

MARK SUMMERS KC

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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 client's personal data and the personal data of others who feature in the matter upon which I am instructed. This Privacy Notice describes to you:

- 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?

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 is Z4684638.

If you would like to contact me about this 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: PracticeTeamT@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 litigation in 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
- Other personal data relevant to instructions to provide legal services, including data specific to the instructions in question

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

- Physical and/or mental health
- Racial or ethnic origin
- Political opinions
- Religious beliefs

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- Philosophical or other beliefs
- Trade union membership
- Sex life
- Sexual orientation
- Genetic and biometric data
- criminal proceedings, outcomes and sentences, and related security measures

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 purposes of enabling me to provide legal services to them.

The same categories of information may also be obtained from third parties, 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.

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?

If I have been instructed by you or on your behalf on a case or if you have asked for a reference, your personal information has to be provided, to enable me to provide you with advice or representation or the reference, and to enable me to comply with my professional obligations, and to keep accounting records.

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 your 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 your 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, including in courts, tribunals, arbitrations, and mediations. If you are a 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.
 - 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

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- To take or defend legal or regulatory proceedings or to exercise a lien
 - To deal with complaints or concerns, including any legal or regulatory action
 - To check for potential conflicts of interest in relation to future potential cases
 - To provide training to trainee barristers and work experience students
 - To respond to requests for references
 - To ensure my network and systems are secure
 - To assess and improve my services
 - When procuring goods and services
 - To publish legal judgments and decisions of courts and tribunals
 - 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 also process your 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
 - To carry out anti-money laundering and terrorist financing checks
 - **Performance of a task carried out in the public interest, namely processing necessary for the administration of justice**
 - **Consent.** If you have consented to the processing of your personal information, then I may process your information for the Purposes set out above to the extent to which you have consented to me doing so. 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. Where the processing includes special category data, I will ensure that I have obtained your explicit consent to the processing in question. 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 legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights
- For reasons of substantial public interest and/or the legitimate interests of a third party

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?

If you are a client, some of the information 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 information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

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, including opposing legal representatives
- Matrix trainees (including work experience students)
- Data processors, such as my Matrix's staff, IT support staff, email providers, and data storage providers
- Experts and other witnesses
- Prosecution authorities
- Courts and tribunal, including judges and court staff
- 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, the Bar Standards Board, and the Legal Ombudsman
- My regulator and/or legal advisors in the event of a dispute or other legal matter
- Other regulatory authorities
- 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
- My accountant
- My bank
- Any other party where I ask you and you consent to the sharing

I may be required to provide your information 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 information.

I may also be required to disclose your information to the police, law enforcement officials, government authorities, other third parties or intelligence services, where required or permitted by law.

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 normally store all your information:

- Until at least 15 years after the case was worked on or another date relevant to the limitation period beginning to run, for example, the date on which the last item of work was done, the date of the last payment made or received or the date on which all outstanding payments are written off, whichever is the latest. That is because 15 years is the long-stop period preferred by the Bar Mutual Indemnity Fund in the light of potential limitation periods.

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- At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information 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.
- Names and contact details held for marketing purposes will be stored indefinitely or until I or my practice team become aware or are informed that the individual has ceased to be a potential client.

Consent. As explained above, I am relying on your explicit consent to process your information in the categories listed above. You provided this consent when you agreed that I would provide legal services, or when you asked me to provide a reference. 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 information, 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 information, please contact my clerks using the contact details below.

9. DO I TRANSFER PERSONAL DATA OUTSIDE THE UNITED KINGDOM?

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 in the EU or lawyers 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”).

If I decide to publish a judgment or other decision of a Court or Tribunal containing your information then this will be published to the world.

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 1.

11. YOUR INFORMATION RIGHTS

You have the following rights under data protection law:

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

If you want to exercise any of these rights, please:

- Use the contact details in section 1 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.

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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

This privacy notice was published on 29 November 2019 and last updated on 18 May 2021.

I continually review my privacy practices and may change this policy from time to time. When I do it will be placed on my Matrix profile page.

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 PracticeTeam@matrixlaw.co.uk, so that I have an opportunity to resolve it.

END OF PRIVACY NOTICE