

## **PRIVACY POLICY OF:**

**Michael Thomas**

**Pump Court Tax Chambers, 16 Bedford Row, London WC14 4EF UK (“Chambers”)**

**Registered with the Information Commissioner - Z3463762**

### **Privacy Policy**

In order to provide legal advice and representation and to practise as a barrister, I need to collect and hold personal information. This may be your personal data or information relating to other parties involved in a particular matter.

I am committed to respecting and protecting your personal information and privacy. I will take appropriate measures to keep your personal information secure. This “Privacy Policy” describes the information I collect about you, how it is used and shared, and your rights regarding it.

### **Data controller**

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 details are as set out above. If you need to contact me about your data or this privacy notice, you can reach me at [clerks@pumptax.com](mailto:clerks@pumptax.com) .

I am a member of Pump Court Tax Chambers. When you instruct me then I am responsible for your personal data. This Privacy Policy is my own. However, please note that I am part of Chambers. Other members of Chambers, and Chambers itself, are also data controllers. You are also referred to Chambers’ Privacy Policy.

Your personal data may be kept and transported electronically and/or in paper form. It may be stored by me, through Chambers or by third parties engaged either by Chambers or myself.

### **Data collection**

The vast majority of the information that I hold is provided to, or gathered by, me in the course of providing legal advice and acting in the course of disputes including by providing advocacy.

Most of the information which I collect will be information which is provided to me by the solicitor, accountant or other professional (“Instructing Agent”) who is instructing me on your behalf.

Other information will be provided by you to me directly. This will invariably be the case where I am instructed directly by you as the ultimate (lay) client rather than through an Instructing Agent. The same applies where you are an Instructing Agent or other professional with whom I deal directly.

I obtain information from publicly available resources (with and without payment) in order to comply with my “know your client” anti-money laundering obligations.

I also obtain information from other sources, including as follows:

- Information that is available publicly in registers, internet searches or in the media,
- My clients - including where my client or their Instructing Agent provides me with your personal information (for example, where you are my client’s employee, contractual counter-party or in dispute with my client),
- Other legal and tax professionals including solicitors, accountants, barristers and their associates, trainees and staff ,
- Chambers’ staff,
- Expert witnesses,
- Prosecution bodies,
- Regulatory, public or administrative bodies including HM Revenue & Customs,
- Court staff & officials,
- References,
- When you or your organisation attends a chambers event, emails me or offers to provide services,
- When you or an Instructing Agent enquires about the possibility of instructing me to act on your behalf.

### **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 GDPR. This may include:

- Name,
- Job title,
- Email address,
- Phone number,
- Address,
- Payment or bank details,
- Date of birth,
- Next of kin details,
- Details pertaining to education and employment,
- Information on your background & current circumstances,
- Financial information including billing information,

- Information required in order to confirm your identity and from databases which confirm individuals' integrity

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**

The UK General Data Protection Regulation (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:

- 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 such interests are overridden by the interests, rights or freedoms of the data subject.
- 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.

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

- Provision of legal services and advice,
- For purposes of practice management, accounting, billing and debt recovery,
- For completion of professional regulatory requirements and legal requirements,
- Processing for marketing purposes,
- Managing and improving client relationships,
- Reporting threats to public security and to prevent fraud,

- Securing our premises and systems,
- Insurance and protection of my legal rights,
- 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; or
- The purposes of establishing, exercising or defending legal rights
- Where I have your explicit consent to do so.

### **Purposes**

I may use your personal information for the following purposes:

- Providing legal advice and representation,
- To conduct “know your client” anti-money laundering, terrorist financing or conflict of interest checks,
- Assisting in training pupils and mini pupils,
- To investigate and address your concerns,
- To communicate about news, updates and events,
- To investigate or address legal proceedings relating to use of my services, or as otherwise allowed by applicable law,
- To make statutory returns as required by law,
- To assist in any tendering or quoting in relation to an enquiry regarding a potential instruction,
- To assist in any other applications for the purpose of my professional development or career progression,

- To communicate legal updates, decisions and judgments to other legal professionals,
- For marketing purposes,
- For the management and administration of my practice,
- To recover debt,
- To manage complaints and other communications with regulators and claims against me.

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

- Any Instructing Agent involved in your case,
- Other lawyers or professionals (e.g. an accountant, surveyor or valuer) involved in your case,
- My chambers' management and staff who provide administrative services for my practice
- Companies providing services to check for money-laundering, fraud prevention and similar matters,
- A pupil or mini pupil, under my or Chambers' training,
- Opposing Counsel, solicitors and other agents (e.g. officers of HM Revenue and Customs) for the purposes of resolving disputed cases,
- Court Officials, including the Judiciary (and their equivalents in any alternative dispute resolution procedure),
- Opposing lay clients (where appropriate),
- Expert witnesses and other witnesses,
- My regulator, insurers or legal advisors in the event of a dispute, complaint or other legal matter,
- My Head of Chambers or complaints committee within 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 (and as reasonably required in the preparation of such an application),
- 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,
- The Police or Intelligence services where reasonably necessary or required by law,
- Any relevant third party pursuant to a court order or judicial direction,
- Any service provider engaged by myself or Chambers, domestically or abroad, for the purposes of providing services including the storage of data in both physical and electronic forms.

## Transfers to third countries and international organisations

My practice is based in the UK and as such I do not anticipate that I will be required to transfer your personal data outside of the UK. If you are outside of the UK I will only process your data in accordance with this Privacy Notice, the UK GDPR and the Data Protection Act 2018.

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

Where I need to share your data with others (e.g., the list above) who are based outside the UK, I expect that I will only transfer the data where the following apply:

1. The jurisdiction in which the data being transferred is covered by the UK's "adequacy regulations".
2. If 1 does not apply, there are "appropriate safeguards" in place in both my practice and the third party's organisation, prior to the transfer of data taking place. These will be commensurate to the safeguards afforded to data subjects under UK GDPR and I will ensure the same through the completion of transfer impact assessments.
3. If, "appropriate safeguards" are not in place, then I will include "additional measures" (such as Standard Contractual Clauses in contracts with those whom I will transfer the data) so your personal data is appropriately safeguarded.
4. Where my Chambers requires your data to be so transferred (for example, because Chambers' electronic storage is housed outside the UK).
5. If 1, 2,3 or 4 do not apply then I will only transfer the data:
  - a. where it is necessary to establish if you have a legal claim, to make a legal claim or to defend a legal claim; or
  - b. under a contract between us, or to be entered between us, because the transfer is necessary to enter or perform such contract; or
  - c. under a contract between us, or to be entered between us, which benefits another individual whose data is being transferred, because the transfer is necessary to enter or perform such the contract.
6. I may also transfer the data outside the UK, where you have given your explicit consent to transfer data outside the UK after having being advised on the possible risks. You may also withdraw your consent, but this withdrawal will not affect the legality of any transfers before the withdrawal.

## Retention

I retain your personal data until it is no longer reasonably required for the purposes described above and I am neither required nor permitted to continue storing such data. In particular, I will typically retain case files for a period of 15 years following the conclusion of a case/matter 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.

I will delete or anonymise your information at your request unless this is inappropriate including, for example, because:

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

Technical documents (such as Opinions and Advice papers) may be retained for learning and knowledge management beyond the normal 15-year cut-off. Other documents will be retained until it is practical to organise their disposal.

## 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, ask me to stop sending you direct mail or emails or, in some circumstances, ask me to stop processing your details.

Finally, you can complain to the ICO if you are unhappy with how I have processed your information or dealt with any query.

You can find out more information from the ICO's website:

[http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information)

## Data you provide to me

When providing data to me you are responsible for the accuracy of this information. If you provide personal data concerning someone else to me, including especially (but not only) as regards any lay client or other party where you are the Instructing Agent, then you must ensure that you are permitted to disclose that information to me on the basis that I may use and share that personal data in accordance with this Privacy Policy and without taking any further steps. It is your

responsibility to make the relevant individual(s) aware of the contents of this Privacy Policy including how I may use the data and the individual's rights.

### **Accessing and correcting your information**

You may request access to, correction or updating of, or a copy of your information by contacting me at [clerks@pumptax.com](mailto:clerks@pumptax.com)

If you do that I will require you to prove your identity. I will aim to consider any requests and provide a response in a reasonable time and as soon as I am able.

If you become aware that I have inaccurate or out of date information about you then please inform me as soon as possible. I am not responsible for any loss incurred from any inaccuracies in the data which is provided to me including where this is not updated.

### **Marketing opt-outs**

You may opt out of receiving emails and other messages from my practice by following the instructions in those messages or by emailing me at the above address.

### **Changes to this privacy notice**

This Privacy Policy was published on 18 January 2022. I continually review my privacy practices and may change this policy from time to time. When I do the revised version will be placed on Chambers' website.