

# ANDREW SMITH

# PRIVACY NOTICE

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*Date of last revision: 11 February 2021*

## 1. INTRODUCTION

I am committed to protecting and respecting your privacy. In order to provide legal services to my clients, including advice and representation services, I need to collect and hold personal data. This includes my clients' personal data and the personal data of others who feature in the matter on which I am instructed. This Privacy Notice describes to you, in summary:

- Who I am
- What personal data I collect and store about you, and how I collect it
- Why I collect personal data and what I do with it
- How I retain your information and keep it secure
- Your rights and how to exercise them
- How to contact me

## 2. WHO AM I?

I am a self-employed barrister practising from Matrix Chambers in London. 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 protection matters, for the personal data that I hold and process as a barrister. My registered address is Matrix Chambers, Griffin Building, Gray's Inn, London WC1R 5LN. My registration number with the ICO is Z200206X.

If you would like to contact me about this privacy notice, including if you wish to receive further information about any aspect of it, you can contact me at the address above or via my Practice Team: PracticeTeamM@matrixlaw.co.uk

## 3. WHAT INFORMATION DO I PROCESS FROM OR ABOUT YOU?

In the course of my business, which is the provision of legal services, I process personal data of many different types. This will include information about events in your life which are relevant to the matter on which I am instructed and will or may include:

- Personal details, including contact details
- Family details
- Information on lifestyle and social circumstances
- Financial details
- Education, training and employment details
- Business details

I also process "special category", or sensitive classes of personal data. This may include information as regards:

- Physical or mental health
- Racial or ethnic origin
- Political opinions
- Religious, philosophical or other beliefs
- Trade union membership
- Sex life
- Sexual orientation

- Genetic and biometric data
- Criminal records, arrests, charges, convictions and offences
- Other personal data relevant to instructions to provide legal services

#### 4. HOW DO I COLLECT PERSONAL DATA?

The vast majority of the personal data that I collect is provided to me by or on behalf of my clients for the purpose of enabling me to provide legal services to them. Other information may also be obtained by me from third parties or other sources, such as other legal professionals or experts, members of the public, your family and friends, witnesses, courts and other tribunals, investigators, government departments, regulators, public records and registers (including subscription services).

#### 5. WHOSE PERSONAL DATA DO I PROCESS?

I process personal data about my lay and professional clients, potential clients, about individuals who feature in the matter in respect of which I am asked to provide legal services, witnesses and experts, opponents, other barristers with whom I am working, court staff and members of the judiciary and others ancillary to actual or potential proceedings.

#### 6. LAWFUL PROCESSING

The UK General Data Protection Regulation (“UK GDPR”) requires data controllers, including myself, to have a lawful reason for processing personal data. I set out my lawful reasons for processing below. Please note that more than one may apply at any given time.

I will use your personal data only for the purposes for which it was provided to me, unless I fairly consider that I need it for another reason that is compatible with the original purpose and my professional obligations to my client do not prevent me from such use.

My lawful reasons for processing are:

- **Contractual Necessity**
  - I will process personal data on the basis that it is necessary to enable me to fulfil my contractual duties to you or to take steps to enter into a contract with you.
- **Legitimate Interests.**

I process personal data for my legitimate business purposes, which include the following:

- To provide legal services including advice and representation services to you as my client
- Where you are not my client, to provide legal services including advice and representation services to the client from whom or on whose behalf I have collected your personal data
- To carry out billing and administration services in relation to those services, including fee collection services carried out by Matrix staff
- To deal with complaints or concerns, including any legal or regulatory action
- To provide training to trainee barristers and work experience students
- To ensure my network and systems are secure
- To assess and improve my services
- For accounting purposes
- For banking purposes
- For marketing purposes. Please note that I will not share information from which you can be identified for marketing purposes unless you have consented or it is already lawfully in the public domain. You can remove yourself from the Matrix mailing list at any time by clicking the “unsubscribe” button at the bottom of our emails.

- **Compliance with law**

I process personal data to enable me to comply with applicable laws. This includes:

- To make statutory returns to HMRC for VAT and income tax purposes
- To comply with my professional and regulatory obligations

- **Performance of a task carried out in the public interest, namely processing necessary for the administration of justice.**

- **Consent**

I may process your personal data with your consent. Where this is my lawful reason for processing, I will ensure that you have consented to the processing for each specific purpose for which I will process your data. You may withdraw your consent at any time and without giving any reason.

In relation to special category personal data, my processing is necessary:

- For the establishment, exercise or defence of legal claims
- For reasons of substantial public interest.

In relation to offence/convictions personal data, my processing is necessary:

- For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings)
- For the purpose of obtaining legal advice
- For the purposes of establishing, exercising or defending legal rights.

## 7. DO I SHARE YOUR PERSONAL DATA?

For the purposes set out in this notice, and subject always to my professional obligations of confidentiality and the legal professional privilege of my clients, I may provide your personal data to the following recipients:

- Instructing solicitors
- Other barristers, legal representatives or experts with whom I am working
- Matrix trainees and work experience students
- Matrix management and administration staff
- Matrix's IT providers
- My regulator and/or legal advisers in the event of a dispute or other legal matter
- Opposing legal representatives
- Judges and Court Staff
- Law enforcement officials, government authorities, or other third parties to meet my legal obligations
- My accountant
- My bank
- Any other party where I ask you and you consent to the sharing

I do not use automated decision-making in the processing of your personal data.

## 8. HOW LONG WILL YOUR PERSONAL DATA BE KEPT FOR?

I will not keep your information in a form that identifies you for longer than is necessary for the purposes set out in this notice or as required by applicable law. Unless the specific circumstances require me to keep it, I will delete, destroy or anonymise your information around 7 years after the end of the matter in which it featured. This will normally be around 7 years after the end of the case, or 7 years after the date of the last payment or the date of writing off of fees. This is because the information may be needed for potential legal proceedings or regulatory compliance purposes.

## 9. DO I TRANSFER PERSONAL DATA OUTSIDE THE EEA?

I may transfer your personal information to a location (for example, to a secure server) outside the United Kingdom, if I consider it necessary or desirable for the purposes set out in this notice. This could happen, for example, if I am instructed to act on a case by, or involving, lawyers or clients in the EU or lawyers or clients outside the UK and EU.

In such cases, to safeguard your privacy rights, transfers will be made to recipients to which a European Commission “adequacy decision” applies (this is a decision from the European Commission confirming that adequate safeguards are in place in that location for the protection of personal data), or will be carried out under standard contractual clauses that have been approved by the European Commission as providing appropriate safeguards for international personal data transfers, and/or any transfers of personal information will be carried out with appropriate safeguards to ensure the safety and security of your information. Any transfers of your personal data to and within the EU will itself be subject to the General Data Protection Regulation (EU) 2016/679 (“GDPR”).

## 10. HOW DO I KEEP YOUR PERSONAL DATA SECURE?

I have security measures in place designed to ensure appropriate security for your personal data, including protections against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Only authorised Matrix staff, trainees and third parties processing data on my behalf have access to your personal data, and then only to the data necessary for the purposes for which they have been given access.

Measures have been taken to ensure that all persons who have access to your personal data process it in accordance with the law, adhere to the Matrix Privacy Notice and to the strict confidentiality rules that apply to material protected by legal professional privilege.

Matrix has contractual safeguards in place with its third-party data processors (such as our IT systems and software providers) to ensure that your personal data is processed only as instructed by Matrix.

If you would like more information about this, or about anything else in this notice, please use the contact details in section 2 above.

## 11. YOUR INFORMATION RIGHTS

You have the following rights under data protection law:

- **the right to be informed** about the collection and use of your personal data
- **the right of access** to your personal data, and the right to request a copy of the information that I hold about you and supplementary details about that information – you will be asked to provide proof of your identity and residential address, and you may be asked to provide further details to assist me in the provision of such information
- **the right to have inaccurate personal data that I process about you rectified**
- **the right of erasure** – in certain circumstances you have the right to have personal data that I process about you blocked, erased or destroyed
- **the right to object to, or restrict:**
  - the processing of personal data concerning you for direct marketing
  - the continued processing of your personal data
- **the right of portability** of your data in certain circumstances.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, I may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, I may refuse to comply with your request in these circumstances.

Please note that these rights are subject to certain limitations that exist in law. In particular, a number of rights are not exercisable in relation to personal data:

- that consists of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- where disclosure of the data:
  - is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings)
  - is necessary for the purpose of obtaining legal advice
  - is otherwise necessary for the purposes of establishing, exercising or defending legal rights to the extent that the exercise of those rights would prevent me from making the disclosure.

Please contact me using the details in section 2 of this notice if you would like to exercise any of these rights or know more about them.

Further information about your information rights is available on the ICO's website: <https://ico.org.uk/>.

## 12. MARKETING OPT-OUTS

You may opt out of receiving emails and other messages from Matrix by following the instructions in them.

## 13. COOKIES

Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. The Matrix website use cookies. For more information on which cookies it uses and how it uses them, please see the cookies notice: <https://www.matrixlaw.co.uk/terms-and-conditions/>.

## 14. CHANGES TO THIS PRIVACY NOTICE

I will occasionally change this notice. When I make significant changes, I will notify clients of this via email. I will also publish the updated notice on my webpage and announce that changes have been made on it.

## 15. WHAT SHOULD YOU DO IF YOU HAVE A COMPLAINT?

I hope that you will be satisfied with the way in which I approach and use your personal data. Should you find it necessary, you have a right to raise a concern with or make a complaint to the information regulator, the Information Commissioner's Office: <https://ico.org.uk/>.

However, I hope that if you have a complaint about the way I handle your personal data, you will contact me in the first instance via my practice team at [PracticeTeamM@matrixlaw.co.uk](mailto:PracticeTeamM@matrixlaw.co.uk), so that I have an opportunity to resolve it.

END OF PRIVACY NOTICE