

Privacy Policy

VERSION 1.0

AS AUTHORISED BY

MR PHILIP GORDON COWBURN T/A PGC ADVOCACY

ON

05 January 2020

Scope & Purpose

1. This Policy is for use alongside all policies and procedures which PGC Advocacy operates. The purpose of this policy is to ensure that PGC Advocacy and its agents operate in compliance with Data Protection Law.

Policy Review Date

2. This policy will be reviewed every year the next review date will be 05/01/2021.

Authorisation

3. To be effective this policy must be authorised by Mr Philip Gordon Cowburn who trades as PGC Advocacy.

About this notice

4. This privacy notice contains information about the information PGC Advocacy collect, store and otherwise process about you and the reasons for the processing. It also tells you who PGC Advocacy shares this information with, the security mechanisms put in place to protect your data and how to contact PGC Advocacy in the event you need further information.

Who is PGC Advocacy?

5. PGC Advocacy collect, use and are responsible for personal information about you. When PGC Advocacy does this PGC Advocacy is the 'controller' of this information for the purposes of the GDPR and the Data Protection Act 2018.
6. If you need to contact PGC Advocacy about your data or the processing carried out you can use the contact details at the end of this document.

What does PGC Advocacy do with your personal information?

7. Information collected from you when carrying out the provision of services or providing a reference PGC Advocacy collects personal information that you provide which may include any or all of the following:
 - a. Personal details
 - b. Family details
 - c. Lifestyle and social circumstances

- d. Financial details
- e. Education, training and employment details
- f. Physical health or mental health details
- g. Racial or ethnic origin
- h. Political opinions
- i. Religious, philosophical or other beliefs
- j. Trade union membership
- k. Sex life or sexual orientation
- l. Genetic data
- m. Biometric data for the purpose of uniquely identifying a natural person
- n. Criminal proceedings, outcomes and sentences, and related security measures
- o. Other personal data relevant to instructions to provide legal services, including data specific to the instructions in question.

8. I may also obtain the same categories of personal information listed above 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.

How do I use your personal information?

9. I may use your personal information for the following purposes:
- i. to provide legal and other services to my clients, including the provision of legal advice and representation in courts, tribunals, arbitrations, mediations, academic adjudications, fitness to practice hearings and any other such hearing or event which may reasonably be appropriate from time to time.
 - ii. to keep accounting records and carry out office administration
 - iii. to take or defend legal or regulatory proceedings or to exercise a lien
 - iv. to respond to potential complaints or make complaints
 - v. to check for potential conflicts of interest in relation to future potential cases

- vi. to promote and market my services
- vii. to carry out anti-money laundering and terrorist financing checks
- viii. to train other advocates or representatives and when providing work-shadowing opportunities
- ix. to respond to requests for references
- x. when procuring goods and services
- xi. to publish legal judgments and decisions of courts and tribunals
- xii. as required or permitted by law.

Whether information has to be provided by you, and why

10.If PGC Advocacy have been instructed by you or on your behalf, or if you have asked for a reference, your personal information has to be provided, to enable PGC Advocacy 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 legal basis for processing your personal information

11.I rely on the following as the lawful bases on which I collect and use your personal information:

- a. If you have consented to the processing of your personal information, then PGC Advocacy may process your information for the Purposes set out above to the extent to which you have consented to PGC Advocacy doing so.
- b. 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.
- c. In relation to information which is in categories (g) to (o) above (these being categories which are considered to include particularly sensitive information and which include information about criminal convictions or proceedings) PGC Advocacy rely on your consent for any processing for the purposes set out in purposes (ii), (iv), (vi), (viii) and (ix) above. PGC Advocacy needs your consent to carry out processing of this data for these purposes. However, if you do not consent to processing for purposes (iv) and (ix) (responding to potential complaints and providing a reference) PGC Advocacy will

be unable to contract with you or to provide a reference. This is because PGC Advocacy needs to be able to retain all the material about your case until there is no prospect of a complaint and to provide an informed and complete reference.

- d. In relation to information in categories (g) to (o) above (these being categories which are considered to be particularly sensitive information and include information about criminal convictions or proceedings), PGC Advocacy is entitled by law to process the information where the processing is necessary for legal proceedings, legal advice, or otherwise for establishing, exercising or defending legal rights.
- e. In relation to information which is not in categories (g) to (o) above, PGC Advocacy rely on legitimate interest and/or the legitimate interests of a third party in carrying out the processing for the purposes set out above.
- f. In certain circumstances processing may be necessary in order that PGC Advocacy can comply with legal obligations to which PGC Advocacy is subject (including carrying out anti-money laundering or terrorist financing checks).
- g. The processing is necessary to publish judgments or other decisions of courts or tribunals.

Who will I share your personal information with?

12. It may be necessary to share your information with the following:

- a. Data processors, such as; sub-contractors engaged, or volunteers assisting me (including the PGC Advocacy operations manager Chloé Carpenter), IT support staff, email providers, data storage providers
- b. Other legal professionals
- c. Experts and other witnesses
- d. Prosecution authorities
- e. Courts and tribunals
- f. Trainee advocates, those undertaking work experience or work shadowing, law students, GDL students, LPC Students, BPTC students.

- g. Lay clients
- h. Family and associates of the person whose personal information I am processing
- i. In the event of complaints, other members of my team who deal with complaints against me, the Bar Standards Board, the Nottinghamshire Advisory Committee, the Judicial Conduct Authority, and the Legal Ombudsman
- j. Other regulatory authorities
- k. Current, past or prospective employers
- l. Education and examining bodies
- m. Business associates, professional advisers and trade bodies, e.g. the Bar Council
- n. The intended recipient, where you have asked me to provide a reference.
- o. The general public in relation to the publication of legal judgments and decisions of courts and tribunals.

13. PGC Advocacy 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.

14. PGC Advocacy may also be required to disclose your information to the police or intelligence services, where required or permitted by law.

Sources of information

15. The personal information I obtain may include information which has been obtained from:

- a. Other legal professionals
- b. Experts and other witnesses
- c. Prosecution authorities
- d. Courts and tribunals

- e. Trainee advocates, those undertaking work experience or work shadowing, law students, GDL students, LPC Students, BPTC students.
- f. Lay clients
- g. Family and associates of the person whose personal information I am processing
- h. In the event of complaints, other members of my team who deal with complaints against me, the Bar Standards Board, the Nottinghamshire Advisory Committee, the Judicial Conduct Authority, and the Legal Ombudsman
- i. Other regulatory authorities
- j. Current, past or prospective employers
- k. Education and examining bodies
- l. Business associates, professional advisers and trade bodies, e.g. the Bar Council
- m. The intended recipient, where you have asked me to provide a reference.
- n. The general public in relation to the publication of legal judgments and decisions of courts and tribunals.
- o. Data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
- p. Public sources, such as the press, public registers and law reports.

Transfer of your information outside the European Economic Area (EEA)

16. 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 EEA in any particular case or for a reference. However, if you reside outside the EEA or your case or the role for which you require a reference involves persons or organisations or courts and tribunals outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose.
17. If you are in a country outside the EEA or if the instructions you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish

additional precautions to be taken in respect of your information please indicate this when providing initial instructions.

18. Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. The list can be found [here](#). Most do not. If your information has to be transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.

19. PGC Advocacy may transfer your personal information to the following which are located outside the European Economic Area (EEA):

- a. Cloud data storage services based in the USA who have agreed to comply with the EU-U.S. Privacy Shield, in order to enable me to store your data and/or backup copies of your data so that I may access your data when they need to. The USA does not have the same data protection laws as the EU but the EU-U.S. Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection [click here](#)
- b. Cloud 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 EU but has been recognised by the European Commission as providing adequate protection. To obtain further details [click here](#)
- c. If PGC Advocacy decide to publish a judgment or other decision of a Court or Tribunal containing your information then this will be published to the world.

20. I will not otherwise transfer personal information outside the EEA (except as necessary).

21. If you would like any further information, please use the contact details at the end of this document.

How long will I store your personal data?

22. PGC Advocacy will normally store all your information:

- a. Until at least 1 year after the expiry of any relevant limitation period (which will usually be 15 years as recommended by PGC Advocacy's insurers), from the date of the last item of work carried out, the date of the last payment received or the date on which all outstanding payments are written off (whichever is the latest). This is because it may be needed for potential legal proceedings or subject to a complaint. 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.
- b. PGC Advocacy will store some of your information indefinitely needed to carry out conflict checks. However, this is likely to be limited to your name and contact details, the name of the case. This will not include any information within categories (g) to (o) above.
- c. Information related to anti-money laundering checks will be retained until five years after the completion of the transaction or the end of the business relationship, whichever is the later.
- d. Names and contact details held for marketing purposes will be stored indefinitely or until I or PGC Advocacy's team become aware or are informed that the individual has ceased to be a potential client.

Consent

23. As explained above, PGC Advocacy is relying on your explicit consent to process your information in categories (g) to (o) above. You provided this consent when you agreed that PGC Advocacy would provide services to you or provide a reference.
24. You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity PGC Advocacy have carried out prior to you withdrawing your consent. However, where PGC Advocacy also rely on other basis for processing your information, you may not be

able to prevent processing of your data. For example, if you have asked PGC Advocacy to work for you and PGC Advocacy have spent time on your engagement, you may owe me money which PGC Advocacy will be entitled to claim.

25.If there is an issue with the processing of your information, please contact the PGC Advocacy Team using the contact details below.

Your rights

26.Under the GDPR, you have a number of rights that you can exercise in certain circumstances. These are free of charge. In summary, you may have the right to:

- a. Ask for access to your personal information and other supplementary information
- b. Ask for correction of mistakes in your data or to complete missing information PGC Advocacy holds on you
- c. Ask for your personal information to be erased, in certain circumstances
- d. Receive a copy of the personal information you have provided to PGC Advocacy or have this information sent to a third party. This will be provided to you or the third party in a structured, commonly used and machine readable format, e.g. a Word file
- e. Object at any time to processing of your personal information for direct marketing
- f. Object in certain other situations to the continued processing of your personal information
- g. Restrict PGC Advocacy's processing of your personal information in certain circumstances.

27.If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](#).

28.If you want to exercise any of these rights, use the contact details at the end of this document

29. PGC Advocacy may need to ask you to provide other information so that you can be identified, such as;

- a. A contact address so that you can be contacted to request further information to verify your identity
 - b. Proof of your identity and address
30. PGC Advocacy will respond to you within one month from receiving your request.

Marketing emails

31. Note if you wish to unsubscribe from any marketing emails that you receive from PGC Advocacy, you can do so emailing contact@pgcadvocacy.co.uk (subject line 'unsubscribe'). It may take up to one week for this to become effective.

How to make a complaint?

32. The GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the 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 <http://ico.org.uk/concerns/>.

Future processing

33. PGC Advocacy does not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on PGC Advocacy's website page.

Changes to this privacy notice

34. This privacy notice was published on 5th January 2020 and last updated on 19 December 2018.
35. PGC Advocacy continually review privacy practices and may change this policy from time to time. If amended it will be placed on the PGC Advocacy website page.

Contact details

36.If you have any questions about this privacy notice or the information PGC Advocacy holds, please contact PGC Advocacy's Data Protection Officer using the contact details below.

Mr Philip Gordon Cowburn

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Leyland

Lancashire

PR25 1YB

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Phone: +44 (0) 7983433925

PGC ADVOCACY

5th JANUARY 2020

Netherfield, Nottingham, ENGLAND

Duly authorised by PHILIP GORDON COWBURN