

## PRIVACY POLICY FOR JAMES FOX

### 1. WHAT IS THIS?

In the course of my practice as a self-employed barrister, I collect and hold personal information. This policy explains when and why I collect such personal information about individuals, how this information is used, the conditions under which it may be disclosed to others, and how it is kept secure.

This policy may change from time to time so please check this page occasionally to ensure that you are happy with any changes. This policy was last updated on 26 September 2023.

### 2. WHO I AM

I am registered with the Information Commissioner's Office (ICO) as a data controller in relation to the processing activities described below. This means that I decide why and how your personal information is processed. My registered address is One Essex Court, Temple, London EC4Y 9AR and my registration number is ZA174848.

I am self-employed. I practise from One Essex Court chambers ("**Chambers**"). For details of Chambers' privacy notice for when it acts as a data controller with respect to the personal information of its website visitors and service users (including in relation to cookies) please see: <https://www.oeclaw.co.uk/site/privacy-cookies>.

### 3. HOW I COLLECT YOUR PERSONAL INFORMATION

#### Information relating to legal advice and representation

I collect personal information that is relevant to the matters upon which I advise and act. This includes information about: (i) clients<sup>1</sup> (including prospective clients) and their beneficial owners or persons who control them; (ii) persons with whom my clients do business; and (iii) witnesses (or potential witnesses). The information I collect may also concern the employees or agents of any of the previously mentioned persons, as well as Court staff and other legal professionals.

This information is collected from: (i) directly from you (ii) my clients; (iii) solicitors; (iv) witnesses (or potential witnesses); (v) other barristers with whom I am working; (vi) Chambers; and/or (vii) public sources.

#### Other information

This information is collected from Chambers, the individuals themselves, and third party suppliers and/or service providers.

### 4. HOW I USE YOUR PERSONAL INFORMATION

The purposes for which I use your information and the legal basis under data protection laws on which I rely to do this are:

- (a) Where you have provided consent: I may use and process your personal information when you have provided consent for me to do so (you may withdraw your consent at any time).
- (b) Where there is a legitimate interest: I may use and process your personal information where it is necessary for me to pursue a legitimate interest of myself or a third party (so long as that legitimate interest is not overridden by your interests, rights or freedoms), for the following purposes:

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<sup>1</sup> Meaning the lay clients that I represent or advise, as opposed to professional clients (i.e. solicitors).

Processing is necessary for me to supply legal services to my clients:

- to correspond and communicate with you;
- where you are my client, to advise you and represent you;
- where you are not my client, to advise and represent my client on matters where information about or relating to you is contained in documents that are or may be disclosed between the parties to a legal dispute (or a potential legal dispute);
- where you are an instructing solicitor, to advise and represent my client;
- to address any enquiries or complaints received from you;
- to check for any conflicts of interest that may arise during the provision of my services to you, a client or provisional/potential client;

Processing is necessary for me to market my legal services to solicitors:

- if you are a solicitor, to correspond and communicate with you;

Processing is necessary for me to train pupils and mini pupils in my Chambers

- where you are attending a mini-pupillage, to answer your questions about possible future pupillage applications;
- where you are not a pupil or mini-pupil, to provide pupils and mini-pupils with examples of my casework for them to consider and analyse;

Processing is necessary to assist Chamber in pupillage recruitment, lateral recruitment, or the processing of mini pupillage applications

- where you are applying for a mini-pupillage, to consider your application;
- where you are applying for pupillage, to consider your application and/or interview;
- where you are a pupil or have applied to join chambers, to consider whether to vote for you to become a member of chambers;

(c) Where there is a legal requirement: I may be required to use your personal information to comply with a legal obligation.

(d) Where required to complete a contract: I may use and process your personal information where I supply you (or continue to supply you) with services, or where you are in discussions with me about any new contract (for example, to provide you with a quote). I will use the information in connection with the contract when needed to carry out the contract with you, or for you to enter into it.

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

I collect and process both personal information and special categories of personal information as defined in the UK GDPR. The special categories of personal information may include data relating to: (i) racial or ethnic origin; (ii) political opinions; (iii) religious or philosophical belief; (iv) trade union membership; (v) genetic data; (vi) biometric data; (vii) health; (viii) a person's sex life; or (ix) sexual orientation. Further, I may collect data relating to criminal convictions and offences or related security measures.

Where I process either special categories of personal information, or data relating to criminal convictions and offences or related security measures, this is on the basis that, one of the legal bases listed above applies and the processing is: (i) necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings); (ii) necessary for the purpose of obtaining legal advice; or (iii) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

## **5. OTHERS WHO MAY RECEIVE OR HAVE ACCESS TO YOUR PERSONAL INFORMATION**

I may share personal information with third parties. Such third parties include: (i) clients; (ii) my instructing solicitors; (iii) courts, tribunals, arbitrators, mediators or expert adjudicators (including staff); (iv) other solicitors or barristers instructed in the same matter as me for other parties involved in the case; (v) factual or expert witnesses (including potential witnesses); (vi) pupils or mini-pupils as part of their training or work experience; (vii) Chambers staff who provide administrative services; (viii) other barristers or members of Chambers staff involved in the processing of pupillage or mini-pupillage applications; (ix) third party suppliers of services for my practice, including technology suppliers; (x) any third party where I ask and you consent to the sharing; and (xi) other third parties to meet my legal obligations (where I am required to do so).

## **6. WHERE I STORE YOUR PERSONAL INFORMATION**

In some cases, I may transfer personal information to countries outside the United Kingdom (UK). By way of example, this may happen where I have clients based outside the UK, where I am instructed to act in relation to matters being conducted outside the UK, or if it is necessary to communicate with somebody located outside of the UK (such as a witness or expert).

Such transfers may be made where the UK Secretary of State has decided that a third country, a territory or one or more specific sectors in the third country, or an international organisation, ensures an adequate level of protection.

## **7. HOW LONG I KEEP YOUR PERSONAL INFORMATION FOR**

If I collect your personal information, I will retain it for so long as is necessary for the purpose for which I collected it. Where I have personal information in relation to the provision of legal services, I will retain personal information until the case or matter becomes inactive or concludes (an **"Inactive Case"**).

Thereafter, I retain personal information in connection with Inactive Cases for so long as necessary, taking into account a number of matters such as: (i) to ensure that if an Inactive Case becomes active again, I am able to assist my client; (ii) to ensure that I can verify whether there was conflicts of interest if I take on a new matter with a different client; (iii) to comply with my legal or regulatory obligations; and (iv) to defend myself (if necessary) in relation to any allegations of negligence or professional misconduct.

I will delete or anonymise your personal information of an individual at your request unless: (i) there is an unresolved issue, such as a claim or dispute; (ii) I am legally permitted or required not to; and/or (iii) there are other overriding legitimate business interests.

## **8. YOUR RIGHTS**

You have a number of rights in relation to your personal information under data protection law. In relation to certain rights, I may ask you for information to confirm your identity and, where applicable, to help me to search for your personal information. Except in rare cases, I will respond to you within one month from either (i) the date that I have confirmed your identity or (ii) where I do not need to do this because I already have this information, from the date we received your request.

- **Accessing your personal information**

You have the right to ask for a copy of the information that I hold about you by emailing or writing to us at the address at the end of this policy. I may not provide you with a copy of your personal information if this concerns other individuals or I have another lawful reason to withhold that information.

- **Correcting and updating your personal information**

The accuracy of your information is important to me and you can request for me to correct inaccuracies with the personal information you hold.

If you change your name or address/email address, or you discover that any of the other information I hold is inaccurate or out of date, please let me know by contacting me (see the details at the end of this policy).

- **Withdrawing your consent**

Where I rely on your consent as the legal basis for processing your personal information, as set out under How I use your personal information, you may withdraw your consent at any time by contacting me using the details at the end of this policy. If you withdraw your consent, my use of your personal information before you withdraw is still lawful.

- **Objecting to my use of your personal information**

Where I rely on your legitimate interests as the legal basis for processing your personal information for any purpose(s), as out under How I use your personal information, you may object to me using your personal information for these purposes by emailing or writing to me at the address at the end of this policy. Except for the purposes for which I am sure I can continue to process your personal information, I will temporarily stop processing your personal information in line with your objection until I have investigated the matter. If I agree that your objection is justified in accordance with your rights under data protection laws, I will permanently stop using your data for those purposes. Otherwise I will provide you with my justification as to why I need to continue using your data.

- **Erasing your personal information or restricting its processing**

In certain circumstances, you may ask for your personal information to be removed from my records by emailing or writing to me at the address at the end of this policy. Unless there is a reason that the law allows me to use your personal information for longer, I will make reasonable efforts to comply with your request.

You may also ask me to restrict processing your personal information where you believe it is unlawful for me to do so, you have objected to its use and my investigation is pending or you require me to keep it in connection with legal proceedings. In these situations I may only process your personal information whilst its processing is restricted if I have your consent or are legally permitted to do so, for example for storage purposes, to protect the rights of another individual or organisation or in connection with legal proceedings.

- **Complaining to the UK data protection regulator**

You have the right to complain to the Information Commissioner's Office (ICO) if you are concerned about the way I have processed your personal information. Please visit the ICO's website for further details at <https://ico.org.uk>.

## **9. CONTACT ME**

If you have any questions regarding this privacy policy or wish to exercise any of your data protection rights (including to request access to, correction or erasure of, or a copy of your information) you can contact me by either:

Email: [jfox@oeclaw.co.uk](mailto:jfox@oeclaw.co.uk)

Letter: One Essex Court, Temple, London, EC4Y 9AR.