

Privacy Notice – NIRAJ MODHA

About this Notice

This privacy notice concerns the personal information I collect, store and otherwise process about you and the reasons and legal basis for the processing. It also tells you who I share this personal information with, the security put in place to protect your data and how to contact me in the event you need further information.

Who Am I?

I collect, use and am responsible for personal information about you. When I do this I am the 'controller' of this information for the purposes of the GDPR and the Data Protection Act 2018. I am registered with the Information Commissioner's Office.

If you need to contact me about your data or the processing carried out you can use the contact details at the end of this document.

What do I do with your personal information?

Personal information collected from you

When providing legal services or undertaking the other functions set out below, I collect personal information you provide which may include any or all of the following categories of personal data and special categories of personal data:

Personal Data: ("Personal Data")

- personal details
- financial details
- family details
- lifestyle and social circumstances
- goods and services
- education, training and employment details
- data relating to criminal convictions and offences or related security measures
- other personal data relevant to my provision of legal services, including data specific to the instructions or appointment in question
- Special Categories of Personal Data: ("Special Categories of Personal Data")
- data concerning health
- data revealing racial or ethnic origin
- data revealing political opinions
- data revealing religious or philosophical beliefs
- data revealing trade union membership
- data concerning sex life or sexual orientation
- genetic data
- biometric data for the purpose of uniquely identifying a natural person

Personal information collected from others

I may also obtain personal information, including in the categories listed above, from third parties, such as other legal professionals, experts, members of the public, your family and friends, witnesses, courts, adjudicators, arbitrators, expert determiners, mediators and other forms of dispute resolution service provider, tribunals, investigators, government departments, regulators, public records and

registers.

How do I use your personal information?

I may use your personal information for the following purposes (“Purposes”):

- to provide professional services as a barrister, including the provision of legal advice and representation in courts, adjudications, arbitrations, expert determinations, mediations, tribunals and other forms of dispute resolution procedure
- to provide professional services as an adjudicator, arbitrator, expert determiner, judge, mediator and provider of other forms of dispute resolution services
- to provide professional services as a member of a disciplinary tribunal or investigation panel
- to check for conflicts of interest in relation to any of the professional services referred to above
- to carry out anti-money laundering and terrorist financing checks
- to obtain and administer professional indemnity insurance
- to promote and market any of the professional services referred to above
- to carry out office administration and keep accounting records
- to take or defend legal or regulatory proceedings or to exercise a lien
- to respond to potential complaints or to make complaints
- to train other barristers, pupils, mini-pupils and secondees and when providing work-shadowing opportunities
- to respond to requests for references
- when procuring goods and services
- to publish legal articles and books
- to publish legal judgments and decisions of courts and tribunals, awards and decisions in adjudications, arbitrations, expert determinations and other forms of dispute resolution procedure, disciplinary tribunals and investigations
- as required or permitted by law

Whether personal information has to be provided by you, and why

If I have been instructed by you or on your behalf to provide professional services as a barrister or I have been appointed to provide professional services as an adjudicator, arbitrator, expert determiner, mediator or other provider of dispute resolution services, member of a disciplinary or investigation panel, your personal information has to be provided, to enable me to provide those professional services, and to enable me to comply with my professional obligations and to keep accounting records.

The legal basis for processing your personal information

I rely on the following as the lawful bases on which I collect and use your personal information:

In relation to Personal Data:

- If you are an actual or prospective client, processing is necessary for the performance of a contract for legal services or in order to take steps at your request prior to entering into a contract.
- Processing is necessary for the purpose of my legitimate interests and/or the legitimate interests of a third party in carrying out the processing for the Purposes and my legitimate interests assessment. Processing is necessary for compliance with a legal obligation to which I am subject.
- If you have given your consent to the processing of your personal data, may process that information for the Purposes to the extent of your consent. You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity I have

carried out before the withdrawal of your consent.

In relation to Special Categories of Personal Data:

- Processing is necessary for the establishment, exercise or defence of legal claims or court proceedings.
- If you have given your explicit consent to the processing of such personal data, I may process that information for the Purposes to the extent of your consent. You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity I have carried out before the withdrawal of your consent.

Who will I share your personal information with?

If you are a client, some of the personal information you provide will be protected by legal professional privilege unless and until that information becomes public in the course of any proceedings or otherwise. As a barrister I have an obligation to keep your personal information confidential, except where it otherwise becomes public or is disclosed as part of the case or proceedings.

It may be necessary to share your personal information with the following:

- data processors, including Chambers' employees and sub-contractors email service providers, data storage service providers
- other legal professionals
- lay and professional clients
- courts, tribunals and arbitral institutions
- members of an alternative dispute resolution panel including adjudicators, arbitrators, expert determiners, co-mediators, and arbitration panel secretaries
- members of a disciplinary tribunal or investigation panel
- witnesses and expert witnesses (including prospective witnesses and expert witnesses)
- interpreters and transcribers
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals
- the parties and legal advisors and appointing or supervising institutions in relation to adjudications, arbitrations, expert determinations, and other forms of dispute resolution procedure, disciplinary and investigation proceedings
- trainee barristers including pupils and mini-pupils, and secondees
- my professional indemnity insurers
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Heads of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- prosecution authorities
- other regulatory authorities, including the Bar Standards Board and Financial Conduct Authority
- the Information Commissioner's Office
- the police or intelligence services, where I am required or permitted by law to do so
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council and Legal Directories
- the intended recipient, where you have asked me to provide a reference
- as required or permitted by law

Sources of information

The personal information I obtain may include information from:

- data processors, including Chambers' employees and sub-contractors, email service providers, data storage service providers
- other legal professionals
- lay and professional clients
- courts, tribunals and arbitral institutions
- members of an alternative dispute resolution panel including adjudicators, arbitrators, expert determiners, co-mediators and independent investigators and arbitration panel secretaries
- members of a disciplinary tribunal or investigation panel
- witnesses and expert witnesses (including prospective witnesses and expert witnesses)
- interpreters and transcribers
- trainee barristers including pupils and mini-pupils, and secondees
- family and associates of the person whose personal information I am processing
- in the event of complaints, the Heads of Chambers, other members of Chambers who deal with complaints, the Bar Standards Board, and the Legal Ombudsman
- prosecution authorities
- other regulatory authorities, including the Bar Standards Board and Financial Conduct Authority
- current, past or prospective employers
- education and examining bodies
- business associates, professional advisers and trade bodies, e.g. the Bar Council and Legal Directories
- the intended recipient, where you have asked me to provide a reference
- the general public in relation to the publication of legal judgments and decisions of courts and tribunals
- public sources, such as the press, public registers and law reports.

Transfer of your personal information outside the European Economic Area (EEA)

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your personal information out of the EEA in any particular case or for any particular Purpose. Such transfers include transfers to cloud data storage providers situated outside the EEA.

If you are in a country outside the EEA or if the instructions you provide come from outside the EEA, it is inevitable that your personal information will be transferred to that country or those countries.

If you reside outside the EEA or my professional services involve persons, organisations, courts, arbitral institutions, adjudicators, arbitrators, expert determiners, mediators, investigations, tribunals and other forms of dispute resolution entity outside the EEA, it may be necessary to transfer your personal information to that country or those countries outside of the EEA for that purpose.

If either of these cases apply to you and you wish additional precautions to be taken in respect of your personal information please indicate this when providing instructions.

Where the European Commission has decided that a country or part of a country outside the EEA, or listed entities in such a country, ensures an adequate level of protection for personal information, I am entitled to transfer personal information to that country or to that entity. The list of such countries can be found [here](#).

In the absence of an adequacy decision by the European Commission, I will transfer your personal information outside the EEA where there are adequate safeguards in place in respect of such transfers.

In the absence of adequacy decision or adequate safeguards, I will only transfer your personal information outside the EEA where the transfer is necessary for the establishment, exercise or defence of legal claims.

I may also transfer your personal information outside the EEA if you have given your explicit consent to the proposed transfer after having been informed of the possible risk of such transfer due to the absence of an adequacy decision or appropriate safeguards. You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity I have carried out before the withdrawal of your consent.

Data security

I store your data in electronic form in two systems. The first is a secure Chambers IT system protected by up-to-date security including firewall, secure access and anti-virus protection. The data is stored by my Chambers on its own servers or on servers operated by highly reputable IT system providers with database centres in the UK. The second is a secure end-to-end encrypted cloud storage service with two-factor authentication with data held in certified data centres within the EU. Further details are available at: <https://tresorit.com/gdpr>.

The computer hardware I use, including desktop and laptops, is whole disc encrypted and, in the event of loss, data on iPads and iPhones is deleted remotely by my Chambers IT department. When replaced, the hard disc of computer equipment I use is securely destroyed.

When email data is to be permanently deleted this is done by instruction to an email archive facility.

When informed that a matter is closed or instructions are terminated for any other reason, hard copy papers are returned to my Instructing Solicitors or confidentially destroyed.

My Chambers regularly reviews its information policy, including data security.

How long will I store your personal data?

I will normally store:

- Your personal information until at least 1 year after the expiry of any relevant limitation period (which will usually be 15 years as recommended by my insurers), from the date of the last item of work carried out, the date of the last payment received or the date on which all outstanding payments are written off (whichever is the latest). This is because it may be needed for potential legal proceedings or subject to a complaint. At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the personal information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.
- Your personal information related to anti-money laundering checks for five years after the completion of the transaction or the end of the professional relationship, whichever is the later;
- That part of your personal information I need to carry out conflict checks for the rest of my career. This is likely to be limited to your name and contact details and the name of the case. This will not include any Special Categories of Personal Data.

- That part of your personal information relating to marketing purposes for an indefinite period of time or until I or my clerks become aware or are informed that you ceased to be a potential client. This is likely to be limited to your name and contact details

Your Rights

Under the GDPR, you have a number of rights you may exercise in certain circumstances.

The exercise of these rights is free of charge.

In summary, you may have the right to:

- Access to your personal information and other supplementary information
- Correction of errors or omissions in your personal information
- Erasure of some or all of your personal information in certain circumstances
- A copy of the personal information you have provided to me sent to you or to a third party in a commonly used and machine readable format
- Object at any time to processing of your personal information for direct marketing
- Object in certain other situations to the continued processing of your personal information
- Restrict my processing of your personal information in certain circumstances.

If you want more information about your rights under the GDPR please see the Guidance from the Information Commissioners Office on [Individual's rights under the GDPR](#).

If you want to exercise any of these rights, please:

- Use the contact details at the end of this document. I may need to ask you to provide other information so that you can be identified
- Provide a postal address so I may contact you to request further information to verify your identity
- Provide proof of your identity
- State the right or rights you wish to exercise.

I will respond to you within one month from receipt of your request.

Marketing Emails

If you wish to unsubscribe from any marketing emails you have signed up for, you can do so by emailing marketing@39essex.com (subject line 'unsubscribe'). It may take up to one week for this to become effective.

How to make a complaint?

The GDPR gives you the right to file a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the Member State where you work, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

Future Processing

I do not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on my website page.

Changes to this privacy notice

This privacy notice was published on 23 May 2018 and last updated on 25th August 2020.

I continually review my privacy practices and may change this policy from time to time. When I do it

will be placed on my website page.

Contact Details

If you have any questions about this privacy notice or the personal information I hold about you, please contact me or Chambers' Chief Operating Officer using the contact details below.

Celia Grace
Chief Operating Officer
39 Essex Chambers
81 Chancery Lane
London WC2A 1DD

Email: celia.grace@39essex.com

Phone: +44 (0)20 7832 1111