

# THE GUERNSEY BAR: PRIVACY STATEMENT

## 1 PURPOSE OF THIS PRIVACY STATEMENT

The Guernsey Bar takes privacy of personal data seriously. Under the data protection legislation (including the Data Protection (Guernsey) Law, 2017 (as amended)) (the "Data Protection Law") we have to give you information about what we do with your personal data. This policy explains who we are, how we collect your information, how and why we use it as well as information about where we might transfer your information to a third party. We also tell you about how we keep your data secure, how long we will keep it and give you information about your rights in relation to our use of your personal data.

This statement is reviewed and updated from time to time, as mentioned in section 14 below.

## 2 WHO WE ARE AND CONTACTING US

We are the Guernsey Bar and were incorporated under The Guernsey Bar (Bailiwick of Guernsey) Law, 2007 (the "Bar Law") and are the data controller in relation to the processing activities described below. We represent Advocates of the Royal Court of Guernsey ("Advocates") and are responsible for maintaining high standards of professional conduct among Advocates and this is discharged through La Chambre de Discipline ("La Chambre"). Our address is PO Box 140, Glatigny Court, Glatigny Esplanade, St Peter Port, Guernsey, GY1 4EW.

Our data protection officer is responsible for monitoring our compliance with applicable data protection legislation. If you have 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 Guernsey Bar, PO Box 140, Glatigny Court, Glatigny Esplanade, St Peter Port, Guernsey, GY1 4EW or emailing [BarDPO@collascrill.com](mailto:BarDPO@collascrill.com).

## 3 WHO IS THIS PRIVACY STATEMENT FOR?

This privacy statement is for all individuals we interact with including:

- Advocates (both those on the roll and those whose names have been removed from the roll)
- Aspirants
- Other qualified lawyers
- People working in organisations that employ advocates
- Members of the public including clients (and other third parties involved, such as witnesses, creditors and debtors) of Advocates
- Bar council members and members of La Chambre (including the Registrar, President and Panel Members)
- Those we interact with to fulfil our functions and deliver our services

## 4 TYPES OF PERSONAL DATA WE USE

Where the Bar uses personal data then much of that data is not 'special category data' (also called sensitive personal data). However some of the information which we collect to deliver our statutory and regulatory objectives will be special category data to which greater protection is provided by the data protection legislation. While we may need to process any type of special category data in order to discharge our duties (see below), the types of special category data that we are most likely to use are:

- Health data, being personal data relating to the health of an individual, including the provision of health care services, which reveals information about that individual's health status; and

- Criminal data, being personal data relating to the commission or alleged commission of a criminal offence by the individual or the proceedings relating to the alleged offence and the disposal of those proceedings or sentence of the court.

The other types of special category data that we may process less frequently are:

- Personal data revealing an individual's racial or ethnic origin, political opinion, religious or philosophical belief or trade union membership; and
- Personal data concerning an individual's sex life or sexual orientation.

Although it would be very rare for us to do so, we may be required to process genetic or biometric data in order to discharge our statutory and regulatory objectives where such information arises in the course of proceedings in La Chambre.

## **5 HOW WE COLLECT YOUR PERSONAL DATA**

We collect information about you from you and may also collect it from other sources.

### **Personal information you provide to us**

When you complete the contact form on our website or you contact or correspond with us by email, telephone, letter, fax you will be providing personal information to us.

### **From third parties acting on your behalf**

We might receive information from persons duly authorised by you, such as your employer or staff at your firm or business, an advocate acting on your behalf or another third party acting for you (such as your doctor, guardian, spouse, family member or social worker).

### **Information we may receive from other sources**

We may collect information about you from other sources including:

- The Royal Court of Guernsey
- HM Greffier and the Greffier's office
- The Bailiff, Deputy Bailiff, the Law Officers and their respective support staff
- Guernsey Law LBG
- Law Enforcement agencies
- Financial services regulators
- Professional regulatory bodies
- From the Appointments Committee (being the Bailiff, the Senior Jurat and the Batonnier for the time being)
- From an Advocate about whom a complaint has been made
- Members of the Bar
- From third parties or members of the general public who make a complaint or raise another query or provide evidence as part of an investigation or proceedings in La Chambre

## **6 HOW AND WHY WE USE YOUR PERSONAL DATA**

The purposes and the legal basis for our processing of your personal data is set out in this section 6.

We use your personal data in order to discharge our obligations under section 2 of the Bar Law.

The key obligations (found in section 2 of the Bar Law) that require us to use your personal data in order to discharge are to:

- (a) Maintain high standards of professional conduct among Guernsey Advocates including to protect the public against the negligence or wilful misconduct of any Advocate and to ensure that the professional fees and charges of any Advocate are reasonable;
- (b) Maintain effective complaints and disciplinary procedures for Guernsey Advocates;
- (c) Conduct research into and promote the views of Advocates on matters affecting the administration of justice, including substantive law reform; and
- (d) Promote the interest of Advocates in such manner as we think fit both within and outside the Bailiwick of Guernsey.

Additionally we may use your personal data to:

- (e) Encourage and promote the upholding of the rule of law;
- (f) To promote the efficient and fair administration of justice;
- (g) To promote the education and training of Advocates; and
- (h) Encourage and promote the study of law.

We may use your personal data to do all things as are reasonably incidental or conducive to (a) to (h) above.

As part of discharging our obligations set out above, the Bar may use your personal data in order to protect the Bar's rights, property including its website and in order to protect third parties who provide the website.

We are permitted to use your special category data for the above purposes because the processing is necessary for us to exercise our rights and powers, or perform or comply with our duties, conferred on us by the Bar Law.

## **7 REQUIREMENT TO PROVIDE INFORMATION**

Generally members of the public are not obliged to provide us with information. However under section 26 of the Bar Law the President of La Chambre can require a person to provide evidence or documents in relation to the subject matter of a complaint made against an Advocate. Failure to comply with the written direction issued by the President is an offence.

Additionally, Advocates are required to provide information in accordance with regulations and rules that apply to Advocates from time to time and the consequences of not providing the required information will depend on the relevant regulation or rule not adhered to.

## **8 DATA ANONYMISATION FOR STATISTICAL PURPOSES**

Your information may be converted into statistical or aggregated data in such a way as to ensure that you are not identified or identifiable from it. Aggregated data cannot be linked back to you as a natural person. We may use this data for analytical, research or general management purposes.

## **9 TRANSFERS OF PERSONAL DATA AND OTHERS WHO MAY HAVE ACCESS TO YOUR PERSONAL DATA**

In the course of fulfilling our obligations under the Bar Law it may be necessary to share your personal information with our contractors or sub-contractors so they can enable us to deliver our statutory functions (for example the trusted third parties who provide IT support services). The contractors and sub-contractors shall be contractually required to ensure they adhere to the requirements imposed by Guernsey's data protection legislation. Our contractors and sub-contractors will not share your information with any other parties for their own purposes and will only be able to use the information when completing work on our behalf.

We may from time to time share information about you with other individuals or organisations such as:

- HM Procureur
- The Bailiff, Deputy Bailiff
- The police for the purpose of detection or prevention of crime
- Organisations which provide support and / or safeguarding services such as the Children's Convenor or Social Services
- In connection with the orderly arrangements consequent on the cessation of a firm of Advocates.

If you are seeking assistance from the Bar then we may share information about you with all or some of the members of the Bar seeking to obtain that assistance.

We may transfer your information to a third party if we are under a duty to disclose or share it in order to comply with any legal obligation, to detect or report a crime or to enforce the terms of our contracts or our legal rights. We will always take steps with the aim of ensuring that your privacy rights continue to be protected.

Limited personal details of members of the Guernsey Bar Council are publicly accessible via the Guernsey Bar's website.

### **Where we store your personal information**

As a rule we do not transfer personal data outside Guernsey. On occasion the information you provide to us may be transferred from Guernsey to:

- a jurisdiction which the EU has deemed to have protections in place equivalent to the General Data Protection Regulation (an 'Authorised Jurisdiction'). Guernsey is an Authorised Jurisdiction and / or
- a place that is not an Authorised Jurisdiction (an 'Unauthorised Jurisdiction')

By way of example this may happen where any of the servers holding information we are using are from time to time are located outside Guernsey. Where possible we will seek to work with service providers whose servers are located within Authorised Jurisdictions.

In order to safeguard your data, if we transfer your data to an Authorised Jurisdiction that is not an EU member state we will ensure that there is an adequacy decision in force in respect of that jurisdiction or that the jurisdiction is a designated jurisdiction under Guernsey's data protection legislation.

If we transfer your information outside the GDPR or equivalent jurisdictions in this way, we will take steps to ensure that appropriate measures are taken with the aim of ensuring that your privacy rights continue to be protected as outlined in this notice. These steps include imposing contractual obligations on the recipient of your personal information. You can contact our Data Protection Officer (BarDPO@collascrill.com) for more information about protections put in place.

## **10 STORING YOUR PERSONAL DATA**

We take appropriate measures to ensure that all personal data is kept securely in accordance with the data protection legislation. However we cannot guarantee the security of your data if you decide to send it to us via our website. Although we have taken steps to protect your personal data, any transmission over the internet or by other electronic or physical medium is at your own risk. Once we receive that information we take reasonable steps to ensure that an appropriate level of security is in place to protect the information.

We keep personal information for as long as necessary to ensure we can fulfil our statutory role for which your personal information was processed, and in many cases this will mean that we have to keep personal data indefinitely. However where the statutory purposes for which we hold your personal data come to an end we 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 the Data Protection Law.

When one of the above situations arise, we will review the information which we hold concerning you and determine whether there are any legal reason 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 retain your information, we will delete your information.

If you would like further information about our data retention and disposal policy then please contact [BarDPO@collascrill.com](mailto:BarDPO@collascrill.com).

## **11 KEEPING YOUR DATA SECURE**

The transmission of information via the internet is not completely secure. Although we will do our best to protect your personal information, we cannot guarantee the security of your information transmitted to our website or by email to us and any transmission is at your own risk. Once we have received your personal information we put in place reasonable and appropriate controls to ensure that it remains secure against accidental or unlawful destruction, loss, alteration or unauthorised access.

Our website contains links to websites of other organisations. This policy does not apply to those other websites so we encourage you to read their privacy statements. We are not responsible for the privacy practices of the other websites even if you access them through links we provide.

## **12 COOKIES**

Our website uses Google Analytics cookies to obtain an overall view of visitor habits and visitor volumes to our website. 'Cookies' are small pieces of information sent to your computer or device and stored on its hard drive to allow our website to recognise when you visit. It is possible to switch off cookies by setting your browser preferences. We do not collect personal data via the use of cookies.

## **13 YOUR RIGHTS**

You have a number of rights in relation to your personal information under the data protection legislation. If you exercise these rights then we are likely to ask you for more information to help us to verify your identity or comply with the right you are exercising. In some cases exemptions affect or apply to those rights and our obligations we have towards you.

### **Correcting and updating (rectifying) your personal information**

In most cases you are entitled to have your records amended if the personal data we hold about you is inaccurate or incomplete.

However in some circumstances the right to rectification does not apply. For example, it does not include amending data which was accurate about you at one time even though the current position is different. Nor does it include changing records of information sent to us by others which you say is inaccurate because the information is an accurate record of what was sent to us.

### **Accessing your personal information**

You have the right to be provided with a copy of the personal information that we hold about you. However there are exemptions which means you may not always receive a copy of all the information about you that we process. Where this is the case we will let you know.

### **Withdrawing your consent**

As set out above, generally we do not rely on your consent when using your personal information and have other reasons why we use your information. However if we do rely on your consent as the legal basis for processing your information then you may withdraw your consent at any time by contacting us using the details at the end of this policy.

### **Objecting to our use of personal data and automated decisions**

You have the right to object to us processing your information in certain circumstances such as where that processing is for direct marketing (however we do not undertake direct marketing), is on the grounds of public interest or for historical / scientific purposes. In such cases we will stop processing unless we can demonstrate we are lawfully able to continue to do so.

## **Erasing your personal data or restricting processing**

You can ask us to remove your personal data from our systems and, unless there is a reason that the law allows us to use your personal information for longer, we will make reasonable efforts to comply with your request. An example of where we will not delete your personal data is where we need the information for the performance of our statutory functions.

You may also ask us to restrict processing your personal information where:

- you dispute the accuracy of the information we hold about you; or
- you believe we are unlawfully using your data but you do not want that data erased; or
- we no longer need your personal information but you need the information in connection with legal proceedings or obtaining legal advice.

## **Data portability and automated processing**

Where we rely on your consent as the legal basis for using your personal data (which will rarely be the case) or we need to use your personal information in connection with a contract we have entered into with you, you may ask us to provide you with a copy of that information in a structured data file what is in a commonly used and machine-readable format. You can ask us to send your personal information to another person, unless this is not technically feasible.

The law provides you with the right to object to being subjected to a decision based on automated processing. However we do not undertake automated processing.

## **Exercising the above rights**

To exercise any of the above rights please contact our Data Protection Officer at [BarDPO@collascrill.com](mailto:BarDPO@collascrill.com).

If you ask us to rectify, erase or restrict using your personal data then where we have already transferred your personal data to a third party we will try to notify that other person that you have exercised these rights. We will also provide you with the contact details of that third party.

## **Complaining to the Data Protection Authority**

We hope that we can resolve any concerns you may have about how we use your personal information. You have the right to complain to the Data Protection Authority (as well as a right to appeal against any decision of the Data Protection Authority). The Data Protection Authority can be contacted at The Office of the Data Protection Authority, St Martin's House, Le Bordage, St Peter Port, Guernsey, GY1 1BR or by telephoning +44(0)1481 742074 or by email at [enquiries@odpa.gg](mailto:enquiries@odpa.gg).

## **14 CHANGES TO THIS STATEMENT**

We review this statement from time to time to ensure it remains accurate. Where we change it then we will update the statement on our website and a link to the current version will be referred to in communications that we have with you.

This policy was last updated November 2021.