

Data Protection Policy

Purpose:

The **purpose** of this policy is to identify how and why I process data in connection with my practice as a barrister.

Data Protection Principles:

Personal data shall be:

- (a) Processed lawfully, fairly and in a transparent manner in relation to the data subject.
- (b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- (c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- (d) Accurate and, where necessary, kept up to date; every reasonable step will be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay.
- (e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- (f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Data Protection Policy:

1	Data controller:	Eoin Martin
2	Data controller contact details:	Address: Suite 1.06.2, Bar of Ireland, 158-159 Church Street, Dublin 7, D07 YX89, Ireland Phone: +353 (1) 817 7508 Email: eoinmartin@lawlibrary.ie
3	Purpose and legal basis for processing data	Data will be processed solely in connection with the data controller's professional practice as a barrister. Without prejudice to the generality of the foregoing, data is processed for the purposes of providing legal advice or for the purposes of, or in connection with, legal claims, prospective legal claims, legal proceedings or prospective legal proceedings.

		<p>The legal basis for processing data is one or more of the following:</p> <p>a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;</p> <p>b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;</p> <p>c) processing is necessary for compliance with a legal obligation to which the controller is subject;</p> <p>d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;</p> <p>e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;</p> <p>f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.</p>
4	<p>Legitimate Interests of Data Controller</p>	<ul style="list-style-type: none"> • Providing legal advice to data subjects or in relation to or touching upon data subjects; • Representing persons in legal proceedings; • Meeting mandatory continuing professional development obligations; • Ensuring compliance with all taxation obligations; • Developing an archive of precedents for practice development; • Ensuring the avoidance of conflicts of interest in practice;

		<ul style="list-style-type: none"> • Maintaining the ability to defend against legal claims for professional negligence or other civil wrongs arising from practice.
	Legitimate Interests of Third Parties	<ul style="list-style-type: none"> • Prosecuting or defending legal proceedings; • Seeking legal advice
5	Categories of Recipients of Personal Data	<ul style="list-style-type: none"> • Instructing solicitors acting on behalf of clients; • Fellow barristers in the following circumstances: <ul style="list-style-type: none"> - Barristers acting alongside me in legal proceedings on the instructions of the same solicitor as me; - Barristers acting for third parties in legal proceedings sharing a common interest with my client(s); - Pupil barristers assisting me with my practice; - Barristers (or solicitors) representing opposing clients in legal proceedings for the purposes of 'without prejudice' negotiations. - Barristers assuming responsibility for the carriage of legal proceedings in which I am instructed, whether on an interim or permanent basis. • My accountant for the purpose of ensuring compliance with tax obligations. • My professional indemnity insurer. • Legal costs accountants for the purpose of preparing a bill of costs in connection with the agreement or taxation of the costs of legal proceedings. • The Professional Practices Committee of the Bar of Ireland, the Legal Services Regulatory Authority or such other regulatory or statutory authorities as may be responsible for the regulation of barristers from time to time.

6	Transfer of data to third countries	I do not intend to transfer personal data to third countries.
7	Period for which data will be stored	Data relating to the identity of parties to legal proceedings in which I acted may need to be kept indefinitely for the purpose of avoiding conflicts of interest in future. Data relating to specific legal proceedings or a particular matter on which legal advice is sought will be kept for at least seven years following the final conclusion the proceedings or matter for the purpose of meeting any claim for civil liability arising therefrom. Data relating to legal fees charged and received and VAT collected will be kept for at least seven years for the purpose of complying with Revenue law obligations.
8	Right of access	Data subjects have a right of access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability, subject to such limitations thereon as may be imposed by law.
9	Right to withdraw consent	Where the processing of data is based on consent, data subjects have the right to withdraw consent at any time.
10	Data subjects have the right to lodge complaints to:	The Data Protection Commissioner, Portarlington, County Laois.
11	Obligation to provide data:	Data subjects are not ordinarily required by statute or contract to provide personal data to me.
12	Automated decision-making:	Not applicable.

Adopted by Eoin Martin B.L. at Church Street, Dublin on 24 May 2018.

Signed:



Date:

24 May 2018

Data Breach Notification

- 1.1 Where there is a risk to data subjects and reporting is required barristers must do so without delay and no later than 72 hours after having become aware of the data breach. When reporting a data breach, barristers should:
 - 1.1.1 describe in clear and plain language the nature of the personal data breach including where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;
 - 1.1.2 communicate the name and contact details of the data protection officer or other contact point where more information can be obtained;
 - 1.1.3 describe the likely consequences of the personal data breach;
 - 1.1.4 describe the measures taken or proposed to be taken by the barrister to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.
 - 1.1.5 where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.
 - 1.1.6 The barrister shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the DPC to verify compliance with Article 33. Please see template **Personal Data Security Breach Report Form at Appendix 9**.
- 1.2 The communication to the data subject referred to in 1.4 shall not be required if:
 - 1.2.1 the barrister has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;
 - 1.2.2 the barrister has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise;
 - 1.2.3 it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.
- 1.3 If the barrister has not already communicated the personal data breach to the data subject, the DPC, having considered the likelihood of the personal data breach resulting in a high risk, may require him / her to do so or may decide that any of the conditions referred to in point 1.4 are met.
- 1.4 An obligation relating to data breach notification should be reflected in the terms of engagement between barristers and solicitors so that both parties will know to react immediately to any data breach that occurs as soon as they become aware of it.

Data Subject Rights Procedure

1. Data subjects are entitled to request access to the following from barristers:
 - a) confirmation as to whether personal data is processed relating to them;
 - b) the purposes of this processing;
 - c) the categories of personal data concerned;
 - d) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular, recipients in third countries or international organisations;
 - e) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - f) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - g) the right to lodge a complaint with the DPC;
 - h) where the personal data is not collected from the data subject, any available information as to their source;
 - i) the existence of automated decision-making, including profiling (as set out in Article 22 (1) and (4)) and at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. The data subject may also request a copy of the personal data undergoing processing.

Where the data subject makes the request by email, and unless otherwise requested by the data subject, the information must be provided by email.

3. Barristers should ensure that the data subject requests meet the following formalities:
 - a) The identity of the data subject is established;
 - b) The information shall be provided in writing, or by other means, including, where appropriate, by email. When requested by data subject, the information may be provided orally;
 - c) The information will be sent without delay, and no longer than one calendar month from receipt of the request;
 - d) The response will be concise, transparent, intelligible and in an easily accessible form, using clear and plain language;
 - e) The information will be provided free of charge, except where further copies are requested which incurs administrative costs. In such a case a reasonable fee based on the administrative costs may be charged.

Personal Data Security Breach Report Form

Data Breach Incident Report Form			
Data Breach Incident Number:			
Date and time of Incident:		Location of Incident:	e.g. email
Summary of Incident: (State facts only and not opinions. Please do not include identifiable information)			
Brief description of corrective actions taken			
Brief description of preventative actions taken			
Date and time Data Protection Officer (DPO) informed		Name and contact details of DPO	
Reporter details			
Name:		Email Contact Details:	Phone No:

Job Title:			
DPO follow up details			
Investigations:			
Findings:			
Planned Actions:			
Office of the Data Protection Commissioner informed?			
DPO sign off:		Date:	