawful but you do not want us to erase it; (3) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (4) you have

objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us by using the details provided above.

For more information about your rights in relation to the way in which we process your personal data, please see the following link:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You can find out more information about how to exercise these rights from the website of the Information Commissioner's Office ("ICO") <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/> . You also have the right to lodge a complaint about our processing of your personal data with the ICO.

Any requests should be made to GDPR@5essexcourt.co.uk. In addition to the information contained in this privacy notice, if you would like any additional information about any particular services or the way your personal data is collected and/or processed, please contact us as above.

5 Essex Court may occasionally update this Privacy Notice. We will publish the updated Notice on our website. If you wish to download a copy of this policy for your records please click [here](#).

Section 10: The 5 Essex Court website

The 5 Essex Court website may collect some personal data from you.

The types of personal data collected will be in the form of:

i. Information provided by you

You may be asked to provide personal data through the website (such as when submitting a Direct Public Access enquiry) or when you register for updates or events which are then stored on 5 Essex Court's contact management system. The details will include your name, your work email address and your company name. 5 Essex Court will not collect personal details from you without your knowledge and permission.

ii. Cookies and usage analytics

The 5 Essex Court website uses cookies to better the user's experience while visiting the website. A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site.

Where applicable this website uses a cookie control system allowing you, on your first visit to the website, to allow or disallow the use of cookies on their computer / device. This complies with recent legislation requirements for websites to obtain explicit consent from users before leaving behind or reading files such as cookies on a user's computer / device.

Traffic log cookies are used to identify which pages are being used. This helps those responsible for the upkeep and maintenance of this website to analyse personal data about webpage traffic and improve the website in order to tailor it to user needs. This information is only used for statistical analysis purposes and is then removed from the system.

You may refuse the use of cookies by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use the full functionality of this website. By using this website, you consent to the processing of personal data about you in the manner and for the purposes set out above

Chambers also uses Google Analytics: Google utilises the data collected to track and examine the use of the 5 Essex Court website, to prepare reports on its activities and share them with other Google services. Google may use the data collected to contextualise and personalise the ads of its own advertising network.

For operation and maintenance purposes, 5 Essex Court website and any third-party services may collect files that record interaction with it (System logs) or use for this purpose other personal data (such as IP Address).

If you come to our website from another website, it may receive information from the other website. 5 Essex Court does not use this personal data. You should read the privacy policy of the website you came from to find out more about this.

The 5 Essex Court site contains links to other websites. 5 Essex Court is not responsible for the content or privacy notices of these websites.

Changes to the Privacy Policy and your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.