

# Kevin Baumber

## Legitimate Interests Assessment

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### Part 1: Purpose test

The legitimate interests behind the processing

I want to process the data in order to provide legal services to persons who instruct me to do so. The processing will enable me to provide that advice and representation (which will benefit my clients) and to charge for my services (which will benefit me). There may be third party benefit from my processing, in that the rights and interests of others may be identified and protected as a result of my advice. In professional discipline, learning and insight into issues affecting other individuals in similar positions and legal arguments to protect such individuals from unfairness of abuses of power at the hands of regulatory bodies may provide a benefit to such third parties. There is also a wider public benefit in parties knowing their legal rights and obligations and receiving advice as to how to conduct themselves in compliance with the law. These benefits are individually and collectively important.

If I could not carry out the processing I could not offer these legal services. There are no additional specific data protection rules that apply to my processing, but I am bound by the laws of confidentiality, legal professional privilege and professional obligations in the Code of Conduct. I am also bound by other laws of general applicability such as anti-money laundering provisions which require me to keep records. I am also complying with guidance issued by the ICO, the Bar Council and the Bar Standards Board in the way in which I process personal data.

There are no other ethical issues with the processing.

## Part 2: Necessity test

Whether the processing is necessary for the purpose identified.

The processing is essential to the provision of legal services; without it I cannot offer legal services. This is the core of my practice, not an additional facet of it.

In my view the processing is proportionate: I only use personal data that has been supplied to me directly by the data subject pursuant to his/her instructions to me or (where not supplied directly by the data subject) for the strictly and limited purpose of providing legal advice within the context of the legal issues which arise.

I cannot achieve the same purpose without the processing or my processing less data. The processing is neither obvious or intrusive.

## Part 3: Balancing test

The impact on individuals' interests and rights and freedoms and assessment of whether this overrides the legitimate interests.

### **Nature of the personal data**

Some of the data may be special category data or criminal offence data; it may also be data which is likely to be considered particularly private. It sometimes includes the data subject's own descriptions of the impact that the proceedings have had on their health, life, and that of their families. From time to time I may process children's data or data relating to vulnerable people, and data about people in their personal or professional capacity.

### **Reasonable expectations**

As set out above, in some cases I have an existing relationship with the individual (because they are my client). In those cases, clients have access to my Privacy Notice and Data Protection Policy via the chambers website. The nature of the relationship is lawyer/client, and I have used data in the past to provide legal services in this context. The data typically comes from the client via my instructing solicitor, sometimes direct, and from the cases papers served by the opposing side or collated by my instructing solicitor. Very rarely I may retrieve personal data from open source material found in the publicly available internet (e.g. press reports, Google or social media searches) where it is directly relevant

to an issue in the case which in my professional opinion is of sufficient importance to warrant such research. Any such information found is shared with my instructing solicitor so as to be available to the client.

When the data is from third parties, for example data about other individuals supplied by my clients, sometimes those third parties will know (for example, those providing witness statements or character references for the purposes of legal proceedings) but in other cases they may not.

The data will only be used for so long as it is relevant to the case, but will be stored thereafter in order to comply with legal obligations to which I am subject. Once it is no longer required, it will be securely disposed of.

The purpose of providing legal advice is widely understood; I am not doing anything new or innovative. I have not evidence about expectations, save that the public would expect legal advisors to keep personal data secure and to comply with the law at all times.

### Likely impact

The likely impact is limited, in that my processing is part of a wide process of criminal or civil law. Individuals will lose control over their data to the extent that I am processing it without their consent. However, the likelihood and severity of the impact of my processing is limited; the impact (if any) will be as a result of the litigation as determined by the Courts or as agreed between the parties.

Some individuals might object to the processing on the basis that they are in dispute with those I represent, but I would be happy explain the process and defending it if required to so do.

I can adopt all the safeguards recommended by the ICO and professional regulators to minimise the impact of my processing.

Can I offer individuals an opt-out?

No

## Making the decision

Can I rely on legitimate interests for this processing?

Yes

Do you have any comments to justify your answer? (optional)

LIA completed by	Kevin Baumber
Date	24.5.18

## What's next?

Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.