

Privacy Notice for Kenneth MacLean QC

Data Controller

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 One Essex Court, Temple, London EC4Y 9AR and my registration number is ZA395195.

Data Collection

All of the personal data that I hold is provided to or gathered by me in the course of my work as a barrister, or connected activities.

My legal basis for processing personal data

The General Data Protection Regulation (GDPR) requires all organisations that process personal data to have a legal basis for doing so. The legal bases identified in the GDPR, and which provide my legal bases for processing personal data, are:

- Consent of the individual concerned
- Performance of a contract with the individual concerned or in preparing to enter into a contract with them
- Compliance with a legal obligation
- Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- My own legitimate interests, or those of someone else, unless such interests are overridden by the interests, rights or freedoms of the individual concerned.

The legitimate interests for which I process personal data are to supply legal services including advising and acting on behalf of my clients.

I use personal data to:

- Provide legal advice and representation
- Assist in training pupils and mini-pupils
- Investigate and address complaints of my clients and others
- Comply with my legal and regulatory obligations
- Make statutory returns as required by HMRC

I do not use automated decision-making in the processing of personal data.

I collect and process both personal data and sensitive personal data as defined in the GDPR. This may include any category of data which may be provided to me by my clients or Instructing Solicitors, including physical or mental health details; racial or ethnic origin; political opinion; religious or other belief; trade union membership; sexual life; and civil and criminal allegations, proceedings and outcomes.

I may share personal data with:

- Instructing Solicitors
- The court or any arbitrator, mediator or expert adjudicator
- Pupils or mini-pupils, under my training
- Opposing Counsel, or prospective factual or expert witnesses, in the course of any proceedings (including for the purposes of settlement)
- My Chambers management and staff who provide administrative services
- My regulator or legal advisors in the event of a dispute or other legal matter
- Law enforcement officials, government authorities, or other third parties to meet my legal obligations
- Any other party where I ask the individual concerned, and that individual consents to the sharing.

Transfers to third countries and international organisations

I will only transfer an individual's personal data outside the European Economic Area if:

- It is one of the countries which the European Commission has decided provides an adequate level of protections – presently Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay and the US (limited to the 'Privacy Shield' framework); or
- It is made with the individual's informed consent; or
- It is necessary for the performance of a contract between me and the individual or for pre-contractual steps taken at the individual's request; or
- It is necessary for the performance of a contract made in the interests of the individual between me and another person; or
- It is necessary for important reasons of public interest; or
- It is necessary for the establishment, pursuit or defence of legal claims.

Retention of personal data

I will retain personal data for so long as it relates to an active case. Thereafter, I will retain personal data for inactive cases for so long as is necessary for the purposes of:

- (i) Ensuring that if an inactive case become active once again, I am able to assist my client;
- (ii) Ensuring that I can rapidly verify the identity of those involved in earlier cases so as to ensure there is no conflict or breach of confidence when I take on a new case;
- (iii) Defending myself against any allegations of negligence or professional misconduct; and/or
- (iv) Complying with my legal and regulatory obligations.

I will delete or anonymise personal data at the request of an individual concerned unless:

- (i) There is an unresolved issue, such as claim or dispute;
- (ii) I am legally or professionally required to retain it; or
- (iii) There are overriding legitimate business interests.

Individuals' Rights

The General Data Protection Regulation gives individuals specific rights concerning their personal data. Individuals can find out more information from the ICO's website [http://ico.org.uk/for the public/personal information](http://ico.org.uk/for-the-public/personal-information) and this is the organisation that individuals can complain to if they are unhappy with how I deal with them.

Accessing and Correcting Personal Data

An individual may request access to, correction of, or a copy of their personal data by contacting me at kmaclean@oeclaw.co.uk and/or One Essex Court, Temple, London EC4Y 9AR. In certain circumstances, however, such as where the information is subject to legal professional privilege and that privilege has not been waived, I may be unable to assist the individual.

I will occasionally update my Privacy Notice. When I make significant changes, I will publish the updated Notice on my website profile page.