

PRIVACY STATEMENT

1 PURPOSE OF OUR PRIVACY STATEMENT

Under the Data Protection Act and the General Data Protection Regulation, we are required to explain to you why we are asking for information about you, how we intend to use the information you provide to us and whether we will share this information with anyone else.

We can provide our literature in different formats. If you require this information in a different format, please contact us on 020 7242 0082 or email Privacy@BarCouncil.org.uk.

2 WHO ARE WE?

We are the General Council of the Bar (known as the **Bar Council**) and we are the Data Controller. We are the approved regulator of the Bar of England and Wales, representing barristers and discharging our regulatory functions through the independent **Bar Standards Board (BSB)**. Our address is 289-293 High Holborn, London WC1V 7HZ.

3 OUR DATA PROTECTION OFFICER

Our Data Protection Officer is responsible for overseeing what we do with your information and monitoring our compliance with data protection laws.

If you have any concerns or questions about our use of your personal data, you can contact our Data Protection Officer by writing to The Data Protection Officer, The Bar Council, 289-293 High Holborn, London WC1V 7HZ or Privacy@BarCouncil.org.uk.

4 WHO IS THIS FOR?

This privacy statement is targeted at all individuals we interact with:

- Barristers (Practising and Unregistered)
- Prospective or student barristers
- Other qualified lawyers
- People working in organisations employing barristers, including chambers and owners, managers or employees of BSB entities
- Members of the public, including clients (and other third parties involved, such as witnesses, creditors and debtors) of BSB entities where a statutory 'intervention' is carried out.
- Members of Council, Committees, Panels and Advisory Pool of Experts
- Other stakeholders we interact with to fulfil our function or deliver our services

5 WHY ARE WE COLLECTING YOUR INFORMATION?

We are collecting your information to comply with our obligations as the statutory approved regulator for the Bar of England and Wales and to carry out our representative and regulatory functions.

The Bar Council promotes:

- the Bar's high-quality specialist advocacy and advisory services;
- fair access to justice for all;
- the highest standards of ethics, equality and diversity across the profession; and
- the development of business opportunities for barristers at home and abroad.

The Bar Standards Board objectives as laid out in the Legal Services Act are:

- protecting and promoting the public interest;
- supporting the constitutional principle of the rule of law;
- improving access to justice;
- protecting and promoting the interests of consumers;
- promoting competition in the provision of services;
- encouraging an independent, strong, diverse and effective legal profession;
- increasing public understanding of citizens' legal rights and duties; and
- promoting and maintaining adherence to the professional principles.

6 WHAT INFORMATION ARE WE COLLECTING?

All the information we collect about you will be stored and used by us in accordance with this privacy statement and in accordance with your rights as described in Section 13 of this statement under the Data Protection Act and the General Data Protection Regulation.

Personal data

The information which we process about you is collected:

- when you complete an online form, or update your details on the Bar Council, the Bar Standards Board or the My Bar websites;
- when you complete an online form or update your details on websites provided in conjunction with the Bar Council such as the Direct Access Portal and the Pupillage Gateway;
- when you submit an application or form to us online or manually;
- when you complete a survey or otherwise provide us with information for research purposes;
- when you contact the Bar Council or the Bar Standards Board by email, post, telephone or fax;
- when you contact by telephone, we may record telephone conversations to provide reasonable adjustments you have requested;

- from persons duly authorised by you, such as your employer, or a clerk or administrator at your chambers, to provide information on your behalf; when we receive information and reports about conduct, or are investigating such information or reports, provided to us by yourself or third parties;
- when we carry out a statutory 'intervention' into Alternative Business Structures or Authorised Persons, which involves taking control of the practice of an Authorised Person in the interests of clients and the public.
- when you provide services to us or undertake activities which form part of your obligations under the terms of your appointment or our contractual terms;
- when we administer our appointment, recruitment and appraisal processes for Council, Committee, Panel and Advisory Pool of Experts members;
- if you visit our office, your image may be captured on our closed-circuit television (CCTV) operating at the entrance to each of our floors, primarily for security and safety purposes. Images are viewed on a live feed and stored securely for 30 days, when they are overwritten. (See our CCTV Policy for more information [link]).
- through cookies on our website (for further information see our Cookies Notice [link])
- IP addresses collected through our websites, these are only stored for 90 days for security reasons and subsequently destroyed.

The information which we collect about you from other sources:

- From the Council of the Inns of Court and the Inns of Court (Students and Call to the Bar datasets)
- from Pearson VUE (Bar Course Aptitude Tests datasets)
- from Pearson VUE and Authorised Education and Training Organisations (Bar Professional Training Course and Bar Transfer Test datasets)
- Legal Ombudsman (Complaints information)
- Bar Mutual Indemnity Fund (Insurance information)
- Judicial Appointments Commission
- Queen's Counsel Appointments (QC appointment information)
- when obtaining the references from referees you have supplied, for the purpose of confirming your suitability for appointment to committees, panels or expert groups

The information which we collect about you through the above processes will typically be your name and contact information such as postal address, email address and telephone numbers, your contact history, subscriptions, any application information or report from you and in relation to cookies, your internet log information and visitor behaviour information.

If you take part in online exams run by Pearson VUE using their remote proctoring test services, they may collect facial images of you and ID, such as a driving licence or passport, to authenticate your identity, on our behalf. They may also make video and audio recordings for the purposes of identity verification and to ensure the integrity of the testing process.

If you are a barrister or prospective barrister, we will collect information about your education history and results, Call to the Bar information, practising details, roles and employment positions, qualifications, professional details, rights, entitlements, registrations, subscriptions, applications, authorisations, demographics, complaints and conduct history. Pearson VUE may also pass us your equality and diversity data, if you have provided it to them when taking the Bar Course Aptitude Test (BCAT). Where we carry out a statutory 'intervention' we will also collect client files, employee files and general office files.

Special categories of personal data

Some of the information which we collect to fulfil our public sector equality duties as well as deliver regulatory objectives will be special categories of personal data (also called sensitive personal data) to which greater protection is provided by the data protection laws. The information which falls within this category includes information about:

- disability and health
- sexual orientation and/or gender identity
- a person's racial or ethnic origin
- religious or philosophical beliefs
- membership of a trade union
- political opinions
- genetic data and biometric data (we may collect biometric data to authenticate the identity of those taking online examinations)

Information about criminal convictions and offences

Information about criminal convictions and offences does not fall under the definition of special categories of personal data but it is still afforded greater levels of protection.

7 WHAT IS THE LAWFUL BASIS FOR USING YOUR INFORMATION?

Personal data

In accordance with the data protection laws, we need a "lawful basis" for collecting and using information about you. There are a variety of different lawful bases for processing personal data which are set out in the data protection laws.

The lawful bases on which we rely in order to use the information which we collect about you for the purposes set out in this notice will be:

- using your information is necessary for the performance of a task carried out in the public interest (to fulfil our statutory regulatory and representative obligations) which we refer to as the "public task" basis; or
- you have provided consent to our use of your information; or
- using your information is necessary to fulfil a contract you have with us, or because you have asked us to take specific steps; or

- using your information is necessary for the pursuing of legitimate interests of the General Council of the Bar and/or the Bar, including the images we record on CCTV.

Special categories of personal data

The lawful basis on which we rely in order to use your sensitive personal data/special categories of personal data which we collect about you will be:

- that it is necessary for the performance of a task carried out in the public interest (to fulfil our statutory regulatory and representative obligations); and
- for reasons of substantial public interest, for the reasons above, and in order to monitor and review the existence or absence of equality of opportunity or treatment.

Information about criminal convictions and offences

The lawful basis on which we rely in order to use information that may relate to any criminal convictions and offences will be:

- that it is necessary for the performance of a task carried out in the public interest (to fulfil our statutory regulatory obligations); and
- for reasons of substantial public interest, specifically, that it is necessary for the exercise of our regulatory functions.

8 WHAT ARE WE GOING TO DO WITH YOUR INFORMATION?

Personal data

The information which you provide to us will be used to deliver the following regulatory and representative functions using the lawful basis of “public task” under our approved regulator status in the Legal Services Act 2007:

Regulatory functions delivered by the Bar Standards Board

- governance, regulatory strategy and policy development, including research;
- authorisation to practise and changes in practising details;
- applications for rights and entitlements or for waiving certain regulatory requirements;
- to enable persons with delegated responsibility for your chambers/employer to complete authorisation to practise forms and procedures on your behalf;
- registration and completion of pupillage;
- authorisation and regulation of entities (authorised bodies and licensed bodies) including, where appropriate, their owners, managers and employees;
- regulation (including regulatory assurance and supervision) of barristers (and in certain circumstances those employed by barristers) and those qualifying as barristers, authorised bodies, licensed bodies and education and training provision for prospective and current barristers;

- dealing with enquiries, reports about conduct matters, carrying out investigations and taking enforcement action;
- maintaining the Barristers' Register; and
- sending Bar Standards Board Regulatory Updates & Information.

Representative function delivered by the Bar Council

- governance and strategy management and development
- influencing of policy with Government in relation to the administration of justice;
- provision of policy and practical support, guidance and initiatives to barristers on practice management issues and in relation to practises undertaken by barristers;
- provision of policy and practical support, guidance and initiatives to authorised and licensed bodies;
- provision of policy and practical support, guidance and initiatives to support prospective barristers in education and training and upon entry to the Bar;
- the promotion of relations between the approved regulator and relevant national or international bodies, governments or the legal professions of other jurisdictions
- promotion of equality, diversity and social mobility across the profession; and
- for practising barristers, we will use your information, under the lawful basis of legitimate interests, to send representation, policy, support and justice campaign information for the Bar.

We may seek your consent to use your information for the following reasons:

- for the administration and communication of events such as the Bar Conference, training and road shows;
- for public relations and marketing purposes directly relating to the profession;
- to keep you up to date with the range of services from our partners, including products and benefits;
- to create and update your profile on the Juriosity Platform (new Bar Directory);
- to change mailing preferences in relation to purposes other than our representational or regulatory functions;
- in the case of cookies, it will allow us to provide you with a tailored and appropriate user experience on our website;
- to receive representation, policy, support and justice campaigns for the current and prospective Bar (other than practising barristers)
- to receive regulatory updates and information (other than practising barristers)

If you sign up to pay the Bar Representation Fee, this will include us processing your data for the administration of membership records, such as member services, Xexec benefits and

Council magazine subscriptions, although you will have the option to say you don't want to receive these benefits by emailing Member Services at MemberServices@BarCouncil.org.uk

Special categories of personal data

We are committed to ensuring that access to the Bar should be equally open to all. Therefore, the special categories of personal data which we collect from you will be used for the following purposes:

- to fulfil our statutory obligations under the Equality Act 2010 and the Legal Services Act 2007, including Equalities monitoring and research;
- to monitor the data trends of those entering the Bar to understand how people from a range of backgrounds progress in their careers. We may publish anonymised analysis of this information on our website.

If you require further information as to why the General Council of the Bar gathers diversity data from you to fulfil its statutory function as approved regulator and fulfil its public sector equality duties, please contact the Equality and Diversity team at the Bar Council or the Bar Standards Board on 020 7242 0082.

Information about criminal convictions and offences

We collect information concerning criminal convictions and offences in relation to those who practise as barristers in England and Wales and members appointed to Committees, Panels and Advisory Pool of Experts. We collect this information as part of our regulatory function.

Some of this information is collected routinely through the Authorisation to Practise process, to comply with money-laundering regulations.

9 SHARING YOUR INFORMATION

Contractors and sub-contractors

It may be necessary to share your information with our contractors and sub-contractors so they can provide a service to you or to enable us to deliver our statutory function or services you have agreed to. The contractors and sub-contractors shall be contractually required to ensure that they adhere to the security requirements imposed by the Data Protection Act and/or the General Data Protection Regulation (as applicable).

Our contractors and sub-contractors will not share your information with any other parties (except in the case of our file storage contractor) and will only be able to use the information when completing work on behalf of us.

Regulators and other legal obligations

We may also share your information with other bodies with official authority, such as the Legal Ombudsman, Legal Services Board, other regulators, the Council of the Inns of Court, Queens Counsel Appointments, Judicial Appointments Commission and the Office of the Immigration Services Commissioner, HM Revenue and Customs (HMRC) and with other organisations where we have a legal obligation to share the information with them or where there is a legitimate legal basis to do so. Where we carry out statutory 'interventions' we will

do this in association with Intervention Agents (who are firms of solicitors) with whom BSB will share the data concerned.

Other organisations

We may from time to time share or receive information about you from other organisations, such as:

- the police for the purpose of detection and prevention of crime;
- organisations with a function of auditing and/or administering public funds for the purpose of detection and prevention of fraud;
- the Inns of Court in order to keep their records' up to date and facilitate your relationship with them;
- HM Courts and Tribunal Service (HMCTS) for the administration of the Court ID Cards scheme;
- Bar Mutual Indemnity Fund;
- Authorised Education and Training Organisations (AETOs);
- if you elect to make a pro bono donation, we will share your contact details and details of your donation with Advocate (previously the Pro Bono Unit); or
- if you provide consent, we may share your information with a third-party organisation for marketing purposes.

We have various memoranda of understanding and/or data sharing protocols with many of these organisations, including the Inns of Court and Council of the Inns of Court, the Legal Ombudsman, the Bar Mutual Indemnity Fund, HMCTS and the AETOs. Memoranda of Understanding can be found at: <https://www.barstandardsboard.org.uk/about-us/working-with-others.html>.

The public

If you are a qualified barrister, some of your personal data (as defined in the Bar Standards Board Handbook) is publicly accessible via the Barristers' Register webpage.

If you apply for, and are granted, a waiver from any BSB Handbook rules, we will confirm that a waiver has been granted to a member of the public who requests it.

If you are a member of a Committee, Panel, or Advisory Pool of Experts, some of your personal data is publicly accessible and/or on the BSB or Bar Council website.

10 TRANSFERRING YOUR INFORMATION ABROAD

If you are a qualified barrister, your personal data (as defined in the Bar Standards Board Handbook) is accessible internationally via the Barristers' Register webpage.

If you are a member of a Committee, Panel, or Advisory Pool of Experts, your personal data is accessible internationally on the BSB or Bar Council website.

Pearson VUE store data they hold on behalf of the Bar Standards Board in the United States. This arrangement is covered by Standard Contractual Clauses.

11 SECURITY OF YOUR PERSONAL INFORMATION

The information that you provide will be stored securely on our electronic systems. Our security measures and procedures reflect the seriousness with which we approach security and the value we attach to your information. These measures and procedures are audited and reviewed.

Only relevant members of staff will have access to the information you provide to us. Those members of staff will have received appropriate data protection training.

Any payment transactions will be encrypted (using SSL technology).

12 CAN WE USE YOUR INFORMATION FOR ANY OTHER PURPOSE?

In limited circumstances we may use your information for a purpose other than those set out in this policy. If we intend to do so, we will provide you with information relating to that other purpose before using it for the new purpose.

13 STORING YOUR INFORMATION AND DELETING IT

In accordance with the General Council of the Bar obligations under the Data Protection Legislation, the Council shall only retain personal data for as long as is necessary for the legitimate purposes for which the personal data is processed. This includes information provided to the General Council of the Bar, or a third party on our behalf, for research purposes.

When those purposes come to an end, the General Council of the Bar shall securely delete the personal data unless the retention of the personal data is required for archiving purposes which are in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) of the GDPR or other applicable provisions under the Data Protection legislation.

When one of the above situations arise, we will review the information which we hold concerning you and determine whether there are any legal reasons why we need to continue holding that information. Once the identified purpose comes to an end, unless there is another identifiable purpose for which it is necessary to hold on to your information, we will delete your information.

If you provide information for research purposes, at the end of the research project the information will be deleted or kept in an anonymised or pseudonymised format unless you are specifically notified otherwise

If you would like further information about our data retention and disposal schedule then please contact Privacy@BarCouncil.org.uk

14 YOUR RIGHTS

In relation to the information which we hold about you, you are entitled to:

- see a copy of the information;

- ask us to rectify the information where it is inaccurate or is incomplete. If we agree the information is inaccurate or incomplete and make the rectification, we will inform any recipients of the information of the change, where possible;
- ask us to erase the information, but we will not be able to comply where we hold your information to fulfil our statutory regulatory and representative obligations;
- ask us to restrict what we do with your information, but there are a number of exemptions relating to this right;
- object to our use of your information and ask us to stop that use, in certain circumstances; and
- instruct us to provide you with the information we hold about you in a structured and commonly used format or transmit that information directly to another organisation.

Our obligations to comply with the above rights are subject to certain exemptions.

Where we are using some of your information because you have provided your consent to that use, you are entitled to withdraw your consent at any time. The lawfulness of our use of your information before consent was withdrawn is not affected. You can do this by writing to the Records Office at 289-293 High Holborn, London WC1V 7HZ or by emailing Records@BarCouncil.org.uk.

You also have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO - see <https://ico.org.uk/global/contact-us/> for details.

15 OTHER WEBSITES

Our Site may contain links to other websites which are outside our control and are not covered by this Privacy Policy. If you access other websites using the links provided, the operators of these websites may collect information from you which will be used by them in accordance with their own privacy policies, which may differ from ours. Therefore, if you use these links to leave our Site and visit websites operated by third parties, we cannot be responsible for the protection and privacy of any information that you provide whilst visiting those websites. Please check these policies before you submit any personal data to these websites.

16. REVIEWING OUR PRIVACY POLICY

This policy will be kept under review and if amended notification will be made on the Bar Council and BSB websites and on MyBar. Previous versions of our privacy policy are included below and earlier ones can be requested at Privacy@BarCouncil.org.uk.