

TECBAR Privacy Policy (Members)

- This Privacy Policy is tailored to comply with the General Data Protection Regulation ((EU) 2016/679) (**GDPR**) and replaces our previous Privacy Policy.
- TECBAR is a data controller and is committed to privacy for everyone who accesses their services and website. Under the Data Protection Act 2018 and the GDPR, we must comply with certain requirements which are designed to ensure that any Data you have provided to us is processed with due care and attention.
- All TECBAR Officers and TECBAR Committee members should
 - (1) read this GDPR members Policy and the public privacy policy at <https://tecbar.org/privacy-policy/>;
 - (2) ensure that they access and/or retain any TECBAR personal data securely
- This policy sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it. By visiting our website and accessing our services you are accepting and consenting to the practices described in this policy.
- After each election TECBAR should:
 - (1) ask all TECBAR officers and TECBAR Committee members to read this GDPR members policy and GDPR Public policy
 - (2) review and make any appropriate amendments to this GDPR Policy and the public Privacy Policy;
 - (3) ask any departing TECBAR officer or TECBAR Committee member:
 - (a) if appropriate, to transfer any TECBAR personal data to the new holder of their post; and then
 - (b) to delete, in accordance with TECBARs data deletion policy, any TECBAR personal data from their systems.
 - (4) When a new member joins TECBAR, they should be referred to the Privacy Policy.
- For the purpose of the Data Protection Act 2018 (the **Act**), the data controller is TECBAR, 4 Pump Court, Temple, London, EC4Y 7AN

Our nominated representative for the purpose of the Act is Paula de Almeida who can be contacted on admin@tecbar.org

1. Introduction

- 1.1 We are committed to safeguarding the privacy of our services and website visitors and service users.
- 1.2 This policy applies where we are acting as a data controller with respect to the personal data of our website visitors and service users; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.3 We will ask you to consent to our use of cookies in accordance with the terms of this policy when you first visit our website. You consent to our use of cookies in accordance with the terms of this policy.
- 1.4 In this policy, "we", "us" and "our" refer to TECBAR.

2. How we use your personal data

- 2.1 In this Section 2 we have set out:
 - (a) the general categories of personal data that we may process;
 - (b) in the case of personal data that we did not obtain directly from you, the source and specific categories of that data;
 - (c) the purposes for which we may process personal data; and
 - (d) the legal bases of the processing.
- 2.2 We may process data about your use of our website and services ("**usage data**"). The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is our analytics tracking system. This usage data may be processed for the purposes of analysing the use of the website and services. The legal basis for this processing is our legitimate interests, namely monitoring and improving our website and services.
- 2.3 We may process your application data, this is data provided to us to store your personal information if you have provided it to us as part of registering on our system as a client, customer or potential client or customer ("**application data**"). The application data may include your name, title, company, partnership, position in company or partnership, email address, postal address, telephone number, photograph, website address, number of years call, status as QC and date of appointment as QC, information in membership application, data in emails to TECBAR, payments made by and to members, attendance at TECBAR events, accreditation as TECBAR arbitrator/mediator, adjudicator, adjudication documentation including case details, contact details of adjudicator and parties, related emails, payment confirmation, candidacy information, election information, co-option details in

relation to TECBAR elections, Officer and Committee roles held, Marshalling applications and allocations. The application data may be processed for the purposes of operating our services and website, any business transaction including any expert witness work or support, providing our services, ensuring the security of our website and services, maintaining back-ups of our databases and communicating with you. The legal basis for this processing is consent and or our legitimate interests, namely the proper administration of our service, website and business and the performance of an agreement between you and us and/or taking steps, at your request, to enter into such an agreement. We may also collect and store information about you in reference to any application made to us for membership and that data will be stored in accordance with the terms of this policy.

- 2.4 We may process your information included in your personal profile or application on our website or by email ("**profile data**"). The profile data may include any data as specified in clause 2.3. The profile data may be processed for the purposes of enabling and monitoring your use of our website and services. The legal basis for this processing is consent and or our legitimate interests, namely the proper administration of our service website and business and or the performance of an agreement between you and us and/or taking steps, at your request, to enter into such an agreement.
- 2.5 We may process your personal data that are provided in the course of the use of our services ("**service data**"). The service data may include your personal data. The service data may be processed for the purposes of operating our website, providing our services, ensuring the security of our website and services, maintaining back-ups of our databases and communicating with you. The legal basis for this processing is consent and or our legitimate interests, namely the proper administration of our website and business and or the performance of an agreement between you and us or another and/or taking steps, at your request, to enter into such agreement.
- 2.6 We may process information that you post for publication on our website or through our services ("**publication data**"). The publication data may be processed for the purposes of enabling such publication and administering our website and services. The legal basis for this processing is consent and or our legitimate interests, namely the proper administration of our website and business and or the performance of an agreement between you and us and/or another and taking steps, at your request, to enter into such an agreement.
- 2.7 We may process information contained in any enquiry you submit to us regarding our services and events ("**enquiry data**"). The enquiry data may be processed for the purposes of offering, marketing and any relevant services to you. The legal basis for this processing is consent. We may process information about you to carry out the provision of services to you.
- 2.8 We may process information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters ("**notification data**"). The notification data may be processed for the purposes of sending you the relevant notifications and/or newsletters. The legal basis for this

processing is consent and the performance of an agreement between you and us and/or taking steps, at your request, to enter into such a contract.

- 2.9 We may process information contained in or relating to any communication that you send to us ("**correspondence data**"). The correspondence data may include the communication content and metadata associated with the communication. Our website will generate the metadata associated with communications made using website contact forms and logins. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests, namely the proper administration of our website and business and communications with you.
- 2.10 We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others. We may disclose your information to comply with a legal requirement or as ordered to do so by a Court or Tribunal. We will take reasonable efforts to communicate with you prior to doing so unless we are legally restricted from doing so. We do not sell, rent or otherwise make personal information commercially available to any third party unless specified in this policy.
- 2.11 We may process any of your personal data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.
- 2.12 In addition to the specific purposes for which we may process your personal data set out in this Section 2, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.
- 2.13. In addition, upon registration, you may provide to us your name, your email address and other information. Without that information, we cannot provide our services. We have installed physical, electronic and managerial processes that keep your information safe when it is collected and subsequently stored.
- 2.14 The TECBAR membership database is kept on an Excel document on the Administrator's Chambers PC, and is saved onto the 4 pump Court Chambers network. The PC is password protected, and only the Administrator has access to it.
- 2.15 Please do not supply any other person's personal data to us, unless we prompt you to do so.

3. Providing your personal data to others

- 3.1 We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 3.2 In addition to the specific disclosures of personal data set out in this Section 3, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 3.3 In the unlikely event that a liquidator, administrator or receiver is appointed over us or on any part of our assets, that insolvency practitioner may transfer your information to a third-party purchaser of the business provided that the purchaser undertakes to use your information for the same purposes as set out in this policy.
- 3.4 If TECBAR were merged with or taken over by another organisation or association, your personal data would become available to such organisation or association provided that such organisation provided an undertaking only to use it for the same purposes as are set out in this policy.
- 3.5 Subcommittee members may receive emails in relation to consultations, which may include personal data such as names, email addresses and contact information. This data is held in the subcommittees member's email accounts. Each member of the subcommittee applies their own GDPR compliant processes to retaining that data, such that it should not be held longer than necessary for the purposes for which it was received.
- 3.6 Lists of the names of members of TECBARs ADR panels are kept electronically in public on TECBARs website. These names are categorised by bracket of call. The lists are updated by the Administrator, and the Chairman's Clerk (currently Oliver Goldsmith) then updates his lists (see below). The Chairman's Clerk is also likely to hold the details in emails notifying members of the outcome of applications.
- 3.7 The Chairman's Clerk has a TECBAR folder on his chambers email, which has sub-folders for each adjudicator appointment processed through the TECBAR Adjudication Scheme. These folders are titled with the case name. He files emails from each appointment received in these folders. Each appointment has a number of emails with attached documents and includes the following data:
 - (1) Individual contact email addresses for the referring party when the nomination form is sent to the Chairman's Clerk.

- (2) Addresses, email addresses and telephone numbers of both parties set out on the nomination form.
- (3) Notice of Adjudication document, which typically includes party and project details.
- (4) A scanned copy recording the payment method of the administration fee (cheque or BACS transfer).
- (5) Email confirmation of any appointment from the Chairman's Clerk on behalf of the Chairman, which includes the adjudicator's name, chambers and clerk's contact details.
- (6) Email to the appointed adjudicator and his/her clerk with Notice of Adjudication document attached.
- (7) Any responses to the Chairman's Clerk's emails.

3.8 Keating Chambers has a password-protected TECBAR folder on the chambers clerks drive, which houses numerous documents needed for the TECBAR appointments. This folder is only accessible by Oliver Goldsmith and his deputy James Luxmoore, who deals with appointments when he is away, and by Keating's CEO Declan Redmond.

3.9 The TECBAR folder includes the following documents containing personal data:

- (1) DX Label to TECBAR Admin at 4 Pump Court (FAO: Paula de Almeida) (i.e. contact details of TECBAR Admin).
- (2) Excel Spreadsheet – Master TECBAR panel list (updated when new members are added to the panel) which includes name, chambers, call and silk dates of all members of the ADR panels.
- (3) Excel Spreadsheet – Appointments List – which includes details of all appointments made (created July 2015 by Daniel Jones at Atkin Chambers) and so includes:
 - i. Party names;
 - ii. Referring party details;
 - iii. Adjudicator appointed name and chambers;
 - iv. Names of adjudicators pulled out of the hat and their respective clerks;
 - v. Summary of any requirements stated on the nomination form.

3.10 Keating Chambers holds several numbered lever arch files kept in a cupboard in the clerks' room which contain hard copies of the appointment documents since the Adjudication Scheme began in December 2010. They also include the handwritten notes by each Chairman's Clerk since December 2010 as to who was pulled out of the hat as adjudicator, whether or not they could accept the appointment and then who was eventually appointed.

(1)File 1 contains the application forms of the original members signed up to the Adjudication Scheme. The forms are dated December 2010 – February 2011. Personal data on these appointment forms:

- (a) Chambers address
- (b) Contact telephone number
- (c) Contact email address

(2)Files 2 - 7 contain the hard copy documents for each appointment made since December 2010.

3.11 In the same cupboard in which the hard copy adjudication files are kept, Keating holds the adjudication "hats" (envelopes) that contain small plastic cards with each TECBAR adjudicator's name and year of call.

3.12 The subcommittee receives enquiries (by email), which may include personal data such as names and contact information. These are received by the subcommittee members and kept in their email accounts.

3.13 TECBAR maintains in accordance with their retention policy stated herein, details and records of attendance at training events, conferences and marketing events.

3.14 The E&D Committee may process the following data:

- a. Membership list
- b. Name
- c. Email address
- d. Attendance list for networking drinks events
- e. ADR panel lists

3.15 Keating Chambers holds two lever arch files containing the voting forms from the 2017 Election and the 2018 Election, which state the name and the call of those candidates standing for election.

3.16 When a member or the pupil of a member applies for a place on the TECBAR Marshalling Scheme, TECBAR may process the following data:

- (a) Name
- (b) Email address
- (c) Professional address
- (d) Home address
- (e) CV
- (f) Photographic ID
- (g) Information provided in support of the application

3.17 In respect of the mentoring scheme, TECBAR holds a list of volunteers to be mentors dating from June 2014 and October 2014 and such list is held in accordance with the data retention specifications in this Policy.

3.18 E-mails from TECBAR Committee members and wider members may also be held by TECBAR. Occasionally, when refunds are processed, these emails contain bank account details and/or addresses. TECBAR also receives cheques and financial details from TECBAR members which contain their account details and the cheques are paid into TECBAR's bank account. TECBAR's bank statements, paying in books and chequebooks may identify data and payments from and to individual members and suppliers and is information and data held in accordance with the terms of this policy.

3.19 TECBAR instructs a website developer. The current developer is Colin James of CJ Web Design & Online Marketing (www.colinjamesweb.co.uk). TECBAR's website is hosted by TSHOST in the UK. Generally, only the website developer and TECBAR Committee member responsible for the website have access to the data in the backend of the website. Such access is password protected. Rarely, the website developer may need to give a software supplier temporary access to sort out a problem. The website developer uses professional security software to keep TECBAR's data secure, namely iThames Security Pro, Anti-Malware Security, Brute-Force Firewall, and UpdraftPlus – Backup/Restore.

4. International transfers of your personal data

4.1 In this Section 4, we provide information about the circumstances in which your personal data may be transferred to countries outside the European Economic Area (EEA). We do not anticipate that your personal data will be

transferred to countries outside of the European Economic Area (EEA) other than in limited circumstances. Because of the international nature of our business, we may need to transfer your data to other third parties in connection with the terms of this policy. For this reason, we may transfer your personal data to other countries that may have different laws and data protection compliance requirements to those that apply in the country in which you are located. Where we transfer your personal data from the EEA to recipients located outside the EEA who are not in adequate jurisdictions, we do so on the basis of standard contractual clauses.

- 4.2 You acknowledge that personal data that you submit for publication through our website or services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

5. Retaining and deleting personal data

- 5.1 This Section 5 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.

- 5.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

- 5.3 We will retain your personal data as follows:

(a) Personal Data information will be retained for a minimum period of 6 years following submission, and for a maximum period of 7 years following submission.

- 5.4 In some cases it is not possible for us to specify in advance the periods for which your personal data will be retained and we will therefore retain for no longer than is necessary for the operation of your agreement or membership with TECBAR

- 5.5 Notwithstanding the other provisions and information in this Section 5, we may retain your personal data where such retention is necessary for compliance with a legal or contractual obligation to which we are subject, or in order to comply with a statutory limitation period or in order to protect your vital interests or the vital interests of another natural person.

- 5.6 When TECBAR deletes personal data held electronically or on paper, GDPR-compliant processes for deleting data are used.

6. Amendments

- 6.1 We may update this policy from time to time by publishing a new version on our website or providing this policy to you by email.

- 6.2 You should check any revisions occasionally to ensure you are happy with any changes to this policy.

- 6.3 We may notify you of changes to this policy by email or through the private messaging or login system on our website.

7. Requesting your data

7.1 You may instruct us to provide you with any personal information we hold about you; provision of such information will be subject to:

(i) the supply of appropriate evidence of your identity (for this purpose, we will usually accept a photocopy of your passport certified by a solicitor or bank plus an original copy of a utility bill showing your current address.

7.2 We may withhold personal information that you request to the extent permitted by law.

7.3 You may instruct us at any time not to process your personal information for marketing purposes.

7.4 In practice, you will usually either expressly agree in advance to our use of your personal information for marketing purposes.

8. Your rights

8.1 In this Section 8, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.

8.2 Your principal rights under data protection law are:

- (a) the right to access;
- (b) the right to rectification;
- (c) the right to erasure;
- (d) the right to restrict processing;
- (e) the right to object to processing;
- (f) the right to data portability;
- (g) the right to complain to a supervisory authority;
- (h) the right to withdraw consent.

8.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee. In the event of any requests being made orally or in writing to any TECBAR officer or Committee Member, they agree to forward the request within 24 hours of receipt to admin@tecbar.org. Within 7 days of

receipt of any request, the Secretary will report to the Chair of TECBAR with a recommendation. Within one month of the request, TECBAR will provide a response to the request.

- 8.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.
- 8.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.
- 8.6 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 8.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 8.8 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you make such an objection, we will cease to process your personal data for this purpose.
- 8.9 You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds

relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

8.10 To the extent that the legal basis for our processing of your personal data is:

- (a) consent; or
- (b) that the processing 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,

and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

8.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.

8.12 To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

8.13 You may exercise any of your rights in relation to your personal data by emailing us on admin@tecbar.org

9. **Data Breaches**

9.1 TECBAR currently considers it unlikely that a data breach would result in a risk to the rights and freedoms of individuals. However, if a data breach occurs and any TECBAR Officer or TECBAR Committee member considers that it may have such effects they should notify the Chair and the Secretary within 48 hours.

10 **About cookies**

10.1 A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.

10.2 Cookies may be either "persistent" cookies or "session" cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.

10.3 Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.

11. Cookies that we use

11.1 We use cookies for the following purposes:

- (a) authentication - we use cookies to identify you when you visit our website and as you navigate our website
- (b) status - we use cookies to help us to determine if you are logged into our website
- (c) personalisation - we use cookies to store information about your preferences and to personalise the website for you
- (d) security - we use cookies as an element of the security measures used to protect user accounts, including preventing fraudulent use of login credentials, and to protect our website and services generally
- (e) advertising - we use cookies to help us to display advertisements that will be relevant to you
- (f) analysis - we use cookies to help us to analyse the use and performance of our website and services
- (g) cookie consent - we use cookies to store your preferences in relation to the use of cookies more generally

12. Cookies used by our service providers

12.1 Our service providers use cookies and those cookies may be stored on your computer when you visit our website.

13. Managing cookies

13.1 Most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can however obtain up-to-date information about blocking and deleting cookies via these links:

- (a) <https://support.google.com/chrome/answer/95647?hl=en> (Chrome);
- (b) <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences> (Firefox);
- (c) <http://www.opera.com/help/tutorials/security/cookies/> (Opera);
- (d) <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies> (Internet Explorer);
- (e) <https://support.apple.com/kb/PH21411> (Safari); and
- (f) <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy> (Edge).

13.2 Blocking all cookies will have a negative impact upon the usability of many websites.

13.3 If you block cookies, you may not be able to use all the features on our website.

14. Our details

14.1 TECBAR can be contacted by writing to The Secretary at TECBAR, 4 Pump Court, Temple, London, EC4Y 7AN and is our principle place of business.

14.2 You can contact us:

- (a) by post, to the postal address given above;
- (b) using our website contact or login form;
- (c) by telephone, on the contact number published on our website from time to time or
- (d) by email, using the email address published on our website from time to time.

15. Data Compliance Manager

15.1 Our Data Compliance Managers contact details are: The Secretary at TECBAR and can be contacted at the above address and by email on admin@tecbar.org

This policy was last updated on 9 October 2018.