

**Mediation and Conciliation:**

**Privacy Notice – Information about your data**

Please read this alongside the Terms of Appointment that I or my clerk send to you or to the solicitor or other representative that you have instructed in this matter, which contain my contact details. Please also refer to the Retention of Data Policy in the addendum to this notice which has been provided to you. If this document has been received by a legal or other representative of a party, they must ensure that this notice is brought to the attention of any lay client on whose behalf I am appointed.

I collect, use and am responsible for personal information about you or other persons. When I do this, I am the Data Controller of this information for the purposes of the General Data Protection Regulation (GDPR) and other applicable data protection laws (Data Protection Legislation).

As a member of Keating Chambers I am committed to treating your information in line with the principles of Data Protection Legislation, including being transparent with you on all aspects of your data and safeguarding it while I am processing it. Please read the following information carefully. This privacy notice contains information about what personal data I collect and store and why. It also tells you who I share this information with, the security mechanisms I have put in place to protect your data and how to contact me if you have a complaint.

I may be appointed to act as a co-mediator or co-conciliator alongside other people. In these cases each of the people appointed in the same matter will be acting as a data controller.

Please be aware that barristers from Keating Chambers can be appointed to represent a party in a matter where another member of Keating Chambers is appointed as mediator or conciliator. In these cases we will each be data controllers for our own engagement relating to the same matter and will act independently of any others appointed.

**Information collected from you**

When appointed, I may collect the following personal information that you provide to me or is provided to me on your behalf by email, post or any other method:

- Name, job title, signature, education, training and employment;
- Contact information including home or business address, telephone number(s), date of birth and email address;
- Financial details;
- Details of goods and services provided;
- Details of the dispute and information provided in relation to the dispute, which may include personal data;
- A record of any correspondence;
- Some sensitive personal information (Special Categories under GDPR).

**Information collected from other sources**

I may collect the information set out above from other sources, together with information provided by a party, solicitor or other party representative provided in relation to the dispute, which could contain personal opinions, political beliefs, medical history, and other special categories of data.

These categories of information may be obtained from third parties, such as other legal professionals or experts, members of the public, your family and friends, witnesses, courts and other tribunals, investigators, parties involved in a mediation or conciliation or other matter, government departments, regulators, public records and registers.

### **Special Categories of Personal Data**

If the nature of the case requires it, I may obtain special categories of personal data including:

- Health information
- Racial or ethnic origin
- Political opinions
- Religious, philosophical or other beliefs
- Trade union membership
- Sex life or sexual orientation

Under Data Protection Legislation when this information is provided, my legal basis for processing will be that the data subject has given explicit consent or that processing relates to personal data which are manifestly made public by the data subject or that processing is necessary for legal proceedings, legal advice or otherwise for the establishment, exercise or defence of legal claims.

### **Purposes for which I will use your personal information**

I may use your personal information for the following purposes:

- To provide mediation or conciliation services and any other services under contract;
- To share with co-mediators or co-conciliators appointed in respect of the dispute;
- To provide reports to and otherwise communicate with mediator-appointing and conciliator-appointing bodies;
- To comply with any requirement or audit by HMRC, my insurers or any regulatory body;
- To keep accounting and records and carry out administration required, including liaison with accountants and auditors;
- To respond to, and manage, potential complaints and claims, including within Keating Chambers and with my insurers, advisors and regulators;
- To carry out required conflict and other checks and due-diligence required under law;
- To train others and to provide mediation observation and work experience opportunities;
- To provide to legal and other directories submissions in respect of the services I provide;
- For the establishment, exercise or defence of legal claims.
- To enable Clerks, Management, Reception and Administration within Keating Chambers to assist me to act as mediator or conciliator and fulfil my legal obligations.
- To enable me to make applications for appointments or to give references in connection with appointment applications

### **Who I will share your personal information with**

If you are a party to a dispute, some or all 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 mediator or conciliator I have obligations of confidentiality pursuant to the Mediation or Conciliation Agreement and my Terms of Appointment.

I will share information with Keating Chambers (including Clerks, Management, Reception and Administration) and other third parties who act as a Data Processor to assist me to act as mediator or conciliator and fulfil my legal obligations.

I may have relationships with other third parties that I may share data with relating to my appointment. I may share your name, address, date of birth and case information. This data sharing enables me to fulfil my obligations and conduct administration. For a list of these third parties please contact me.

If an independent review is needed into an aspect of the services I provide, such as a complaint or claim, I may need to share this information with members of Keating Chambers, management in Keating Chambers and external bodies including the Bar Standards Board, the Legal Ombudsman and my advisers and insurers.

I will share personal information with law enforcement agencies if required by applicable law. I may also need to share your data with regulatory bodies, such as the Bar Council and the Bar Standards Board.

### **Reasons I collect and use your personal information**

Under GDPR I need to have a lawful basis to process your data. I have listed at 1 – 4 below the lawful bases, any or all of which I may use to process your data for the purposes set out above.

#### **1. Consent**

If I wish to provide your data to a legal or other directory agency, such as the Legal 500, I will ask for your consent to do so.

If I am processing special categories of personal data for a reason not relating to the establishment, exercise or defence of legal claims I may need your explicit consent to do so.

You always have the right to withdraw your consent at any time. If you wish to withdraw your consent then please contact me using the information contained in my Terms of Appointment or by contacting one of the clerks at Keating Chambers.

#### **2. Performance of Contract**

Processing is necessary for the performance of, or entering into, a contract, whereby I am appointed to act as a mediator or conciliator.

#### **3. Legal Obligation**

Processing is necessary for compliance with a legal obligation to which I am subject.

I will maintain adequate records of any financial transactions for a period of 7 years that can be audited by HMRC.

I will retain information required to comply with legal obligations that I am subject to, including conducting money-laundering checks where necessary.

I may have a legal obligation to provide information to courts or tribunals.

#### **4. Legitimate Interest**

Processing is necessary for the purposes of the legitimate interest pursued by me or by a third party for the purposes set out above.

I have a legitimate interest in inviting you to certain events and hospitality functions or if I send you publications or announcements or information relating to my additional services or updates of Keating Chambers. My legitimate interest is the development of my professional network, and the benefit of my professional and client contacts. You will be able to opt-out of these communications easily.

I will use case papers, case information and work product for reference, precedent, for the training of Pupils and for the provision of work experience.

I will use appropriate case information (anonymised where appropriate) for the purposes of updating my CV and other such personal promotional material.

#### **How long I will store your personal data?**

I hold data securely and in line with any regulatory obligations. It will be appropriately stored. Keating Chambers (including Clerks, Management, Reception and Administration within Keating Chambers) will need access to your personal data so that I can carry out my role as mediator or conciliator and meet my obligations as a member of Keating Chambers.

My Data Retention Policy is in the addendum hereto.

#### **Your Rights**

Under the General Data Protection Regulation, you have a number of important rights that you can exercise free of charge. In summary, these rights are:

- Transparency over how I use your personal data and fair processing of your information;
- Access to your personal information and other supplementary information;
- Require me to correct any mistakes or complete missing information I hold on you;
- Require me to erase your personal information in certain circumstances;
- Receive a copy of the personal information you have provided to me or have this information be sent to a third party. This will be provided to you or the third party in a structured, commonly used and machine-readable format;
- Object at any time to processing of your personal information for direct marketing;
- Object in certain other situations to the continued processing of your personal information;
- Restrict my processing of your personal information in certain circumstances;
- Request not to be subject to automated decision making which produce legal effects that concern you or affect you in a significantly similar way.

Any requests can only be responded to in accordance with my and your obligations of confidentiality and legal professional privilege pursuant to the Mediation or Conciliation Agreement that you have signed and my Terms of Appointment.

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](#).

If you want to exercise any of these rights, please:

- Email, call or write to me (see details contained in the Terms of Appointment)
- Let me have proof of your identity and address, for example a copy of your passport, driving licence, utility bill etc. I may need to contact you to request further information to verify your identity;
- State the right or rights that you wish to exercise.

I will respond to you within one month from when I receive your request.

### **How to make a complaint**

The General Data Protection Regulation also gives you the right to lodge a complaint with a supervisory authority. The UK supervisory authority is the Information Commissioner's Office who can be contacted at <https://ico.org.uk/concerns/>. Should you be unhappy with the arrangements for handling your data set out in this notice, please contact me

### **Security**

I take information security seriously and want to ensure you and your client are aware of what procedures and processes I have in place to support this.

- My IT systems are managed by Keating Chambers and are subject to a processor agreement to ensure the confidentiality of your data. Keating Chambers have undergone a risk assessment and mitigation process to help safeguard any of your data held on my IT systems.
- I and/or Keating Chambers have Third Party agreements in place which clearly defines how any data I provide to them is processed in accordance with this policy.
- I and/or Keating Chambers conduct reviews of policies and data on an annual basis to ensure that no data is kept for longer than is necessary and the relevant retention periods are adhered to.
- I will complete regular training on the GDPR and Information Security as appropriate.

### **Future Processing**

I do not intend to process your personal information for any reason other than stated within this privacy notice.

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

This privacy notice was published in June 2018. Privacy practices may change this policy from time to time. When I do, I will publish the new policy on the Keating Chambers' website.

### **Contact me**

If you have any questions about this privacy notice, or the information I hold about you, please contact me directly and I will happily discuss this with you.

The best way to contact me is either by the contact details shown on my Terms of Appointment or at Chambers:

Address: Keating Chambers, 15 Essex Street, London, WC2R 3AA

Email: [clerks@keatingchambers.com](mailto:clerks@keatingchambers.com)

Phone: 020 7544 2600

Web: [www.keatingchambers.com](http://www.keatingchambers.com)

14 June 2018

**RETENTION OF DATA POLICY:**  
**ADDENDUM TO MEDIATOR AND CONCILIATOR PRIVACY NOTICE**

1. This document was last reviewed on 14 June 2018.
2. In terms of retention of your data, irrespective of whether appointed directly through Keating Chambers or via a Panel, I will normally store and process your data as set out below.
3. I may retain a copy of the signed Mediation or Conciliation Agreement (including the signed Confidentiality Annexure and names of attendees), together with any covering email\* attaching such documents or relating to how it was agreed, for the remainder of my professional career as a record that the mediation took place and for conflict checking.
4. Save where I have a legitimate reason for retaining for a longer period, I may retain the following for no more than 1 year after the expiry of any relevant limitation period:
  - (a) A copy of my Terms of Appointment and any emails\* or documents attaching the same or relating to their agreement, including (but not limited to) emails\* or documents concerning party details, party representative details, the disclosure of conflicts (potential or otherwise), fees, payment and cancellation.
  - (b) Any introductory or procedural emails\* or documents relating to or necessary for the performance of my services as mediator, conciliator, co-mediator or co-conciliator.
  - (c) A copy of any signed Settlement Agreement provided to me and any emails\* or documents attaching the same.
  - (d) Any feedback provided by parties.
  - (e) Any correspondence or attendance notes arising after the Mediation.
5. Save as set out at paragraphs 3 and 4 above, I will delete or dispose of any emails\* relating to the Mediation and any soft or hard copy documents received from the parties (including Position Papers and Mediation Bundles) as follows:
  - (a) Should the matter settle on the Mediation day, subject to 5(c) below, I will retain or delete such emails\* and documents for no more than 3 months thereafter.
  - (b) Should the matter not settle on the Mediation day, subject to 5(c) below, I will retain such emails\* or documents for no more than 1 year from the date of the Mediation day.
  - (c) In all cases however, I shall have a legitimate reason to retain such emails\* or documents for longer if:
    - (i) All the parties expressly agree that I do so;
    - (ii) One or more parties indicates that they may wish to mediate further;
    - (iii) A party or parties fail or refuse to pay my full fees or expenses;
    - (iv) I am required to by my insurer, by law or by any regulatory or other authority; or
    - (v) Any party makes or intimates any claim or complaint.

Further retention will be kept under review.

  - (d) In all cases, deletion will be carried out without further notice to you.

6. As set out in my Terms of Appointment, my hard and soft copy notes are confidential to me (and any co-mediator or co-conciliator I am appointed with) and shall not be available to the parties at any time, nor subject to a summons for production as evidence in any proceedings in court, arbitration, adjudication or any other form of dispute resolution. In terms of my treatment of these notes:
- (a) Should the matter settle on the Mediation day, subject to 6(c) below, I will retain these notes for no more than 3 months thereafter.
  - (b) Should the matter not settle on the Mediation day, subject to 6(c) below, I will retain my notes for no more than 1 year from the date of the Mediation day.
  - (c) In all cases however, I shall have a legitimate reason to retain my notes for longer if:
    - (i) All the parties expressly agree that I do so;
    - (ii) One or more parties indicates that they may wish to mediate further;
    - (iii) A party or parties fail or refuse to pay my full fees or expenses;
    - (iv) I am required to by my insurer, by law or by any regulatory or other authority; or
    - (v) Any party makes or intimates any claim or complaint.
- Further retention will be kept under review.
- (d) In all cases, deletion will be carried out without further notice to you.
7. Some of your information, including your name, your contact details, the contact details of any representative, fees and expenses charged and the name of the case may be stored by me for the remainder of my career.

**\*In all cases, retention of any email will mean retention of all other emails in the same chain.**