



## Privacy Notice For Pupils and Pupillage Applicants

16<sup>th</sup> October 2024

### WHAT IS THE PURPOSE OF THIS NOTICE?

XXIV Old Buildings of Lincoln's Inn, London WC2A 3UP (**Chambers** or **XXIV**) is committed to protecting the privacy and security of your personal information. Chambers membership comprises the barristers and arbitrators working from Chambers as listed from time to time at <https://xxiv.co.uk> (the **Members**).

This privacy notice describes how Chambers collects and uses personal information about you during and after your working relationship with Chambers, in accordance with the retained law version of the European General Data Protection Regulation (**UK GDPR**) and the Data Protection Act 2018.

Chambers is the “data controller” with respect to your personal data. Chambers is responsible for deciding how to hold and use personal information about you. Chambers is required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former applicants and pupils. This notice does not form part of any contract for services or other contract to provide services. Chambers may update this notice at any time but if we do so, it will provide you with an updated copy of this notice as soon as reasonably practical by posting it on our website located at <https://xxiv.co.uk> or such other location notified to you.

It is important that you read and retain this notice, together with any other privacy notice provided on specific occasions when we collect or process personal information about you, so that you are aware of how and why it is using such information and what your rights are under the data protection legislation.

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XXIV Old Buildings is regulated by the BSB

## **DATA PROTECTION PRINCIPLES**

We will comply with data protection law. This says that the personal information held about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that has been clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes conveyed to you and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for said purposes.
6. Kept securely.

## **WHAT IS PERSONAL DATA?**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where it has been anonymised (i.e. your identity has been removed).

There are certain types of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

## **THE KIND OF INFORMATION CHAMBERS HOLDS ABOUT YOU**

We will collect, store, and use some or all of the following categories of personal information about you in relation to your application for pupillage:

- The information you provided in your curriculum vitae, covering letter, application form or other material submitted by you during the application process.
- The information received from the Pupillage Gateway.
- Any information you provide during an interview at Chambers.
- Any information obtained as part of our taking up references and other background material obtained about you.
- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.



- Gender.
- Educational and professional training course information
- Employment history (including job titles, work history, qualifications, working hours, holidays, training records and professional memberships).
- Information relating to your right to work in the UK.
- Remuneration history.

If you begin working at Chambers as a pupil, we will collect, store, and use some or all of the following categories of personal information about you in addition to the aforementioned categories:

- Further personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, financial records and tax related information.
- Financial awards, leave, and any other expenses covered by Chambers.
- Dates relating to your training, its status and its completion.
- Copy of passport or driving licence.
- Records relating to your training with us.
- Training and performance related information.
- Disciplinary and grievance information.
- Information about your use of our information and communications systems.
- Data relating to your use of a key fob to access premises and interior rooms and passageways within Chambers, including dates and times of access.
- Photographs.

We may also collect, store and use the following more sensitive types of personal information about your health, including any medical condition, health and sickness records, including:

- any disabilities disclosed by you for which Chambers would need to make any reasonable adjustments under applicable law;



- where you leave pupillage and the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision; and
- details of any absences (other than holidays) from work for whatever reason; and

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about applicants and pupils through the application process. Information is obtained directly from candidates, the Pupillage Gateway and background checks undertaken. We may sometimes collect additional information from third parties including former employers, faculty at your university or professional training course and/or your referees or via your public persona on social media sites.

If you undertake a pupillage at XXIV, we will collect additional personal information in the course of your training. Information will likely be collected from your supervisor and other Members throughout the period of your training as a pupil.

## **HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

### ***Situations in which we will use your personal information***

We need all the categories of information in the list above primarily to allow us to perform our contract with you<sup>†</sup> and to enable us to comply with legal obligations<sup>‡</sup>. In some cases, we may use your personal information to pursue legitimate interests<sup>◊</sup>, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below. We have indicated by the use of the relevant symbols †, ‡ and ◊ the purpose or purposes for which we are processing or will process your personal information, as well as providing a description of which categories of data are involved.



- Making a decision about your recruitment or appointment. We consider a wide range of information including your CV and any cover letter or application form submitted
- Determining and administering the terms on which you train with us
- Checking you are legally entitled to work in the UK
- Paying you the award
- Administering the contract we have entered into with you
- Business management and planning, including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about offering you tenancy
- Gathering evidence for possible grievance or disciplinary hearings
- Making decisions about your training
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements
- Dealing with legal disputes involving you, or others, including accidents at work.
- Ascertaining your fitness to work
- Managing sickness and absence
- Complying with health and safety obligations
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- To ensure the security of our premises and the safety of Chambers members and staff by monitoring access and movement within the Chambers through the use of key fob data. This helps us manage access control, investigate security incidents, and ensure the integrity of our secure areas.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### ***If you fail to provide personal information***

If you fail to provide certain information when requested, we may not be able to continue our relationship with you. If you are an applicant, we may not be able to progress your application.

If you are a pupil, we may not be able to perform the contract we have entered into with you (such as training you, paying you or providing you with a benefit), or we may be prevented from complying with our legal obligations (including without limitation those imposed by the Bar Standards Board).

### ***Change of purpose***

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

“Special categories” are particularly sensitive categories of personal information, such as information about your health, require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information.

We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations (such as considering any reasonable adjustments) or exercise rights in connection with your training.
3. Where it is needed in the public interest, such as for equal opportunities monitoring.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## ***Situations in which we will use your sensitive personal information***

In general, we will not process particularly sensitive personal information about you unless it is necessary for performing or exercising obligations or rights in connection with employment. On rare occasions, there may be other reasons for processing, such as it is in the public interest to do so.

We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer any worker benefits. We need to process this information to exercise rights and perform obligations in connection with your employment.

## ***Do we need your consent?***

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We do not envisage that we will hold information about criminal convictions.

## **AUTOMATED DECISION-MAKING**

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **DATA SHARING**

We share your data with certain Members during the course of your time as an applicant as and a pupil. We also share your data with third parties, who act as data processors on our behalf.

This includes third-party service providers. For example, your data is shared with Chambers' IT suppliers. We require third parties to respect the security of your data and to treat it in accordance with the law.



### ***We may transfer your personal information outside the EU.***

While we do not currently share your personal information with third parties outside the EU, we reserve the right to do so in the future. However, if we do, you can expect a similar degree of protection in respect of your personal information. In such event, we will provide you with an updated copy of this notice as soon as reasonably practical by posting it on our website.

### ***Why might you share my personal information with third parties?***

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

### ***Which third-party service providers process my personal information?***

“Third parties” includes third-party service providers (including vendors, contractors and designated agents) and other entities. The following activities are carried out by third-party service providers: payroll services, physical site security, obtaining legal advice, training, budgeting and other business administration services.

### ***How secure is my information with third-party service providers and other related entities in Chambers?***

All members of Chambers and our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### ***When might you share my personal information with members?***

We will share your personal information with members as part of our regular reporting activities on Chambers and pupil performance, and in the context of a business organisation, funding, and administration purposes.

### ***What about other third parties?***

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to HMRC, disclosures to regulators and members of Chambers.



## **DATA SECURITY**

We have put in place measures to protect the security of your information. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those members, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so

## **DATA RETENTION**

### ***How long will you use my information for?***

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

We retain your personal information in accordance with our data retention policy in force at the relevant time and applicable laws and regulations. Currently, our policy stipulates that we retain will your personal information as follows:

- If you are an applicant, for 2 years after your application has been determined, including any relevant appeals;
- If you take up an offer of pupillage, we will retain your personal information collected through the application process and during the pupillage, and we will retain it for 5 years after the termination of your pupillage.



- If you become a tenant, we will continue to retain your personal data and process it under our member privacy notice, which would be provided to you in any offer of tenancy.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### ***Your duty to inform us of changes***

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### ***Your rights in connection with personal information***

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Chambers’ data protection manager via email at [privacy@xxiv.co.uk](mailto:privacy@xxiv.co.uk)



You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### ***What we may need from you***

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our data protection manager via email at [privacy@xxiv.co.uk](mailto:privacy@xxiv.co.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact our data protection manager via email at [privacy@xxiv.co.uk](mailto:privacy@xxiv.co.uk)

