1GC | Family Law

Privacy & Data Protection Notice of Simon Sugar

Please read this Privacy & Data Protection Notice carefully. It is addressed to individuals whose personal information I collect and process. It tells you about: the personal information about you that I collect, record, store and use; the reasons for processing it; whom I share it with; the security mechanisms I have put in place to protect it; and how to contact me in the event you need to know more. In this notice, 'GDPR' means the General Data Protection Regulation.

1 Who am I?

I, Simon Sugar, am a member of 1GC Family Law ('Chambers'), a set of chambers at 10 Lincoln's Inn Fields, London WC2A 3BP. I may collect, record, store and use (and I am responsible for) personal information about you. When I do this by automated means or a filing system and, alone or jointly with others, determine the purposes and means of the processing, I am a 'controller' of this information for the purposes of the GDPR and the Data Protection Act 2018. When I do this by automated means or a filing system on behalf of another data controller and without determining the purposes and means of the processing, I am a 'processor' of this information for the purposes of the GDPR and the Data Protection Act 2018.

This Notice relates to processing carried out by me as a data controller. If you need to contact me about your personal information or the processing I carry out, you can use the contact details at the end of this Notice.

2 When will I collect personal information from you?

Personal information is collected from you when I:

- provide legal services
- provide references
- participate in the operation and management of Chambers
- assess, recruit and supervise its clerks and staff
- assess, mentor and recruit its pupils, mini-pupils and members, or
- deliver its marketing and training programmes.

3 What personal information will I collect from you?

I may collect personal information in the following categories from you:

(1) biographical information
(2) biometric data
(3) criminal convictions, disposals, offences, proceedings, sentences and related security measures

(4) education, training and employment details
(5) family details
(6) financial details
(7) genetic data
(8) goods and services
(9) lifestyle and social circumstances
(10) other personal data relevant to instructions to provide legal services, including data specific to the case or instructions in question
(11) personal details
(12) physical or mental health details
(13) political opinions
(14) racial or ethnic origin
(15) relationships
(16) religious, philosophical or other beliefs
(17) trade union membership, and
(18) sex life or sexual orientation.

4 What personal Information about you will I collect from others?

I may also collect personal information in the same categories from third parties, such as:

- clerks, members, mini-pupils, pupils and staff in/of Chambers and other chambers
- current, past or prospective employers or referees
- education and examining bodies
- government departments and other public authorities, including investigators, ombudsmen, prosecutors and regulators
- lay and professional clients and their staff
- members of the public
- other legal professionals or experts
- publicly accessible sources of information, including databases, law reports, records, registers and the mainstream and social media
- the intended recipient, where you have asked me to provide a reference
- the members and staff of courts, tribunals and inquiries
- professional advisers, associations and trade bodies, e.g. Bar Associations, the Bar Council or the Inns of Court
- witnesses, and
- your associates, family and friends.

5 Why will I collect personal information about you?

I may record, store and use your personal information for the following purposes:

(1) as permitted or required by law and by my professional obligations, including under the Bar Standards Board Handbook and Code of Conduct
(2) to carry out anti-money laundering and terrorist financing checks
(3) to check for actual or potential conflicts of interest in connection with actual or potential cases or instructions

(4) to keep accounting and professional records and carry out office administration
(5) to participate in the operation and management of Chambers, the assessment, recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its pupils, mini-pupils and members and the delivery of its marketing and training programmes (in such circumstances, I may be acting as a data processor on behalf of Chambers)
(6) to participate in the operation and management of professional associations and trade bodies, such as Bar Associations, the Bar Council or the Inns of Court (in such circumstances, I may be acting as a data processor on behalf of the body in question)
(7) to promote or market my services, including in legal directories
(8) to provide legal services to my clients, including taking instructions and providing legal advice and representation in arbitrations, courts, inquiries, mediations and tribunals
(9) to publish judgments or decisions of courts or tribunals
(10) to respond to potential complaints or make complaints
(11) to respond to subject access requests
(12) to take or defend actual or potential legal or regulatory proceedings or to exercise a lien
(13) to train other barristers, mini-pupils and pupils and when providing work experience or work shadowing opportunities
(14) to train students and qualified or trainee legal professionals or experts using personal information which is already in the public domain
(15) to respond to requests for references, and
(16) when procuring goods and services.

I may also use appropriately assessed artificial intelligence ('AI') based tools to assist me in carrying out the purposes described above, for example by summarising documents, reviewing materials, conducting legal research, preparing drafts and supporting limited administrative tasks. I will use such a tool only where the proposed use and the type of information involved have been assessed as appropriate, any required data protection impact assessment has been completed, and appropriate contractual, technical and organisational safeguards are in place, including safeguards relating to confidentiality, legal professional privilege, data minimisation, retention and any international transfer of personal data. Any use will also be subject to applicable client, instructing solicitor and court requirements.

I will meaningfully review and, where appropriate, independently verify any AI-generated output before relying on it or incorporating it into my work. I remain personally and professionally responsible for the work. Further information about the categories of AI tools used, the purposes for which they are used and the relevant data-processing arrangements is available on request. Your rights, including the right to object in certain circumstances, are explained in section 13. Where use of AI materially affects the nature or scope of the legal service, I will provide further information as appropriate.

6 Why do you need to provide the personal information to me?

If I have been instructed by you or on your behalf, if you have asked for a reference or if you have applied to be or are a member, pupil, mini-pupil or staff member in/of Chambers, your personal information may have to be provided, to enable me to:

- provide you with legal services or a reference
- participate in the operation and management of Chambers, the assessment, recruitment and supervision of its staff, the assessment, mentoring and recruitment of its mini-pupils, pupils and members and the delivery of its marketing and training programmes
- comply with my legal or professional obligations, and
- keep accounting records.

7 What is the legal basis for processing your personal information?

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

- If you have consented to the processing, then I may carry it out for the purposes set out above to the extent to which you have consented to me doing so.
- If you are a client, the processing may be 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.
- I rely on my legitimate interests and/or the legitimate interests of third parties in carrying out the processing for the purposes (5), (6), (8) and (15) in paragraph 5 above.
- In certain circumstances, the processing may be necessary for the performance of a task in the public interest, e.g. if I am assisting a pro bono organisation.
- In certain circumstances, the processing may be necessary in order that I can comply with my legal or professional obligations, including accounting to HM Revenue and Customs, carrying out anti-money laundering or terrorist financing checks, checking for actual or potential conflicts of interest and complying with common law duties of care and other legal or professional obligations and subject access requests.
- The processing may also be necessary when publishing judgments or decisions of courts or tribunals.

In relation to personal information which is in any of the categories (2), (3), (7), (12), (13), (14), (16), (17) and (18) of paragraph 3 above and is therefore considered particularly sensitive:

- I rely on your consent for any processing for the purposes (4), (7), (10), (13) and (15) of paragraph 5 above, but if you do not consent to processing for purposes (10) and (15) of paragraph 5, I will be unable to take your case or instructions or provide a reference. This is because I need to be able to retain material about your case until there is no prospect of a complaint, fee dispute, legal or regulatory proceedings or subject access request being made and to provide an informed and complete reference, and
- I am further entitled to process such personal information in accordance with all the provisions of this paragraph 7 where this is necessary for the purposes of legal proceedings, legal advice or otherwise for establishing, exercising or defending legal rights or where it has been manifestly made public by you or for reasons of substantial public interest connected with the administration of justice.

8 Will I share your personal information with anyone else?

Some of the personal information I collect as set out above will be protected by legal professional privilege unless and until it becomes public in the course of any proceedings or otherwise.

As a barrister I also have an obligation to keep personal information confidential and private, except where it otherwise becomes public or its publication or disclosure is necessary as part of the case or proceedings. It may be necessary to share your personal information with the following:

- clerks, members, mini-pupils, pupils and staff in/of Chambers and other chambers
- current, past or prospective employers or referees
- education and examining bodies
- the general public in relation to the publication of judgments or decisions of courts or tribunals
- government departments and other public authorities, including investigators, ombudsmen, prosecutors and regulators
- in the event of complaints, my Heads of Chambers, other members of Chambers who deal with complaints, my clerks and other Chambers staff, my Chambers Director, the Bar Standards Board and the Legal Ombudsman
- in the event of legal proceedings, my Heads of Chambers, my clerks and other Chambers staff, my Chambers Director, my insurers and my own legal advisers
- IT support team
- cloud-based technology providers including email services, data storage and video conferencing
- lay and professional clients and their staff
- other legal professionals or experts
- the intended recipient, where you have asked me to provide a reference
- the members and staff of courts, tribunals and inquiries
- professional advisers, associations and trade bodies, e.g. Bar Associations, the Bar Council or the Inns of Court
- witnesses, or
- your associates, family and friends or those of my clients.

In addition I may be required to provide your personal information to regulators, such as the Bar Standards Board, the Legal Ombudsman, the Financial Conduct Authority or the Information Commissioner's Office. In the case of the latter, there is a risk that your personal information may lawfully be disclosed by that Office for the purpose of other civil or criminal proceedings, without my consent or yours, which includes privileged information. I may also be required to disclose your personal information to the police or intelligence services in accordance with my legal or professional obligations.

9 Will your personal information be transferred outside the UK and EEA?

This Notice is of general application and as such it is not possible to state whether it will be necessary to transfer your personal information out of the UK in any particular case or for a reference. If you reside outside the UK or your case or the role for which you require a reference involves persons or organisations or courts or tribunals outside the UK, then it may be necessary to transfer some of your personal information to that country outside of the UK for that purpose.

However, 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 personal information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your personal information, please indicate this when providing initial instructions. Some countries and organisations outside the UK have been assessed by the UK government as having data protection laws and procedures that provide adequate protection – these countries include all the states in the European Economic Area ('EEA'). However, most other countries have not been assessed so positively. If your personal information has to be transferred outside the UK and EEA, then it may not have the same protections and you may not have the same rights as you would within the UK and EEA.

I may transfer your personal information to the following which are located outside the UK and EEA:

- Cloud-based online technology companies which are based in the USA and provide services such as:
    - email services, in order to enable communications containing your personal information between parties who are necessary for the conduct of your case and to store those communications so that I may access them when I need to
    - data storage, in order to enable me to store your personal information and/or backup copies of it so that I may access them when I need to, or
    - video conferencing, in order to enable me to conduct video calls with you or with necessary third parties which may feature your personal information.

  Though the USA does not have the same data protection laws as the UK or EEA, these US online technology companies were in compliance with the EU-US Privacy Shield which was recognised by the European Commission as providing adequate protection prior to the Privacy Shield being invalidated by the European Union's Court of Justice in 2020. The Privacy Shield is expected to be renegotiated and, in the meantime and following a risk assessment, it is reasonable to expect that the safeguards provided by the GDPR compliance measures I adopt in my practice and by the terms of service of these providers (including any relevant current or future Standard Contractual Clauses) will ensure adequate protection for your personal information.
- Cloud-based 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 UK or the EEA but has been recognised by the European Commission and UK government as providing adequate protection.

If I decide to publish a judgment or decision of a court or tribunal containing your personal information then this will be published to the world.

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

10 How do I keep your personal information safe?

Publication of details about my security arrangements would risk their compromise, but my accounts, equipment, premises and records are all backed up, encrypted, locked, password-protected, secured and/or subject to anti-virus and firewall protection as appropriate and having regard to Bar Council guidance on IT issues.

Furthermore, where Chambers act as a data processor on my behalf, it does so within GDPR-compliant constitutional, contractual, technical and organisational arrangements, policies and procedures and subject to guarantees and obligations of confidentiality. In this regard, the clerks and staff in Chambers and Chambers' IT support staff provide me with assistance and support and communicate and liaise with others on my behalf and I also use my Chambers' IT systems, including email servers, fee, diary, practice-management and record keeping software, internet and intranet, network and other shared drives and servers.

11 How long will I keep your personal information?

I will normally store your personal information for a maximum of seven years from whichever is the latest of:

- the date of the last item of work carried out by me on the case
- the date on which time for any further appeal expired
- the date of the last payment received by me, or
- the date on which all outstanding payments are written off.

Further retention is likely to occur where:

- a longer limitation period applies (e.g. the case involved a minor)
- the case involved an order which remains effective, contains an injunction or undertakings to the court and is subject to a penal notice, or
- a connected complaint or legal or regulatory proceedings are active or reasonably in prospect.

In such circumstances, I will carry out as much minimisation as is practicable and set a date for a further review on a case-by-case basis.

When the relevant retention period for any personal information has expired, deletion, destruction and/or minimisation will be carried out (without further notice) as soon as reasonably practicable after the information is marked for this to be done.

I will store some of your personal information which I need to carry out conflict checks for the rest of my career in practice as a barrister. However, this is likely to be limited to your name and contact details, solicitors and outline information relating to the case or instruction. This will not include any information within categories (2), (3), (7), (12), (13), (14), (16), (17) and (18) of paragraph 3 above.

Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the relationship, whichever is the later.

12 Can you withdraw your consent?

I am relying on your consent to process your personal information as set out above. You provided this consent when you agreed that I would provide legal services, you asked me to provide a reference or you applied to be or became a clerk, member, mini-pupil, pupil or staff member in/of 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 doing so. Furthermore, where I also rely on other legal basis for processing your personal information, you may not be able to prevent me doing so.

13 What are your rights?

Under the GDPR, you have a number of rights that you can exercise free of charge in certain circumstances. In summary, and subject to certain legislative exemptions and restrictions, you may have the right to:

- ask for access to your personal information and other supplementary information
- ask for correction of mistakes in your personal information or to complete missing information
- ask for your personal information to be erased
- receive a copy of the personal information you have provided to me or have this information sent to a third party in a structured, commonly used and machine-readable format, e.g. as a Word document file
- object at any time to processing of your personal information for direct marketing
- object in certain circumstances to the continued processing of your personal information
- restrict my processing of your personal information, and
- ask not to be the subject of automated decision-making which produces legal effects that concern you or affect you in a significant way (albeit that I do not myself carry out any such decision-making).

If you want more information about your rights under the GDPR, please see the Information Commissioner's guidance.

If you want to exercise any of the above rights, please:

- use the contact details at the end of this Notice
- provide proof of your identity and address

- provide a contact address, and
- state the right(s) you wish to exercise.

I may need to ask you to provide other information so that you can be identified and, provided I am not on leave, I will respond within one month from receipt of your request.

14 How can you make a complaint?

You have a right to raise a formal complaint if you are not satisfied with any aspect of how I have processed your personal data. Upon receipt, Chambers will carefully investigate your complaint and seek to resolve it in a manner which respects your data protection rights.

Please contact clerks@1gc.com providing full details of your complaint and confirming whether you also wish for the complaint to be dealt with as a service complaint. I will aim to acknowledge your complaint promptly and respond fully in writing within 28 days of receipt.

The GDPR also gives you the right to lodge a complaint with the Information Commissioner's Office if you are in the UK, or with the supervisory authority of the EU 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 at:

Address: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate).

15 Will I ever change this Notice?

I continually review my privacy practices and may change this Notice from time to time. When I do, this Notice will be amended. I do not intend to process your personal information except for the reasons stated in this Notice. If these reasons change, this Notice will be amended.

16 How can you get in contact with me?

If you have any questions about this Notice or the information I hold about you, please contact me. My contact details are:

Address: 1GC Family Law, 10 Lincoln’s Inn Fields, London WC2A 3BP
Tel: +44 (0) 20 7797 7900
Email: clerks@1gc.com