

## **Privacy Policy for Ian Boyle Harper**

1. This Privacy Policy describes the personal data that I collect about natural persons (“you”), how it is used and shared, and your rights regarding it.
2. I am a barrister practising from an address at Suite 1.10.2, The Distillery Building, 145-151 Church Street, Dublin 7. I hold and process data as a barrister for the purposes of General Data Protection Regulation (EU) 2016/679 (“GDPR”), the Data Protection Act 2018, as amended, and any regulations made thereunder (“data protection law”).
3. Personal data means any information relating to an identified or identifiable natural person. It includes, but is not limited to, names, addresses, email addresses and phone numbers (“personal data”).
4. Under data protection law, certain types of personal data are categorised as ‘special categories of personal data’. This is data revealing racial or ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, genetic, biometric and health data as well as data concerning a person’s sex life or sexual orientation (“special category data”).
5. I collect and process personal data and special category data. Given the nature of my work I process a wide range of personal data and it is not possible to state in detail the types of personal data that I will process in relation to particular persons. In every case, however, all personal data and special category data is processed in accordance with this Privacy Policy.

### **Purposes for Data Processing**

6. All personal data, including special category data, collected about you will be recorded, used and protected by me in accordance with data protection law. I process

personal data, including special category data, for one or more of the following purposes:

- a. To enable me to respond to enquiries as to possible instructions and to agree the terms upon which I am instructed;
  - b. To enable me to provide, and/or you or third parties to obtain, legal services, advice and representation;
  - c. To enable me to determine disputes referred to me as an arbitrator;
  - d. To enable me to act as mediator in resolving disputes;
  - e. To comply with regulatory and legal obligations to which I am subject;
  - f. To enable me to ascertain whether any conflict of interest arises in relation to potential instructions;
  - g. For record keeping and accounting purposes;
  - h. To assist in training pupils (“devils”), work experience students and any other person shadowing me;
  - i. To obtain professional indemnity insurance and to comply with my obligations under any contract of professional indemnity insurance;
  - j. For marketing purposes;
  - k. To maintain client relationships;
  - l. To administer my professional practice;
  - m. To investigate and address your concerns;
  - n. To ensure network and information security;
  - o. To prevent fraud;
  - p. For use in relation to complaints, legal proceedings or fee disputes or potential complaints, legal proceedings or fee disputes; and
  - q. As otherwise required or permitted by law.
7. I do not use automated decision making in the processing of your personal data.

8. Where you and I have a contractual agreement that provides that personal data must be provided, you are obliged to provide the personal data and failure to do so will result in me being unable to provide legal services, advice or representation.
9. I may receive personal data about you from third parties as well as from you. Whatever the source, I will process your personal data in accordance with this Privacy Policy. I may receive your personal data from a number of sources including from clients, solicitors, counsel, a court or tribunal, witnesses or from publicly available sources.
10. Any mobile device that I use is password or pattern protected and encrypted to protect all content, including any personal data as well as confidential and privileged information.

#### **Lawful Basis for Processing**

11. The lawful basis or bases upon which your personal data will be processed will include one or more of the following:
  - a. That you have given consent to the processing of your personal data for purposes set out in this Privacy Policy;
  - b. That it is necessary for the performance of a contract to which you are party or in order to take steps, at your request, prior to entering into a contract;
  - c. That it is necessary for compliance with a legal obligation to which I am subject;
  - d. That it is necessary in order to protect the your vital interests or those of another natural person;
  - e. That it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in me; and/or
  - f. That it is necessary for the purposes of the legitimate interests pursued by me or by a third party, except where such interests are overridden by your interests

or fundamental rights and freedoms which require protection of personal data.

My legitimate interests include the purposes set out at paragraph 6 above.

12. The lawful basis or bases upon which your special category data will be processed will include one or more of the following:

- a. That you have given consent to the processing of your special category data for purposes set out in this Privacy Policy;
- b. That processing relates to special category data which you manifestly make public;
- c. That processing is necessary for the purpose of establishing, exercising or defending legal claims, or whenever courts are acting in their judicial capacity; and/or
- d. Where otherwise permitted pursuant to Article 9(2) GDPR.

### **Data Sharing**

13. I may share your personal data, including special category data, with any and/or all of the following:

- a. Courts, tribunals and other quasi-judicial bodies, including arbitral tribunals;
- b. Barristers, solicitors and other legal professionals;
- c. Other parties in the matter to which my instructions relate;
- d. Lay and professional clients;
- e. Witnesses and potential witnesses, including expert witnesses;
- f. Mediators;
- g. Administrative, IT and other support staff, whether employed/engaged by the Bar of Ireland or employed/engaged directly by me;
- h. Pupils (“devils”), work experience students and any other person shadowing me;
- i. External service providers;

- j. The Legal Services Regulatory Authority and any other regulatory body to which I am subject;
- k. My regulatory or legal advisors in the event of a dispute or other legal matter;
- l. My professional indemnity insurers;
- m. My professional advisors;
- n. The general public in relation to the publication of any judgment, other determination and/or decision of a court, tribunal or other quasi-judicial body; and
- o. Other third parties, where:
  - i. You provide your consent;
  - ii. I am under a legal or regulatory duty to do so;
  - iii. It is necessary to enforce contractual rights;
  - iv. It is necessary to protect the safety or security of any person; and/or
  - v. It is otherwise permitted by law.

### **International Transfer**

14. I transfer personal data to countries worldwide, including countries which have no adequacy decision of the EU Commission ("Third Countries"). This policy of general application and so I cannot state whether or not it will be necessary to transfer your personal data to a Third Country in any particular case. There are a number of circumstances where I will do so. By way of example, I may transfer personal data to a Third Country:

- a. When communicating with a client, professional advisor or witness who is located in a Third Country;
- b. When I am required to work on a matter whilst in a Third Country, including where the matter in question involves a court or tribunal based in a Third Country; and/or
- c. When I take a mobile device (such as a laptop or mobile phone) to a Third Country.

15. Transfers of personal data to Third Countries may be made:

- a. For the purpose of performing a contract with my client and/or a contract concluded in your interests;
- b. Where the transfer is necessary for to establish, exercise or defend a legal claim;
- c. To protect the vital interests of you or a third party;
- d. By publication of any judgment, other determination and/or decision of a court, tribunal or other quasi-judicial body such that personal data in that judgment, determination or decision is available in Third Countries; and/or
- e. Where otherwise permitted by Chapter V GDPR, and in particular Article 49 thereof.

### **Data Retention**

16. In relation to personal data which I process when providing legal services, my normal retention period is seven years from the date on which I receive final payment in relation to a particular set of instructions, or the date upon which I perform the last piece of work in relation to those instructions, whichever is the later (the “retention period”). For the purpose of related matters, such related matters are treated as though they were one set of instructions/one matter for the purposes of data retention.

17. Following expiry of the retention period, if personal data held by me has not been destroyed or properly disposed of previously, I shall review the personal data I hold. I retain your personal data whilst you remain a client unless you ask me to delete it. I will delete or anonymise your information at your request unless:

- a. There is or may be an unresolved issue, such as a claim or dispute;
- b. I am legally required not to do so; or

- c. There are overriding legitimate business interests not to do so, including but not limited to fraud prevention and the protection of my clients' safety and security.

18. The reasons for my normal retention period being seven years are:

- a. The date of last payment and/or of last work is readily ascertainable;
- b. The limitation period for professional negligence is normally six years;
- c. I have a legitimate interest in being able to defend any claims that may arise;  
and
- d. With the passage of time, my need to rely upon records which include personal data will likely increase.

19. My normal retention period is subject to extension where, at the expiry of that period, a claim has been made or threatened against me, in which case I will retain data relating to such claim until it is resolved or abandoned (including any appeal).

20. My normal retention period is subject to the following exceptions:

- a. I may retain records of a client's name and that of other parties involved in a matter, together with a short description of the nature of the matter, in order to properly undertake conflict checks. I may retain such personal data until I retire from practice as a lawyer or from any form of judicial or quasi-judicial appointment;
- b. I will retain personal data for the purposes of data protection law and/or demonstrating compliance with data protection law for as long as is necessary;  
and
- c. I will retain personal data, where required to do so by law, for as long as is required by law.

21. The data retention policy set out herein is not a term of any contract with you, or with any other person.

### **Your Rights**

22. Chapter III GDPR gives you specific rights regarding your personal data that I hold. In particular, you may have the following rights:

- a. To request access to your personal data and the information set out in Article 15 GDPR;
- b. To request that I rectify any inaccuracies in your personal data;
- c. To request that I erase your personal data in accordance with Article 17 GDPR;
- d. To request a restriction on my processing of your personal data in accordance with Article 18 GDPR; or
- e. To object to my processing of your personal data in accordance with Article 21 GDPR.

23. If you provide consent for me to process your personal data, you may withdraw that consent at any time. This will not affect the lawfulness of any data processing based on your consent that occurred before your withdrawal of such consent. This will also not affect the lawfulness of any continued processing of your personal data that occurs pursuant to any other lawful basis.

24. Your rights as set out herein are not absolute and are subject to such exemptions as may be provided for in law, and in particular the provisions of data protection law.

25. If you believe that I have breached your rights under data protection law, you may lodge a complaint with the Data Protection Commissioner. You can find out more information at [www.dataprotection.ie](http://www.dataprotection.ie).

### **Updates**



26. I will occasionally update my Privacy Policy and will publish the updated Privacy Policy on my profile on the website of the Bar of Ireland.