

James MacDougald – Privacy Notice

Introduction

This privacy notice contains information about the data collected, stored and otherwise processed about you, the reasons for the processing and the methods used. References to “UK GDPR” mean Regulation (EU) 2016/679 as it forms part of the law of England and Wales.

My name is **James MacDougald**. I am a self-employed barrister. My business address is 10 Old Square, Lincoln’s Inn, WC2A 3SU and I am a member of the barristers’ chambers known as Ten Old Square, whose tenants practise from that address (my ‘**Chambers**’). I am registered with the Information Commissioner’s Office with number ZA090312.

I collect, use and am responsible for personal data about you

- (i) pursuant to my instructions as a barrister and in connection with the provision of legal services;
- (ii) in connection with any executive and management functions I perform in Chambers, in particular as a member of the Chambers’ Management Committee; and
- (iii) in connection with recruitment, pupillage and mini-pupillage matters with which I am sometimes involved.

If I process data pursuant to (i) above, I am the ‘controller’ of that data. If I process data on behalf of Chambers pursuant to (ii) and (iii) above, I am a ‘processor’ of that data.

What data do I process about you?

When:

- i. providing legal services;
- ii. providing a reference;
- iii. carrying out management functions as a member of Chambers’ Management Committee;
- iv. considering applications to Chambers for employed positions (including but not limited to applications to join the clerking team and administrative staff);
or
- v. considering applications to Chambers for tenancy, pupillage, mini-pupillage or a work shadowing opportunity,

I collect some or all of the following personal data (some of it within the special categories of personal data defined in the UK GDPR):

- a) your personal details (including name, date of birth, address, email address and other contact details)
- b) details about your family members and friends
- c) details of your lifestyle and social circumstances
- d) your financial details
- e) information about your education, training and current or past employment
- f) information about your physical or mental health
- g) information about your racial or ethnic origin
- h) your political opinions
- i) your religious, philosophical or other beliefs
- j) your trade union membership
- k) your sex life or sexual orientation
- l) your genetic data
- m) criminal proceedings, outcomes and sentences, and related security measures relating to you
- n) other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

How I use your personal data?

I may use your personal data for the following purposes:

- i. to provide legal services to my clients, 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 promote and market my services (including writing legal articles and textbooks, giving lectures and submitting applications to legal directories)
- vii. to carry out anti-money laundering and terrorist financing checks
- viii. to train other barristers (i.e. pupils) and when providing work-shadowing opportunities (including but not limited to mini-pupillages)
- ix. to respond to requests for references
- x. when procuring goods or using services reasonably required for my practice;
- xi. to consider applications to Chambers for tenancy, pupillage, mini-pupillage, work shadowing opportunities and/or any employed role with Chambers
- xii. to carry out management functions as a member of the Chambers' Management Committee and assist in the administration of Chambers
- xiii. as required or permitted by law.

Whether data has to be provided by you, and why

If I have been instructed by you or on your behalf on a case or if you have asked for a reference, or if you have applied to become a member of Chambers, to become a pupil in Chambers or for a work-shadowing opportunity in Chambers or for a job in Chambers, your personal data has to be provided, to enable me to provide you with advice or representation or the reference or to consider your application (as the case may be), and to enable me to comply with my professional obligations, and to keep accounting records.

The legal basis for processing your personal data

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

- If you have consented to the processing of your personal data, then I may process your data for the purposes set out above to the extent to which you have consented to me doing so.
- If you are a client or a potential client, processing is necessary for the performance of a contract for legal services or in order to take steps at your request prior to entering into a contract (e.g. reviewing data in order to provide a fee quote for legal services).
- If you are a person whose data has been published in a judgment in the course of earlier legal proceedings, I am entitled by law to process the data as the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights (i.e. those of my clients)
- If you are an applicant for tenancy, pupillage, a work-shadowing opportunity or job in Chambers, processing is necessary in order to consider your application (i.e. to take steps at your request prior to entering into a contract).
- If you are the referee of an applicant for tenancy, pupillage, mini-pupillage, a work-shadowing opportunity or job in Chambers, processing is necessary in order to consider the application and is assumed to have been provided with your consent given to the applicant.
- If you are a person whose data is held or used in relation to the carrying out of management functions in Chambers, processing is necessary for the performance of a contract, alternatively so far as there is no contract in place or contemplated, for a legitimate business reason (i.e. the proper management of Chambers)
- In relation to data which is in categories (f) to (m) above (these being categories which are considered to include particularly sensitive information and which include data about criminal convictions or proceedings) I rely on your consent for any processing for the purposes set out in purposes (ii), (iv), (vi), (viii) and (ix) above. I need your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purposes (iv) and (ix) (responding to potential complaints and providing a reference) I will be unable to take your case or to provide a reference. This is because I need to be able to retain all the material about your case until there is no prospect of a complaint and to provide an informed and complete reference.
- In relation to data in categories (f) to (m) above (these being categories which are considered to be particularly sensitive information and include data about criminal convictions or proceedings), I am entitled by law to process the data where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights. This includes data which I hold by

reason of it having been published in a judgment or case summary of earlier legal proceedings.

- In relation to data which is not in categories (f) to (m) 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).
- The processing is necessary to publish judgments or other decisions of courts or tribunals.

Who will I share your personal data with?

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

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

- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- other legal professionals (e.g. solicitors involved in your case)
- experts and other witnesses
- prosecution authorities
- courts and tribunals
- the staff in my chambers
- pupil (i.e. trainee) barristers and those to whom I am providing work shadowing opportunities (including mini-pupils)
- 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, my insurers, the Bar Standards Board, and the Legal Ombudsman
- other regulatory authorities
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council and the Chancery Bar Association
- publishers of and researchers for the legal directories including but not limited to Chambers and Partners and the Legal 500
- publishers of legal textbooks and legal journals
- Her Majesty's Revenue and Customs
- the intended recipient, where you have asked me to provide a reference
- your referees where you are applying to Chambers whether for tenancy, pupillage, mini-pupillage, work shadowing or other job.

I may be required to provide your data 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 data.

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

Sources of data

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

- other legal professionals;
- experts and other witnesses;
- prosecution authorities;
- courts and tribunals;
- mediators and arbitrators;
- pupil barristers (i.e. trainee barristers);
- lay clients;
- family and associates of the person whose personal data I am processing;
- in the event of complaints, the Head of Chambers, other members of Chambers who deal with complaints, my insurers, the Bar Standards Board, and the Legal Ombudsman;
- other regulatory authorities;
- in the event of claims intimated or made, my insurers;
- current, past or prospective employers;
- education and examining bodies;
- business associates, professional advisers and trade bodies, e.g. the Bar Council;
- the intended recipient, where you have asked me to provide a reference;
- legal judgments and decisions of courts and tribunals which have been published by the relevant court or tribunal or case summaries which have been published by a law reporter;
- 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 and websites.

Transfer of your data outside the UK

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your data out of the UK in any particular case or for a reference. However, if you reside outside the UK or your case involves persons or organisations or courts and tribunals outside the UK then it may be necessary to transfer some of your data to that country outside of the UK for that purpose. If you are in a country outside the UK or if the instructions you provide come from outside the UK then it is inevitable that data 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.

If your data has to be transferred outside the UK and, in particular, outside the European Economic Area (EEA) then it may not have the same protections and you may not have the same rights as you would within the UK or EEA.

I may also transfer your personal data outside the UK to:

- Cloud data storage services (e.g., Dropbox) based in the USA 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.

If you would like any further information please use the contact details at the end of this document.

How long will I store your personal data?

- I will normally store your data electronically until either **1 year** after the expiry of any relevant limitation period for the last item of work carried out, or the date of the last payment received, or the date on which all outstanding payments are written off, whichever is the latest. The relevant limitation period may be 6 years, 12 years or 15 years, or longer where the case relates to a minor or unborn person or an adult lacking capacity. This is because the data may be needed for legal proceedings.
- I will **not** normally store your data manually in hard copy form for more than **2 years** after the date of the last item of work carried out, unless I consider that the hard copy data may be needed for potential legal proceedings.
- I will store some of your data 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, the name and contact details of any opposing parties and the name of the case, as well as the name of any trustee or trustees of any trust or estate with which the case was concerned. This will not include any data within categories (f) to (n) above.
- Data related to anti-money laundering checks will be retained until **5 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 I am informed) that the individual to whom the personal data relates has ceased to be a potential client.
- If you are an applicant to Chambers for pupillage, a work-shadowing opportunity or for a starter tenancy, your data will be stored in line with the [Pupillage and Junior Recruitment Policy](#).
- If your data is held by me as a result of my position on the Chambers' Management Committee, I will hold your data in line with Chambers' Privacy Policy.

At the end of the period of retention, the data will be reviewed and the data will be marked for deletion or for retention for a further period. Save as specified above, continued retention is likely to occur only where the data 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.

Consent

As explained above, I am relying on your explicit consent to process your data in categories (f) to (m) above. You provided this consent when you agreed that I would provide legal services or you asked me to provide a reference or you made an application to Chambers.

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 data, 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 data, please contact my Clerks using the contact details below.

Your Rights

Under the UK 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 data and other supplementary information;
- Ask for correction of mistakes in your data or to complete missing data I hold on you;
- Ask for your personal data to be erased, in certain circumstances;
- Receive a copy of the personal data you have provided to me or have this data 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. MS Word file;
- Object at any time to processing of your personal data for direct marketing;
- Object in certain other situations to the continued processing of your personal data;
- Restrict my processing of your personal data 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 UK GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](#).

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 **1 month** from when I receive your request.

Marketing Emails

Please note if you wish to unsubscribe from any marketing emails that you have signed up for, you can do so by contacting my Clerks using the details provided below. It may take up to 7 days to process your request.

How to make a complaint?

The UK GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

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 [Ten Old Square](#) website.

Changes to this privacy notice

This privacy notice was first published on 24th May 2018 and last updated on **11 August 2021**.

I regularly review my privacy practices and may change this policy from time to time. My updated policy will be published on the [Ten Old Square](#) 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 my Chambers address or contact my Clerks by email at email address clerks@tenoldsquare.com or by phone at 020 7405 0758

Chambers' Data Protection Manager is our Senior Clerk, Mr Keith Plowman, his contact details are:-

10 Old Square
Lincoln's Inn
London
WC2A 3SU.

keithplowman@tenoldsquare.com

If you would like to review my Chambers' Privacy Notice which covers the personal data processed by my Chambers then [please click here](#).