

Dr Martina van der Leij

Privacy Notice – General Data Protection Regulation (“GDPR”)

Thank you for choosing me to represent you.

In order to provide legal services to you, including advice or representation, I will need to collect and hold personal data about you. Those data will include personal information about you the client and personal data of others who are a part or are involved in the matter you instruct me on.

I will take all steps to ensure the protection of your personal information. I am committed to maintaining your trust and making sure that nothing happens that could infringe your rights when managing your personal information

This privacy notice describes the information I collect about you, how it is used and shared, and your rights regarding that information

Who am I?

For the purposes of data protection law I am a “data controller”.

I am registered with the Information Commissioner’s office (ICO), the UK’s supervisory authority for data collection matters for the personal data that I hold and process as a barrister

My registered address is Field Court Chambers 5 Field Court Gray’s Inn WC1R 5EF

My ICO registration number is Z1211084

If you would like to contact me about this notice please email the information officer in chambers at informationofficer@fieldcourt.co.uk

The information I may collect from you or about you:

In the course of my business which is the provision of legal services, I may collect and process some or all of the following types of data

- Personal details including contact details
- Family details
- Information on lifestyle or social circumstances
- Financial details

- Education, training and employment details
- Business details

I may also collect and process more sensitive types of information pertaining to:

- Health
- Racial/ ethnic origin
- Political opinions
- Religious or philosophical or other beliefs
- Trades union memberships
- Sex life or sexual orientation
- Genetic data
- Criminal proceedings, police disclosure regarding convictions, offences or allegations and related security measures
- Other personal data relevant to your case

How I may collect personal data

Most of the data that I collect is provided to me by you, the client for the purposes of me being able to provide you with legal services. I may collect other data from third parties or sources such as other legal professionals or experts, members of the public, your family and friends, witnesses, the court or other tribunal, investigators government departments, regulators, public records and registers, sources available to the public including subscription services.

Whose personal data I process

I process personal data about both my professional and lay clients, potential clients people who feature in the case I am asked to provide legal services about, witnesses, experts, opponents, other barristers I am working with, court staff and members of the judiciary and other involved in actual or potential proceedings.

Lawful Processing – purposes for using your personal information

My lawful reasons for processing the collected information are:

- I. to provide legal services to you, my client, including the provision of legal advice and representation in courts, tribunals, arbitrations, and mediations
- II. to keep accounting records and carry out office administration
- III. to take or defend legal or regulatory proceedings
- IV. to respond to potential complaints or make complaints
- V. to check for potential conflicts of interest in relation to future potential cases
- VI. to carry out anti-money laundering and terrorist financing checks
- VII. to train other barristers and when providing work-shadowing opportunities
- VIII. to publish legal judgments and decisions of courts and tribunals
- IX. as required or permitted by law.

Whether information must be provided by you, and why

If I have been instructed by you or on your behalf on a case, your personal information must be provided to enable me to provide you with advice or representation and to enable me to comply with my professional obligations.

The legal basis for processing your personal information

I rely on the following as the lawful bases on which I collect and use your personal information:

- If you have consented to the processing of your personal information, then I may process your information for the purposes set out above to the extent to which you have consented to me doing so
- In relation to information which is particularly sensitive, and which may include information about criminal convictions or proceedings, I rely on your consent for any processing for the purposes set out in purposes ii, iv, and vii above. I need your consent to carry out processing of these data for these purposes. However, if you do not consent to processing for purpose iv (responding to potential complaints) I will not be able to take your case. This is because I need to be able to retain all the material about your case until there is no prospect of a complaint.
- In relation to the more sensitive types of information including information about criminal convictions or proceedings, I am entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights.
- In relation to information which is not in the 'more sensitive' category above, I rely on my legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.
- In certain circumstances processing may be necessary in order that I can comply with a legal obligation to which I am subject (including carrying out anti-money laundering or terrorist financing checks).

Who will I share your personal information with?

If you are a client, some of the information you provide will be protected by legal professional privilege unless or until the information becomes public in the course of any proceedings or otherwise. As a barrister I have an obligation to keep your information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

It may be necessary to share your information with the following:

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- the staff in my chambers
- trainee barristers at Field Court
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities
- My accountant and my bank
- Any other party where I ask you and you consent to the sharing

I may be required to provide your information to regulators, such as the Bar Standards Board, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the Information Commissioner's Office, there is a risk that your information may lawfully be disclosed by them for the purpose of any other civil or criminal proceedings, without my consent or yours, which includes privileged information.

I may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

Sources of information

The personal information I obtain may include information which has been obtained from:

- other legal professionals
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- trainee barristers
- lay clients
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities
- business associates, professional advisers and trade bodies, e.g. the Bar Council

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- public sources, such as the press, public registers and law reports.

Transfer of your information outside the European Economic Area (EEA)

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 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. The list can be found [here](#). 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 [here](#).
- 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 [here](#).

I will not otherwise transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

How long will I store your personal data?

- I will normally store all your information until at least 1 year after the expiry of any relevant limitation period (which will usually be 6 years, but may be 12 years, or longer where the case includes information relating to a minor), from the date of the last item of work carried out. 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. This will not include any of the more sensitive types of information
- 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 am/are informed that the individual has ceased to be a potential client.

Consent

As explained above, I am relying on your explicit consent to process the more sensitive types of information as listed above. You provided this consent when you agreed that I would provide legal services.

You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. However, where I also rely on other bases for processing your information, you may not be able to prevent processing of your data. For example, if you have asked me to work for you and I have spent time on your case, you may owe me money which I will be entitled to claim.

If there is an issue with the processing of your information, please contact my clerks using the contact details below.

Your rights

Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are free of charge. In summary, you may have the right to:

- Ask for access to your personal information and other supplementary information
- Ask for correction of mistakes in your data or to complete missing information I hold on you
- Ask for your personal information to be erased, in certain circumstances;
- Receive a copy of the personal information you have provided to me or have this information sent to a third party. This will be provided to you or the third

party in a structured, commonly used and machine readable format, e.g. a Word file;

- Object at any time to processing of your personal information for direct marketing;
- Object in certain other situations to the continued processing of your personal information;
- Restrict my processing of your personal information in certain circumstances;
- Request not to be the subject to automated decision-making which produces legal effects that concern you or affects you in a significant way.

If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioner's Office on Individual rights under the GDPR which you can find [here](#).

If you want to exercise any of these rights, please:

- Use the contact details at the end of this document;
- I may need to ask you to provide other information so that you can be identified;
- Please provide a contact address so that you can be contacted to request further information to verify your identity;
- Provide proof of your identity and address;
- State the right or rights that you wish to exercise.

I will respond to you within one month from when I receive your request.

How to make a complaint

The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the Member State where you work, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted [here](#).

Future Processing

I do not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on the website.

Changes to this privacy notice

This privacy notice was published on 26.10.19. 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.

Contact Details

If you have any questions about this privacy notice or the information I hold about you, please contact me or my clerks. The best way to contact me is to write to me at 5 Field Court, Gray's Inn, London WC1R 5EF or contact my clerks by email at email address clerks@fieldcourt.co.uk or by phone at 020 7025 6114.