

## General Data Protection Regulation (“GDPR”)

### Privacy Notice for Jonathan Schwarz

This Privacy Notice is intended for Professional and Lay Clients of Jonathan Schwarz and other persons who work, collaborate or communicate with me in the course of my professional practice. This notice describes the information I collect, store and process about you, how it is used and shared, and your rights regarding it.

A Lay Client is the client of a Solicitor or other instructing Professional for whose benefit or on behalf of whom I am instructed by a Solicitor or other instructing Professional.

#### Data Controller

I collect, use and am responsible for personal information about you and in doing so am the controller of this information for the purposes of the GDPR and the Data Protection Act 2018.

I am registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that I hold and process in the course of my professional practice. My registered address is Temple Tax Chambers, 3 Temple Gardens, Temple, London EC4Y 9AU and my registration number is Z6157896.

I may be contacted by email to me at [jonathan.schwarz@taxbarristers.com](mailto:jonathan.schwarz@taxbarristers.com) or to my Clerks at [clerks@templetax.com](mailto:clerks@templetax.com) or by post to the above address or by telephone +44 (0)20 7353 7884.

#### Information Collected

When carrying out the provision of legal services or activities related to my professional practice, I may collect and process some or all of the following personal information provided by you or 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:

- Information establishing your identity (for example, name, address, email, phone number, date of birth, etc.) and personal background, (and may include personal information concerning your family members) and device IP addresses;
- Information in connection with instructions to provide legal services;
- Other personal details including lifestyle and social circumstances, goods and services, financial and business, education, training and employment;
- Sensitive personal data (that is, information about your racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life and sexual orientation or details of criminal offences, or genetic or biometric data) in the course of advising or representing you or your organisation in legal matters that require the collection and use of sensitive personal information relating to you.

#### Information about other people

If you provide information to me about any person other than yourself, counterparties or your advisers, you must ensure that they understand how their information will be used, and that they have given their permission for you to disclose it to me and for you to allow me to use it.

## How do I collect your personal data?

The circumstances in which I can collect personal data about you include:

- when you (including by your instructing Professional on your behalf) or your organisation seek legal advice from me;
- when you or your organisation offer to provide, or provides, services to me;
- when you correspond with me or my clerks by phone, email or other electronic means, or in writing, or when you provide other information directly to me, including in conversation with me or my clerks;
- when you attend my seminars or other events or sign up to receive personal data from me, including training;
- by making enquiries from your organisation, other organisations with whom you have dealings such as former employers and educational institutions, or from third party sources such as government agencies, a credit reporting agency, information service providers or from publicly available records.

## How I use your information and the legal basis for doing so

I may use your information only:

- To fulfil a contract, or take steps linked to a contract, with you or your organisation, including providing legal services including the provision of legal advice and representation and to process payments, billing and collection;
- As required by me to conduct my professional practice and pursue my legitimate interests, in particular:
  - Administering and managing my relationship with you, keeping accounting records and administering my professional practice
  - Check for potential conflicts of interest in relation to potential engagements;
  - Assist in training barristers, pupils and work-shadowing students;
  - To communicate with you about news, updates and events and other information about my professional practice;
  - Take or defend legal or regulatory proceedings or to exercise a lien;
  - Respond to potential complaints or make complaints; or
  - as otherwise required or allowed by law.
- For purposes required by law, including maintaining records, compliance checks or screening and recording (e.g. anti-money laundering, financial and credit checks, fraud and crime prevention and detection, trade sanctions and embargo laws).
- Where you give me your consent, including to communicate with you about news, updates and events and other information about my professional practice; and
- I do not use automated decision-making or creating profiles other than as described above in the processing of your personal data.

My Chambers website, [www.templetax.com](http://www.templetax.com) uses cookies (small text files on your browser or device) to remember user preferences and settings, determine frequency of accessing our content, measure the effectiveness of advertising campaigns and analyse site visits and trends.

## Who may I share your personal information with?

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. I may share your personal data with:

- Instructing professionals;
- Courts, tribunals, arbitrators or mediators, law enforcement authorities, regulators, government officials or attorneys or other parties where it is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim, or for the purposes of a confidential alternative dispute resolution process;
- Third parties including certain service providers who have been retained on your behalf in connection with the legal services I provide, such as other barristers, solicitors, consultants, mediators, or experts and other legal specialists such as law firms for obtaining specialist or foreign legal advice or translators;
- My Chambers clerks who provide administrative or data processing services;
- Service providers engaged by me or by my Chambers, domestically or abroad, e.g. shared service centres, to process personal data for any of the purposes listed above on our behalf and in accordance with our instructions, email, video conference or other communications providers and data storage providers;
- Any other party where I ask you and you consent to the sharing;
- The Head of my Chambers, other members of my Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman, other regulatory authorities in the event of complaints or legal advisors in the event of a dispute or other legal matter;
- Such persons as I believe is necessary where a failure to disclose would result in damage to my good reputation and standing, or expose me to professional sanction, civil or criminal prosecution.

I may be required to provide your information to law enforcement officials, government authorities, or 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 may include privileged information.

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

### **Transfers to third countries and international organisations**

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.

If you reside outside European Economic Area (EEA), or your case involves persons or organisations or courts and tribunals outside the EEA, or if the instructions you provide come from outside the EEA, then, to provide legal services, I may transfer the personal information I collect to countries outside of the EEA which do not provide the same level of data protection as the country in which you reside and are not recognised by the European Commission as providing an adequate level of data protection. The list of countries and organisations outside the EEA which have been assessed by the European Commission who has found their data protection laws and procedures to show adequate protection list can be found here: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en#dataprotectionincountriesoutsidetheeu](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en#dataprotectionincountriesoutsidetheeu)

I only transfer personal information to these countries when it is necessary for the services I provide you, or it is necessary for the establishment, exercise or defence of legal claims. If this applies to you,

and you wish additional measures to be taken in respect of your information, please indicate this when providing initial instructions.

I may transfer your personal information outside the European Economic Area (EEA) to cloud data storage services based in the United States of America who have agreed to comply with the EU-US 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 needed. The US does not have the same data protection laws as the EU but the EU-US Privacy Shield has been recognised by the European Commission as providing adequate protection. To obtain further details of that protection, see [https://ec.europa.eu/info/law/law-topic/dataprotection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/dataprotection/data-transfers-outside-eu/eu-us-privacy-shield_en).

I will not otherwise transfer personal information outside the EEA or the countries assessed by the European Commission as showing adequate protection or in the case of the United States to a person obtaining certification under the EU-US Privacy Shield, and, in the case of India, where the Indian Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules 2011 apply, except as necessary for providing legal services or for any legal proceedings.

#### **How long will I keep your personal information?**

I will normally store all your information:

- until at least one year after the expiry of any relevant limitation period. In general, I will rely on a period of 15 years from the conclusion of a matter (overriding time limit in Limitation Act 1980, s.14B). This is because it may be needed for potential legal proceedings. 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. Further retention will normally 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. Some materials (e.g. opinions and legal pleadings) may be retained in anonymised form rather than being deleted;
- which I need to carry out conflict checks for the rest of my career. However, this will be limited to your name and contact details and the name and nature of the case;
- related to anti-money laundering checks until five years after the completion of the transaction or the end of the business relationship, whichever is the later;
- consisting of names and contact details held for marketing purposes or, professionals that I might recommend or introduce, for the rest of my career, or, until I or my clerks become aware or are informed that you have ceased to be a potential client.
- in published legal judgments and decisions of courts and tribunals indefinitely.

#### **Security of your personal data**

I have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. I have also put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where I am legally required to do so.

#### **Updating your personal data**

If any of the personal data that you have provided to me changes, e.g. if you change your email address or if you wish to cancel any request you have made of me, or if you become aware we have any inaccurate personal data about you, please let me know by contacting me or my Clerks as above.

I will not be responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to me.

### **Your Rights**

Your rights under the GDPR include:

*Access:* You have the right to request a copy of the personal data that I hold about you. There are exceptions to this right, so that access may be denied if, for example, making the information available to you would reveal personal data about another person, or if we are legally prevented from disclosing such information. You are entitled to see the personal data held about you. If you wish to do this, please contact me using the contact details above.

*Accuracy:* I aim to keep your personal data accurate, current, and complete. I encourage you to contact me if any of your personal data is not accurate or changes, so that I can keep your personal data up-to-date.

*Objecting:* In certain circumstances, you have the right to object to processing of your personal data and to ask me to block, erase and restrict your personal data. If you do so, this will not affect the lawfulness of any processing activity I have carried out prior to you withdrawing your consent. Your withdrawal of consent may limit or prevent me from providing legal services to you.

*Porting:* You have the right to request that some of your personal data is provided to you, or to another data controller, in a commonly used, machine-readable format.

*Erasure:* You have the right to erase your personal data when the personal data is no longer necessary for the purposes for which it was collected, or when, among other things, your personal data have been unlawfully processed.

These rights are subject to any applicable exemptions under the data protection laws.

*Complaint:* If you believe that your data protection rights may have been breached, you have the right to lodge a complaint with the applicable supervisory authority, or to seek a remedy through the courts. The ICO's website [http://ico.org.uk/for the public/personal information](http://ico.org.uk/for-the-public/personal-information) provides further information, and this is the organisation that you can complain to if you feel that I have not complied with data protection law.

You may seek to exercise these rights at any time by sending an email or by post to my contact details above, providing further information (including appropriate proof of identity) as requested by me.

You have the right to object at any time to processing of your personal information for direct marketing. You may opt out of receiving emails and other messages from my Chambers by following the instructions in those messages. You may also let me know, by contacting me or my Clerks as above, if you do not wish to be contacted about news, updates and events or in the promotion of my professional practice.

### **Future processing and changes to this privacy notice**

I do not intend to process your personal information except for the reasons stated in this privacy notice. I may change this policy from time to time. When I do an update will be placed on my Chambers website profile [www.templetax.com](http://www.templetax.com) and my website [www.taxbarristers.com](http://www.taxbarristers.com).

