

Retention of Data Policy

Data Controller's contact details

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Introduction

A self employed barrister in independent practice will be a Data Controller. This 'Retention of Data Policy' (the 'Data Policy') applies in respect to such a Data Controller and relates to the Data Controller's obligations under General Data Protection Regulation and the Data Protection Act 2018. Each Data Controller is personally responsible for the personal information collected and used during the course of his or her practice. It will also apply where the Data Controller is a mediator, arbitrator or provider of similar services (collectively, referred to as a 'member')

The Data Policy

1. This Data Policy is set down in order that the Data Controller complies with the GDPR storage limitation principle (the 'Storage Limitation Principle').
2. The Storage Limitation Principle limits the time that personal data may be kept in a form which permits identification of the data subject. The extent of the time permitted is limited to what is necessary for the purposes for which the personal data is processed. This limitation does not prevent storage of data longer than that, where such storage is for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, in accordance with GDPR, article 89 (1), save that, in order to safeguard the rights and freedoms of the data subject, such storage must be accompanied by suitable and appropriate technical and organizational measures.
3. The Data Controller processes personal data in order perform their role as a barrister (or mediator, arbitrator, or other similar service, as the case maybe). Such processing includes processing in order to act for, represent, and/or give legal advice and legal assistance, to or for a client(s), whether in or out of Court/tribunal.
4. The 'Privacy Policy and Data Protection Statement' applies to Data held on Data Controller member's behalf by clerks or other Chambers staff. That 'Privacy Policy and Data Protection Statement' will contain a retention policy.

Retention Principles

5. A retention period is the length of time a document will be retained. The start of that periods will be the date work is completed, unless otherwise stated. Where one case/matter is the subject of successive instructions or similar, the retention period will re-start on the completion of the final instruction or request.

6. An additional year is provided to the retention periods. This is to permit sufficient time for a member to conduct an audit and dispose/sanitize the document containing the Data.
7. The retention periods prescribed are the default lengths. Where, prior to a retention period expiring, or before the Data is disposed of/sanitized, an event, occurrence, instruction, request or reference is received, on a cases by case basis the member Data Controller may extend the retention period as the Data Controller member discerns as necessary.
8. In order to permit conflict checks, a limited amount of Data may be retained indefinitely. This is likely to be limited to the parties' contact details, details of the case, and details of any company or business the parties were involved in.
9. After completion of a transaction and/or the end of the business relationship, anti-money laundering check Data will be retained for 7 years.
10. Documents will be disposed of:
 - a. Original documents will be returned to the appropriate person;
 - b. Hard copies will be scanned to pdf and hard copies destroyed securely;
 - c. All electronic copies (excluding emails) will be deleted using suitable software;
 - d. All emails will be deleted.
11. The retention period set down is necessary for proper retention of records of the case and matter and to enable to the Data Controller member to exercise or defend his rights in connection with any potential complaint, claim or regulatory investigation arising out of their practices.

Original Documents

12. Original documents will be returned to the appropriate person. Copies may be taken prior to the original document being returned and original documents will be retained for this short period while copies are taken.

Hard Copies of Documents

13. The retention period for hard copies of documents will be for 2 years. The basis for length of retention is that such documents need to be retained in paper form, should further instructions be received or another party appeals any relevant decision.

Electronic Copies of Documents

14. The retention period for electronic copies of documents will be for 16 years. The basis for length of retention is that such documents need to be retained in light the foreseeable limitation period on claims in respect to work undertaken on the case or matter.

Emails

15. The retention period for emails will be for 16 years. The basis for length of retention is that such documents need to be retained in light the foreseeable limitation period on claims in respect to work undertaken on the case or matter.

Member Generated Documents

16. The retention period for member generated documents will be for 16 years. The basis for length of retention is that such documents need to be retained in light the foreseeable limitation period on claims in respect to work undertaken on the case or matter.

Complaints

17. The retention period for complaints will be for 7 years. The basis for length of retention is that such documents need to be retained in light the possibility that further issues may arise in respect to the complaint.

Sanitized Documents

18. The retention period for sanitized documents will be indefinitely. A sanitized document is a document which has had personal information removed from it, or anonymising.

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