

# 1GC | Family Law

## Privacy & Data Protection Policy of 1GC Management Limited

This is the Privacy & Data Protection Policy of 1GC Management Limited ('1GC'), the company that manages 1GC Family Law Chambers and employs a team of people including clerks and managers to assist the self-employed barrister members of Chambers in the running of their legal practices.

This Policy is addressed to individuals whose personal information is collected and processed by us at 1GC Management Limited. We collect people's personal information for a variety of reasons. For example, we do it to help our members run their legal practices, to enable us to recruit staff, to arrange pupillages and to provide references. This Policy will tell you about: the personal information about you that we might collect, record, store and use; the reasons for processing it; whom we might share it with; the security mechanisms we have put in place to protect it; and how to contact us in the event you want to know more. In this Policy, 'GDPR' means the General Data Protection Regulation.

### **1 What is 1GC's role in collecting your personal information?**

1GC may collect, record, store and use personal information about you. When we do this by automated means or a filing system and, alone or jointly with others, determine the purposes and means of the processing, 1GC is a 'controller' of this information for the purposes of the GDPR and the Data Protection Act 2018. When we 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, 1GC is a 'processor' of this information for the purposes of the GDPR and the Data Protection Act 2018.

This Policy relates to processing carried out by 1GC as a data controller. If you need to contact 1GC about your personal information or the processing we carry out, please contact the Chambers Manager using the contact details at the end of this Policy.

### **2 When will 1GC collect personal information from you?**

Personal information is collected from you when 1GC:

- provides references
- operates and manages 1GC Family Law Chambers
- assesses, recruits and supervises its clerks and staff

- assesses, mentors and recruits its members, pupils, mini-pupils and interns, and
- delivers its marketing and training programmes.

### **3 What personal information will 1GC collect from you?**

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

- (1) biographical information
- (2) biometric data
- (3) criminal convictions, disposals, offences, proceedings and 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) any personal data relevant to instructions to provide legal services
- (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
- (18) sex life or sexual orientation, and
- (19) CCTV footage inside and in the immediate vicinity of our premises.

### **4 What personal information about you will 1GC collect from others?**

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

- clerks, members, mini-pupils, pupils, interns and staff in/of 1GC 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 and registers and the mainstream and social media
- the intended recipient, where you have asked 1GC 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 1GC collect personal information about you?**

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

- (1) to carry out anti-money laundering and terrorist financing checks
- (2) to check for actual or potential conflicts of interest in connection with actual or potential cases or instructions
- (3) to keep accounting and professional records and carry out the office administration of Chambers
- (4) to participate in the operation and management of 1GC and Chambers, the assessment, recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its pupils, mini-pupils, interns and barrister members and the delivery of its marketing and training programmes (in such circumstances, 1GC might be acting as a data processor on behalf of members of Chambers)
- (5) to participate in the operation and management of professional associations and trade bodies, such as the Institute of Barristers' Clerks and the Legal Professional Management Association (in such circumstances, 1GC might be acting as a data processor on behalf of the body in question)
- (6) to promote or market the services of 1GC, its staff and its members, including in legal directories
- (7) to respond to potential complaints or make complaints
- (8) to respond to subject access requests
- (9) to take or defend actual or potential legal or regulatory proceedings or to exercise a lien
- (10) to recruit other barristers, mini-pupils, pupils and interns and when providing work experience or work shadowing opportunities
- (11) to respond to requests for references, and
- (12) when procuring goods and services.

## **6 Why do you need to provide the personal information to 1GC?**

If you have instructed a member of Chambers, if you have asked for a reference or if you have applied to be or are a member, clerk, staff member, pupil, mini-pupil or intern in/of Chambers or 1GC, your personal information may have to be provided, to enable 1GC to:

- provide you with a reference
- participate in the operation and management of 1GC and Chambers, the assessment, recruitment and supervision of its clerks and staff, the assessment, mentoring and recruitment of its members, mini-pupils, pupils and interns and the delivery of its marketing and training programmes
- comply with its legal or professional obligations, and
- keep accounting records.

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

1GC relies on the following as the lawful bases on which we collect, record, store and use your personal information:

- If you have consented to the processing, then we may carry it out for the purposes set out above to the extent to which you have consented to 1GC doing so.
- If you are a client of a member of Chambers, the processing may be necessary to help that member in the performance of a contract for legal services or in order to take steps at your request prior to entering into a contract.
- 1GC relies on its legitimate interests and/or the legitimate interests of third parties in carrying out the processing for purposes (4), (5) and (11) in section 5 above.
- In certain circumstances, the processing may be necessary for the performance of a task in the public interest.
- In certain circumstances, the processing may be necessary in order that 1GC can comply with its 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 whether in print or online.

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

- 1GC relies on your consent for any processing for the purposes (3), (6), (7) or (11) of section 5 above, but if you do not consent to processing for purposes (7) and (11) of section 5, we may be unable to provide a reference. This is because 1GC needs to be able to retain material about you until there is no prospect of a complaint or subject access request being made and to provide an informed and complete reference, and
- 1GC is further entitled to process such personal information in accordance with all the provisions of this section 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 1GC share your personal information with anyone else?**

1GC has an obligation to keep personal information confidential and private, except where it otherwise becomes public. It may be necessary to share your personal information with the following:

- members, pupils and mini-pupils of 1GC Family Law and employees of 1GC
- current, past or prospective employers or referees
- education and examining bodies
- government departments and other public authorities, including investigators, ombudsmen, prosecutors and regulators

- in the event of complaints, the Heads of Chambers, other members of Chambers who deal with complaints, our Senior Clerk and Chambers Director, the Bar Standards Board and the Legal Ombudsman
- in the event of legal proceedings, the Heads of Chambers, our Senior Clerk and Chambers Director, our insurers and our own legal advisers
- IT support staff, email providers and data storage providers
- lay and professional clients and their staff
- other legal professionals or experts
- the intended recipient, where 1GC has been asked to provide a reference
- the members and staff of courts, tribunals and inquiries
- professional advisers, associations and trade bodies, and
- your associates, family and friends.

In addition 1GC 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 1GC's consent or yours, which includes privileged information. 1GC may also be required to disclose your personal information to the police or intelligence services in accordance with its legal or professional obligations.

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

This Policy 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 and European Economic Area ('EEA') in order to provide a reference. If you reside outside the UK and EEA or the role for which you require a reference involves persons or organisations or courts or tribunals outside the UK and EEA, then it may be necessary to transfer some of your personal information to that country outside of the UK and EEA for that purpose.

However, if you are in a country outside the UK and EEA or if the instructions you provide come from outside the UK and EEA, 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 to us. Some countries and organisations outside the UK and EEA have been assessed by the European Commission, and their data protection laws and procedures have been found to provide adequate protection. Most do not. 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 we decide to publish a judgment or decision of a court or tribunal containing your personal information then this will be published to the world.

1GC will not otherwise transfer your personal information outside the UK and EEA except as necessary for any legal proceedings.

## **10 How does 1GC keep your personal information safe?**

Publication of details about 1GC's security arrangements would risk their compromise, but our 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 1GC acts as a data processor on behalf of any of the members of Chambers, 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 of 1GC and the Chambers' IT support staff assist, support, communicate and liaise with others on behalf of members of Chambers. Members of Chambers also use 1GC's 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 1GC keep your personal information?**

We will normally store your personal information for a maximum of three years from the end of our relationship, for example from the end of your employment with us, from the end of your pupillage with us, from the end of our customer relationship with you or the end of your contract with us.

However, if the personal information relates to a legal case involving a member of Chambers, the retention period will be a maximum of seven years from whichever is the latest of:

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

Note that further retention of personal information in relation to a legal case 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, 1GC will consult with the relevant member of Chambers and 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.

1GC will store some of your personal information which it needs to carry out conflict checks indefinitely. However, this is likely to be limited to your name and contact details, solicitors and outline information relating to the case or instruction. It will not include any information within categories (2), (3), (7), (12), (13), (14), (16), (17), (18) and (19) of section 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?**

1GC is relying on your consent to process your personal information as set out above. You provided this consent when, for example, you agreed that 1GC would enter a contract with you, when you asked us to provide a reference or when you applied to be or became a member, mini-pupil, pupil or intern in/of Chambers or an employee of 1GC. You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity 1GC has carried out prior to you doing so. Furthermore, where we also relied on other legal bases for processing your personal information, you may not be able to prevent us 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 us 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 our 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 1GC does not itself 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 Policy
- provide proof of your identity and address



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

We may need to ask you to provide other information so that you can be identified. We will respond within one month from receipt of your request.

#### **14 How can you make a complaint?**

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 1GC ever change this Privacy & Data Protection Policy?**

We continually review our privacy practices and may change this Policy from time to time. When we do, this Policy will be amended. 1GC does not intend to process your personal information except for the reasons stated in this Policy. If these reasons change, this Policy will be amended.

#### **16 How can you get in contact with 1GC?**

If you have any questions about this Policy or the information we hold about you, please contact the Chambers Director who is the designated Data Protection Officer.

Their contact details are:

Address: Chambers Director, 1GC Management Limited, 10 Lincoln's Inn Fields,  
London WC2A 3BP  
Tel: +44 (0) 20 7797 7900  
Email: [gdpr@1gc.com](mailto:gdpr@1gc.com)

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