Mathew McDermott

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In order to provide legal advice and representation, I need to collect and hold 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 notice describes the information I collect about you, how it is used and shared, and your rights regarding it.

Data controller

I, Mathew McDermott, am a member of 42BR Barristers. I 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 42BR Barristers, 11 Staple Inn, London, WC1V 7QH and my ICO registration number is Z3087723. If you need to contact me about your data or this privacy notice, you can reach me at CivilClerks@42br.com.

Data collection

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. 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 also obtain information from other sources as follows:

- Information that is available publicly in registers, searches or in the media
- Other legal professionals including solicitors and barristers and their associates, trainees and staff
- Chambers staff
- Expert witnesses
- Prosecution bodies
- Regulatory, public or administrative bodies
- Court staff & officials
- Clients
- References

What data do I process about you?

Depending on the type of work, I collect and process both personal data and special categories of personal data as defined in the UK General Data Protection Regulation (UK GDPR).

Personal data that is not “special category” personal data may include:

- Your name
- Your email address
- Your phone number
- Your address
- Your payment or bank details
- Your date of birth
- Your next of kin details
- Details about your education and/or employment
- Information on your background and current circumstances
- Financial information about you

Where relevant, I may also need to process special category personal data that reveals 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.

My lawful basis for processing your information

In order that I can provide legal services and representation for you, I must process your personal data. 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.
- Compliance with a legal obligation – to comply with various regulatory and professional obligations, e.g. filing tax returns with HMRC.
- **The legitimate interests of my business or a third party, except where interests are overridden by the interests, rights or freedoms of the data subject.**

Examples of legitimate interests include, but are not limited to:

- Provision of legal services and advice.
- For purposes of practice management, accounting and debt recovery.
- For completion of professional regulatory requirements.

- Processing for direct marketing purposes, or to prevent fraud.
- Reporting threats to public security.
- Such other purposes as set out below.

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

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

Criminal data processing

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

- 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.

Purposes:

I use your personal information for the following purposes:

- Provide legal advice and representation
- Assist in training junior barristers, pupils and mini pupils
- Investigate and address your concerns
- Communicate with you about news, updates and events
- Investigate or address legal proceedings relating to your use of my services, or as otherwise allowed by applicable law
- Make statutory returns as required by HMRC, the Bar Council, the Bar Standards Board, or the ICO
- Assist in any tendering or panel membership applications
- Assist in any other applications for the purpose of professional development or career progression
- Communicate legal updates and judgments to other legal professionals
- For marketing purposes
- For the management and administration of my practice
- To recover debt
- To manage complaints with regulators
- Communications with regulators
- Where relevant to conduct anti money laundering, terrorist financing or conflict of interest checks
- To fulfil the requirements of my fee-paid judicial appointments

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

- Instructing solicitors or other lawyers involved in your case, including other barristers at my chambers

- A pupil or mini pupil, under my training
- Opposing counsel, for the purposes of resolving the case
- Court Officials, including the Judiciary
- Opposing lay clients
- My chambers' management and staff who provide administrative services for my practice
- Expert witnesses and other witnesses
- My regulator or legal advisors in the event of a dispute, complaint or other legal matter
- Head of Chambers or complaints committee within my chambers, in the event of a complaint
- Law enforcement officials, government authorities, or other third parties, to meet any legal obligations
- Legal directories, for the purpose of professional development
- Any relevant panel or tendering committee, for the purpose of professional development
- Accountants and banking officials
- Regulators or arbitrators, where complaints or disputes arise
- Any other party where I ask you for consent, and you consent, to the sharing
- I may also be required to disclose your information to the Police or Intelligence services where required by law or pursuant to a court order

Transfers to third countries and international organisations

I may transfer personal data to the following third countries (including all EEA states) or international organisations using the identified safeguards, because my IT security and servicing provider is partly based there:

New Zealand – Any transfer is covered by the UK's adequacy regulations and appropriate safeguards are in place.I am satisfied that such transferred data is fully protected and safeguarded as required by the UK General Data Protection Regulation. I retain your personal data while you remain a client unless you ask me to delete it. My Retention and Disposal Policy (copy available on request) details how long I hold data for and how I dispose of it when it no longer needs to be held. I will delete or anonymise your information at your request unless:

- There is an unresolved issue, such as a claim or dispute;
- I am legally required not to; or
- There are overriding legitimate business interests in not deleting or anonymising.

I will typically retain case files for a period of 7 years following the conclusion of a case 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.

Where pleadings and/or 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 and/or redact information which may identify an individual and/or assess the risk of continuing to retain the documents.

Your rights

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; and 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.

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

Accessing and correcting your information

You may request access to, correction of, or a copy of your information by contacting me at CivilClerks@42br.com.

Marketing opt-outs

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

I will occasionally update my privacy notice. When I make significant changes, I will notify you of these through either mail or email. I will also publish the updated notice on my chambers website profile.