

## JOSHUA CAINER - PRIVACY POLICY

**Data Controller:** Joshua Cainer  
ICO Registration Number: ZA758123

In order to provide legal advice and representation, I need to collect, use, hold or otherwise process personal information. This may be your personal data or information relating to other parties involved in the matter. I will take all possible steps to protect personal information. I will ensure that I do not do anything that may infringe your rights or undermine your trust. This Privacy Policy describes the information I collect about you, how it is used and shared, and your rights regarding it.

“Personal data” is information relating to you as a living, identifiable individual. I will process your personal data in accordance with applicable data protection and privacy laws including the Data Protection Act 2018 and the UK GDPR.

### Data controller

I, Joshua Cainer of Outer Temple Chambers, 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 Outer Temple Chambers, The Outer Temple, 222 Strand, London, WC2R 1BA and my ICO registration number is ZA758123. If you need to contact me about your data or this Privacy Policy, you can reach me at [Joshua.Cainer@outertemple.com](mailto:Joshua.Cainer@outertemple.com).

### Data protection principles

I will at all times comply with the data protection principles set out in the UK GDPR and Data Protection Act 2018 (which includes not only electronic data, but also personal data held in paper format in filing systems). I will ensure that your personal data is:

- processed lawfully, fairly and in a transparent manner;
- collected for specified and legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and kept up to date;
- kept in a form which permits your identification for no longer than is necessary for those purposes; and
- processed in a way which ensures appropriate security of data.

In addition, the principle of accountability means that I, as data controller, am responsible for and must be able to demonstrate compliance with these principles.

For these purposes, **personal data** means any information about an individual from which that individual is capable of being identified. It does not include data where the identity has been removed (anonymised data). There are ‘special categories’ of sensitive personal data which require a higher level of protection and which are referred to below.

### What types of personal data do I process about you?

I collect and process personal data about you. The data I collect may include, but is not limited to, the following:

- Your contact details (including name, address, phone number and email address).
- Date of birth
- Personal identification documentation (which may include your passport, driving licence or national insurance details)
- Payment or bank details
- Next of kin details
- Information about your education and/or employment
- Information on your background and/or current circumstances
- Financial information.

Depending on the nature of your case, where relevant, I may also need to process special category personal data, as defined in the UK GDPR, that includes details of your:

- Racial or ethnic origin
- Political opinions
- Religious and philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health
- Sex life and sexual orientation.

On occasion, I may also process personal data relating to criminal convictions and offences. This may include data about the commission or alleged commission by you of any offence, or any proceedings for any offence committed or alleged to have been committed by you, the disposal of such proceedings or the sentence of any court in such proceedings.

Given the nature of my work I process a wide variety of personal data and it is not possible to state in any exhaustive detail the sort of personal data I will process in relation to particular persons. In each case personal data is processed in accordance with this Privacy Policy.

### **How do I collect your personal data?**

The vast majority of the information that I hold about you is provided to or gathered by me in the course of your case and/or proceedings. This information may either be directly provided by you or, if you have instructed a solicitor, then I may receive information directly from them. Your solicitor and/or I will tell you why we need the information and how we will use it. In addition to the information you may provide to me or your solicitor, I may also obtain information from other sources as follows:

- Information that is available publicly, including information available in registers, from searches or in the media
- Other legal professionals including solicitors and barristers and their associates, trainees and staff
- Outer Temple Chambers' staff
- Expert witnesses
- Prosecution bodies
- Regulatory, public or administrative bodies

- Court staff and officials
- Clients
- References

### **How do I store your data?**

I will keep your personal data secure at all times. Your information may be stored in different places including a paper based filing system and IT systems including

- Chambers' hosted desktop, diary management and email systems and secure Cloud software; and
- My own PC, tablet and mobile devices and secure Cloud software which I use in the course of my practice.

I operate various security measures in order to prevent loss of, or unauthorised access to, your personal data. In order to ensure this, I restrict access to your personal data to those with a genuine business need to access it, and I have procedures in place to deal with any suspected data security breach. I will notify you and any applicable regulator of a suspected data security breach where I am legally required to do so.

### **Retention and deletion – how long do I keep your personal information?**

I retain your personal data while you remain a client unless you ask me to delete it. Personal data that is processed by me will not be retained for any longer than is necessary for that processing, or for purposes relating to or arising from that processing (including any legal, accounting, regulatory and reporting requirements) and in line with my Retention and Disposal Policy (copy available on request).

My Retention and Disposal Policy details how long I hold data for and how I dispose of it when it no longer needs to be held. This policy is reviewed periodically and the periods for storage specified in it may alter depending on the requirements of law and regulation, best practice and insurance. For the avoidance of doubt, my Retention and Disposal Policy is not a term of any contract with you or any other person.

I will delete or anonymise your information at your request unless:

- There is or may be an unresolved issue, such as a claim or dispute;
- I am legally required not to do so; or
- There are overriding legitimate business interests not to do so, including but not limited to fraud prevention and protecting clients' safety and security.

I will typically retain case files for a period of 6 years following the conclusion of a case/matter or receipt of final payment, whichever is the latest. This reflects the period required by the Bar Mutual Indemnity Fund relating to potential limitation periods.

Please note, however, that different periods for keeping your personal data may apply depending upon the type of data being retained and the purpose of its retention.

In some circumstances I may anonymise your personal information so that it can no longer be associated with you, in which case I may use such information without further notice to you.

Where various pleadings and documents have been drafted, they may be retained for learning purposes and legal research. Where this is the case, I will anonymise the personal information/redact information which may identify an individual/risk assess the continued retention of the documents.

### **My lawful basis for processing your personal information – personal data**

In order that I can provide legal services and representation for you, I must process your personal data. The UK General Data Protection Regulation (the UK GDPR) requires that where I process personal data, I must have a lawful basis for doing so. The lawful bases identified in the UK GDPR that I seek to rely upon are as follows:

- **Consent of the data subject** – where this required, I will ensure that I have your specific consent for processing your data for the specified purposes. You will also have the right to withdraw your consent at any time. Where you do so this will not affect the legality of data processing which had taken place prior to your withdrawal of consent.
- **Performance of a contract with the data subject or to take steps to enter into a contract** – where you have retained me to advise or represent you, whether directly or through a solicitor, I will need to process the personal data you have supplied me with (and any personal data about you which I gather from other parties or in the course of my research) in order to do so.
- **Compliance with a legal obligation** – to comply with various regulatory and professional obligations, e.g. filing tax returns with HMRC.
- **To protect the vital interests of a data subject or another person.**
- **Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.**
- **The legitimate interests of my business or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.**

Examples of legitimate interests include but are not limited to the following:

- Where the data subject is a client or in the service of the controller;
- Provision of legal services and advice (in that inevitably the provision of legal advice and representation to one person will often require me to process personal data about others);
- Processing necessary to ensure network and information security, including preventing unauthorised access;
- Maintaining accurate and up-to-date records and contact details;
- The management, administration and operation of my practice, including accounting, debt recovery and completion of professional regulatory requirements;
- Business development and direct marketing purposes;
- Establishing, exercising and defending legal claims;
- To prevent fraud;
- Reporting threats to public security; and
- Such other purposes as set out below.

### **My lawful basis for processing your personal information – special category processing**

The UK GDPR specifies that where I process special category data, I must rely upon certain exemptions in order to do so lawfully. The following exemptions are applicable in my practice:

- I have your explicit consent to do so; or
- It is necessary for the exercise or defence of legal claims or judicial acts.

## **My lawful basis for processing your personal information – criminal data processing**

On occasion, I process data relating to criminal offences where it is necessary for the following purposes:

- The purpose of, or in connection with, any legal proceedings;
- The purpose of obtaining legal advice;
- The purposes of establishing, exercising or defending legal rights; or
- Where I have your explicit consent to do so.

## **How do I use your personal information?**

I use your personal information for the following purposes:

- Manage my relationship with you, including providing legal advice and/or representation;
- Assist in training pupils and mini pupils;
- Investigate and address your concerns;
- Communicate with you about news, updates, events and other marketing purposes;
- Investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law;
- Assist in any tendering or panel membership applications or any other applications for the purpose of professional development or career progression;
- Communicate legal updates and judgments to other legal professionals;
- Recover debt;
- Respond to, communicate and manage complaints with regulators;
- Where relevant to conduct anti money laundering, terrorist financing or conflict of interest checks.

## **Sharing your data with others**

In the course of processing your information to provide legal services to you, I may share your personal data with the following:

- Courts and tribunals and their officials, including the judiciary;
- Barristers, solicitors and other legal professionals, which may include, but are not limited to, instructing solicitors or other lawyers involved in your case, opposing counsel for the purposes of resolving the case or another member of Chambers instructed as a devil in the relevant matter;
- Lay and professional clients;
- Other parties in the matter to which my instructions relate, which may include, but are not limited to, opposing lay clients;
- Family members and associates of the person whose personal information I am processing;
- Third party funders and prospective third party funders;
- Witnesses and potential witnesses, including expert witnesses;
- Arbitral tribunals, arbitrators, the Tribunal Secretary and the appointing/administering arbitral institution, including in the matter to which my instructions relate or where complaints or disputes arise;
- Mediators and the administering mediation institution;

- My Chambers' clerks, management and staff who provide administrative services for my practice in the course of their duties, and members of Chambers serving on committees or otherwise participating in the management of Chambers;
- Pupils, mini-pupils, work experience students and other persons shadowing me or attending Chambers on educational visits;
- External service providers, including IT support staff, email providers and data storage providers;
- In the event of a complaint or dispute, the Heads of Chambers and any other members of Chambers and staff who deal with complaints or assist in the process of dealing with complaints;
- My regulatory or legal advisors in the event of a dispute, complaint or other legal matter;
- Ombudsmen, arbitrators and regulatory authorities (including, but not limited to the Legal Ombudsman, the Bar Standards Board and ICO) (it is possible that such ombudsmen, arbitrators and/or regulatory authorities will lawfully disclose your personal data, which includes privileged information, for the purpose of any other civil or criminal proceedings, without your or my consent);
- Law enforcement officials (including, but not limited to, the police, intelligence services or prosecution authorities), other agencies responsible for the detection of crime and fraud, government authorities, auditors or other third parties to meet any legal and professional obligations;
- Current, past or prospective employers;
- Education and examining bodies;
- Business associates, professional advisers (including, but not limited to accountants and banking officials) and trade bodies (including, but not limited to the Bar Council);
- Professional indemnity insurers (including, but not limited to the Bar Mutual Indemnity Fund);
- Legal directories and any relevant panel or tendering committee, for the purpose of professional development;
- The general public in relation to the publication of legal judgments and other decisions of courts and tribunals;
- The intended recipient, where you have asked me to provide a reference;
- Any other third party:
  - where I ask you for consent, and you consent, to the sharing;
  - where required by law, regulation, pursuant to a court order or by my professional obligations;
  - if it is necessary to do so to enforce contractual rights;
  - to lawfully assist the police or security services with the prevention and detection of crime or terrorist activity;
  - where such disclosure is necessary to protect the safety or security of any persons; and/or
  - otherwise as permitted under applicable law.

### **What if you fail to provide personal information?**

If you decide not to supply personal data that I have requested and as a result I am unable to comply with my professional, legal or regulatory obligations, then I may not be able to facilitate acting for you or enter into a relevant contract with you.

### **Transferring your data outside the UK to third countries and international organisations**

I do not expect to transfer your personal information outside the UK. If I do I will ensure that the relevant protections and safeguarding measures are in place.

## **Your rights in relation to your data**

The UK GDPR gives you specific rights in terms of your personal data. For example, you have the right of access to the information I hold and what I use it for; you can ask for a copy of the personal information I hold about you; you can ask me to correct any inaccuracies with the personal data I hold; and you can ask me to stop sending you direct mail, or emails, or in some circumstances ask me to stop processing your details.

However, these rights are limited in some circumstances where doing so would (for instance) compromise legal professional privilege or the establishment or defence of legal rights, or where the data is held in connection with legal proceedings. If these limitations apply, I will tell you when you contact me with a view to exercising these rights.

Finally, if I do something irregular or improper with your personal data, you can complain to the ICO if you are unhappy with how I have processed your information or dealt with your query. You may also seek compensation for any distress you are caused or loss you have incurred.

You 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)

## **Accessing and correcting your information**

You may request access to, correction of, or a copy of your information by contacting me at [Joshua.Cainer@outertemple.com](mailto:Joshua.Cainer@outertemple.com).

## **Making a complaint**

If you have any queries as to the acquisition, use, storage or disposal of any personal data relating to you please contact me ([Joshua.Cainer@outertemple.com](mailto:Joshua.Cainer@outertemple.com)).

Despite my best efforts, inevitably sometimes things do go wrong. If you are unhappy with any aspect of the use and/or protection of your personal data, you have the right to make a complaint to ICO, who may be contacted in writing at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; by telephone on 0303 123 1113; by fax on 01625 524510; or online at [www.ico.org.uk](http://www.ico.org.uk).

## **Marketing opt-outs**

You may opt out of receiving emails and other messages from my practice by following the instructions in those messages.

## **Changes to this policy**

This Privacy Policy is reviewed annually. The terms and provisions of this policy may be changed, updated and amended from time to time. When I make significant changes, I will publish the updated Privacy Policy on my Chambers website profile, which can be found at this link: <https://www.outertemple.com/barrister/joshua-cainer/>.