
DATA RETENTION POLICY OF DR S CHELVAN

22 September 2021

Review date: 21 September 2022

1. I am a Data Controller under the General Data Protection Regulation. I am registered with the Information Commissioner's Office as a Data Controller, under Tier 1, with a registration number of **Z8145941**. My next registration renewal date is on 31 August 2022. You can access my data controller information by clicking on this link (<https://ico.org.uk/ESDWebPages/Entry/Z8145941>). I have been registered since 1 September 2003.
2. This policy applies to all the personal data that I hold relating to identifiable individuals. This policy replaces the previous policy dated 30 November following my joining 33 Bedford Row Chambers (registered at Companies House as Thomas Bingham Chambers Limited (Company no. 08595780) 33 Bedford Row, London WC1R 4JH (hereinafter referred to as 33 Bedford Row Chambers). I have updated this policy to include reference to use of data in my various advisory roles, including the Coalition on Memorandum of Understanding (MoU2) on Conversion Therapy.
3. In case of any queries or questions in relation to this policy please contact me, Dr S Chelvan.
4. I recognise that I control and am personally responsible for compliance with the GDPR in relation to the personal data that I control, which is all the personal data coming to me in the course of my practice. I recognise and embrace this as a nondelegable responsibility. I do not process data for clients.
5. The categories of data subjects whose data I collect are my own clients and all persons involved in the cases with which I deal, including opponents of my clients.

The categories of personal data are almost limitless. They include all data which naturally comes to me in the course of my practice as a barrister, including as an advisor on the law to various panels I am a member of (e.g. Legal Advisory Panel, Just Rights Scotland, and as Legal Advisor to, and member of the Secretariat to the MoU2 Coalition). This may include sensitive data of the type listed in Art 9 of the GDPR.

6. I also have access to data of clients for academic purposes (PhD Law awarded, 1 June 2019) who have specifically entered into an agreement to enable me to hold their data for academic purposes following Ethics approval granted in November 2017 by King's College London.
7. Employees of and contractors employed by 33 Bedford Row Chambers will have access to some of the data which I control. Although I recognise the non-delegable nature of my responsibility, having 33 Bedford Row Chambers' own policies I consider that those policies are adequate and appropriate. I therefore not intend to lay down any further or different policies in respect of such employees and contractors.
8. Data controlled by me will sometimes be shared with other data controllers, such as solicitors and other barristers. Where such other professionals are under a regulatory obligation of their own to comply with the GDPR, I will assume that they will comply with it unless there is any reason to suggest otherwise.
9. In the case of data processors who are not employees of 33 Bedford Row Chambers or are not professionals subject to their own regulation as aforesaid, I will ensure that everyone processing personal data which I control understands that they are responsible for following best data protection practice, are appropriately trained to do so and are appropriately supervised. Where appropriate, I will enter into data processing agreements to promote best data protection practice by those to whom I entrust data.

General Data Protection Policy

10. Terms used in this policy which are defined terms in the GDPR have that defined meaning.
11. I will process personal data lawfully within the meaning of Art 6, and fairly and transparently.

When instructions have been received and work upon them is not yet complete, I will collect, retain, access, use and communicate the data for the purpose of delivering my services.

When instructions have been fulfilled, I will retain the data only for one or more of the Art 6 reasons: essentially to meet my business needs (to enable me to provide a better service if instructed again in relation to the same or a related matter), to comply with legal requirements, to provide evidence in the event of disputes and to ensure that any records of historic value are preserved.

12. I will collect data only for the purpose of delivering legal services in my practice as a Barrister, as an academic where ethics approval has been sought and approved, and where I act as a Legal Advisor for various organisations (for example, as listed in paragraph 5 above).
13. I will not further process data in a manner incompatible with that purpose.
14. I will collect and process adequate and relevant information, and only to the extent that it is needed for the purpose identified above. However, I will take a practical approach to this. I will not sift every document delivered to me and delete those parts which are not strictly necessary for the case on which I am working. It would not be practicable to do so. I will trust professionals and lay clients providing me with data to provide only what is reasonably necessary.
15. I may use personal data for the following purposes:

- to provide legal services to my clients, including the provision of legal advice and representation
- to keep accounting records and carry out office administration
- to take or defend legal or regulatory proceedings or to exercise a lien
- to respond to potential complaints or make complaints
- to check for potential conflicts of interest in relation to future potential cases
- to promote and market my services
- to carry out anti-money laundering and terrorist financing checks
- to train other barristers and when providing work-shadowing opportunities
- to respond to requests for references
- when procuring goods and services
- for academic research and publication where approval has been sought and approved
- for undertaking functions directly relating to my role as Head of Immigration and Public Law at 33 Bedford Row Chambers
- for my various Legal Advisory and/or Structural Role within organisations (for example as listed in paragraph 5 above)
- as required or permitted by law.

16. I will ensure that so far as it is necessary and within my reasonable power to do so, the personal data is kept up to date.

17. I will keep personal data only so long as the purposes identified above persist.

18. I will take appropriate technical and organisational security measures to safeguard personal data

19. I will not transfer information outside the UK except by communicating it to a client or his/her/its authorised representative abroad.

20. I will set out clear procedures for responding to requests for information.

21. I will ensure that the rights of people about whom information is held, can be fully exercised under the GDPR.

Data Storage and access

The data

22. The data I control may be divided into the following groups, according to how and where it is kept. This categorisation is not intended to be exhaustive but is intended to assist in achieving the objectives identified in paragraph 26 below:

- Hard copy documents
- Electronic files (for example pdf, Word, spreadsheets, jpegs, PowerPoint etc) stored digitally in 33 Bedford Row's, or my own Dropbox account.
- Documents open for the purpose of working on them, and therefore visible on a screen.
- Emails - Emails to and from clients which will often include case information and correspondence. I receive, send and store emails in Outlook on my PC and using the Mail app on my phone and/or iPads.
- Contact details of clients including personal data such as name/address and financial information relating to billing. This data is kept for me by 33 Bedford Row Chambers.
- Videoconferencing – where data is shared on a confidential basis then the appropriate platform has the standard of security required and where I use broadcast media (for example via a Webinar) any material broadcast does not breach legal privilege and is anonymised where needed.

The devices

23. The devices which I use to access this data are:

- A Windows PC which is installed in my room in Chambers. This is not portable.
- A Surface laptop which is primarily stationed in my study at home, or when I am out of chambers and away from home or chambers with me at all times.
- iPads (Two), which are primarily stationed in my Chambers and are Portable.
- An iPhone which is always with me.

24. I occasionally receive data from solicitors or lay clients on external media such as USB sticks. Very occasionally I may wish to copy data to external media, see referencing to Video-conferencing and Webinars in paragraph 22.

Third parties

25. Occasionally employees of CTS (Chambers' IT services provider) may access my devices for maintenance and similar purposes, but only in my presence and under my supervision.

Security

Objectives

26. My security objectives are to ensure:

- Confidentiality of information – access to information is restricted to those persons with appropriate authority to access it.
- Integrity of information – information shall be complete and accurate.
- Availability of information – information shall be available and delivered to the right person at the time when it is needed.

Hard copy documents

27. I usually need papers with me wherever I am working, which might be in chambers, at home, in court, at others' offices, while travelling or in hotels.

28. All papers will be moved securely between these locations. On public transport they will not be left unattended out of my brief case. Papers left in an unattended car will be stored out of sight. This will only occur where necessary and for brief periods of low risk. Case files will not be left in a car overnight.
29. Papers will never be left freely available in any common area in circumstances where there is a real risk that they may be read by unauthorised individuals. They will never be opened in circumstances where there is such a risk.
30. I take papers home where I often work. They are kept in my private study to which only members of my immediate family have access. Given the nature of my practice, I am satisfied beyond any doubt that no member of my family has any interest in these papers or will look at them.
31. My home is an apartment on the first floor of a gated development which has CCTV security installed. Given the nature of my practice, I am satisfied that my home is most unlikely to be targeted for the purpose of stealing personal data and that my case papers are unlikely to be of interest to a casual burglar.

Electronic files in 33 Bedford Row Chambers' Dropbox or My Own account

32. This account warrants that the system is fully secure and that the integrity and accessibility of data is assured.

Files being accessed and/or accessible from my devices

33. Electronic files will never be opened on a screen in circumstances where they can be read by members of the public.
34. All four devices identified above will be kept secure at all times within the limits of reasonable practicability.
35. The PC in Chambers, my I-Phone, I-Pads and Laptop are password protected.
36. The I-Phone will not be left unattended and away from home.

37. The Laptop and I-Pads will not be left unattended and on view. It will only be left unattended at all where this is not reasonably avoidable. There is no-one in my home with any interest in accessing my user account. My I-Pad and laptop requires log in after 10 minutes' inactivity and is thus protected from unauthorised access.
38. My PC in chambers to operates on the same 10 minutes' inactivity log in.
39. Both the Chambers PC and the laptop are protected by up to date anti-virus and anti-spyware software, subjected to regular virus scans and protected by an appropriate firewall.
40. Operating software is checked regularly to ensure that the latest security updates are downloaded.
41. Removable storage media such as memory sticks will be rarely used. I do sometimes accept documents on such media and rarely may load documents onto them. On such occasions the memory stick will be guarded as carefully as all other devices containing personal data.

Data Retention

43. This policy covers the all personal data irrespective of the media on which they are created or held and includes
- client documents;
 - notes of meetings;
 - instructions received and advice given.
44. Subject to the exception outlines in paragraph 46 below, my policy is to retain electronic data for at least 15 years. I consider it proportionate to retain for that period since the possibility of a dispute may endure for 15 years from the date of the last work undertaken.
45. Subject to the exception outlined in paragraph 46 below, as to paper documents, these will be returned to instructing solicitors or other professional clients when I

no longer need to keep them for the purposes of working on the case. The solicitors are entitled to their return and will have their own professional obligations and retention policies.

46. The only exception to this general rule is where paper and electronic documents are kept as part of my academic research where approval has been sought and approved.

47. In public access cases, documents will be retained for at least 15 years and then destroyed.

48. However none of the above three paragraphs is definitive. I will keep individual cases under review. The ultimate disposal decision will have regard to:

- on-going business and accountability needs (including audit);
- current applicable legislation;
- whether the record has any long-term historical or research value;
- best practice in the profession;
- academic research;
- costs associated with continued storage.

49. No destruction of data will take place unless:

- the data is no longer required for the purpose of my practice;
- no work is outstanding;
- no litigation or investigation is current or pending which affects the data;
- there are no current or pending FOIA or GDPR subject access requests which affect the data the data is no longer required for the purpose of my practice;
- no work is outstanding;
- no litigation or investigation is current or pending which affects the data;
- there are no current or pending FOIA or GDPR subject access requests which affect the data

Data Access

50. All data subjects have the right to access the information that I hold about them, except where specific exemptions apply.
51. I will deal with subject access requests in accordance with the Subject Access Request Policy of 33 Bedford Row Chambers.

Disclosure

52. I may share data with other parties. The third parties with which I share data include
- data processors, such as my Chambers staff, IT support staff, email providers, data storage providers
 - other legal professionals
 - witnesses
 - courts and tribunals
 - the staff in my chambers
 - trainee barristers
 - the members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
 - other regulatory authorities
 - academic publications where this data relates to my academic research and approval has been sought and given
 - those who are included within the communication distribution lists of the organisations I have an advisory and/or structural role.
53. The data subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows disclosure (including of sensitive data) without the data subject's consent.

Data Protection Training

54. I will ensure that I am appropriately trained in Data Protection.

A handwritten signature in black ink, appearing to read 'DR S CHELVAN', with a long horizontal flourish extending to the right.

DR S CHELVAN

22 September 2021