



**Kenworthy's**  
Chambers

---

<b>Policy Title</b>	Data Retention Policy & Disposal Policy
<b>Author Name/Title</b>	Matthew Thomas/Civil Clerk
<b>Version</b>	0.1
<b>Status</b>	Active
<b>Classification</b>	Internal
<b>Issue Date</b>	12.10.2023
<b>Effective Date</b>	26.10.2023
<b>Review Date</b>	26.10.2026
<b>Page Number</b>	Page 1 of 5

<b>Policy Title</b>	Data Retention Policy & Disposal Policy
<b>Page Number</b>	Page 2 of 5

## Contents

1. Version Change Log.....	2
2. Introduction.....	2
3. Purpose.....	2
4. Responsibility .....	2
5. Data Protection Contacts.....	3
6. GDPR.....	3
7. The Data Policy .....	4
8. Retention Principles.....	4
8.1. Original Documents .....	4
8.2. Hard Copies of Documents.....	4
8.3. Electronic Copies of Documents.....	5
8.4. E-Mails .....	5
8.5. Member Generated Docs .....	5
8.6. Direct Access and Licensed Access Clients .....	5

## 1. Version Change Log

Version	Date	Reason for Change	Date of Issue
0.1	15/09/2023	Initial Draft	15/09/2023

## 2. Introduction

Kenworthys Chambers is required to comply with the law governing the management, and storage of personal data, which is outlined in the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act. Because of this, retention of personal data and respect for individual privacy is crucial to the day-to-day operations of Chambers. Compliance with the GDPR is overseen by the UK data protection regulator which is the Information Commissioner’s Office (ICO). Kenworthys Chambers is accountable to the ICO for its data protection compliance.

## 3. Purpose

This policy aims to protect and promote the data protection rights of individuals and of Chambers, by informing members and everyone working for and with Chambers, of their data protection obligations and of Chambers procedures that must be followed to ensure compliance with the GDPR.

## 4. Responsibility

Everyone in Chambers (and any third party to whom this policy applies to) is responsible for ensuring that they comply with this policy. Failure to do so may result in disciplinary action.

<b>Policy Title</b>	Data Retention Policy & Disposal Policy
<b>Page Number</b>	Page 3 of 5

## 5. Data Protection Contacts

Their responsibilities within this role include:

- Developing and implementing data protection policies and procedures.
- Arranging periodic data protection training for all staff and members which is appropriate to them.
- Acting as a point of contact for all colleagues, staff and Barristers on data protection matters.
- Monitoring Chambers' compliance with its data protection policy and procedures.
- Promoting a culture of data protection awareness.
- Assisting with investigations into data protection breaches and helping Chambers to learn from them.
- Advising on Data Protection Impact Assessments; and
- Liaising with the relevant supervisory authorities as necessary (i.e. the Information Commissioner's Office in the UK).

## 6. GDPR

The GDPR is designed to protect individuals and personal data which is held and processed about them by Chambers or other individuals.

The GDPR uses some key terms to refer to individuals, those processing personal data about individuals and types of data covered by the Regulation. These key terms are:

**Personal data** - Means any information relating to an identified and identifiable natural person ('data subject')

This includes for example information from which a person can be identified, directly or indirectly, by reference to an identifier i.e. name; ID number; location data; online identifiers etc. It also includes information that identified the physical, physiological, genetic, mental, economic, cultural, or social identity of a person. For Chambers' purposes, Barristers' clients and Chambers' staff are data subjects (other individual third parties concerning whom we hold personal data about are also likely to be data subjects).

**Controller** - Means the natural or legal person, public authority, agency or other body who alone or jointly with others, determines the purposes and means of processing the personal data. In effect, this means the controller is the individual, organisation or other body that decides how personal data will be collected and used. For Chambers' purposes, Kenworthys Chambers is a data controller for certain categories of data.

**Processing** - Means any operation which is performed on personal data such as: collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

For Chambers' purposes, everything that we do with client information (and personal information of third parties) is 'processing' as defined by the GDPR. This processing will often be in the capacity as a Data Processor on behalf of a Barrister as a Data Controller.

Special categories of personal data means personal data revealing:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade-union membership;

<b>Policy Title</b>	Data Retention Policy & Disposal Policy
<b>Page Number</b>	Page 4 of 5

- the processing of genetic data or biometric data for the purpose of uniquely identifying a natural person;
- data concerning health or data concerning a natural person's sex life or sexual orientation

N.B. data relating to criminal convictions and offences is not included within the special categories. However, there are additional provisions for processing this type of data (see Regulation 10 of GDPR)

## 7. The Data Policy

This Data Policy is set down so that the Data Controller complies with the GDPR storage limitation principle (the 'Storage Limitation Principle').

The Storage Limitation Principle limits the time that personal data can be kept in a form which permits identification of the data subject. The extent of the time permitted is limited to what is necessary for the purposes for which the personal data is processed. This limitation does not prevent storage of data longer than that, where such storage is for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, in accordance with GDPR, article 89 (1), save that, to safeguard the rights and freedoms of the data subject, such storage must be accompanied by suitable and appropriate technical and organizational measures.

The Data Controller processes personal data in order perform their role as a barrister (or mediator, arbitrator, or other similar service, as the case maybe). Such processing includes processing to act for, represent, and/or give legal advice and legal assistance, to or for a client(s), whether in or out of Court/tribunal.

## 8. Retention Principles

A retention period is the length of time a document will be retained. The start of that period will be the date work is completed, unless otherwise stated. Where one case/matter is the subject of successive instructions or similar, the retention period will re-start on the completion of the final instruction or request.

To permit conflict checks, some Data may be retained indefinitely. This is likely to be limited to the parties' contact details, details of the case, and details of any company or business the parties were involved in. The requirement for retention of barrister financial records also remains indefinitely.

### 8.1 Original Documents

Original documents will be returned to the appropriate person. Copies may be taken prior to the original document being returned and original documents will be retained for this short period while copies are taken.

### 8.2 Hard Copies of Documents

Most of the hard copy information that is used by members of chambers is available electronically and stored on the Lex case management system. Sometimes we will be supplied with a paper brief by those instructing that we do not convert to an electronic file. We ask that any briefs/instructions that are provided in paper form are duplicates and the originals are retained by those instructing.

At the completion of the case the instructing body is given a choice as to whether the hard copy information is returned to them or securely destroyed by chambers. The choice and confirmation of the action is recorded on our CMS.

<b>Policy Title</b>	Data Retention Policy & Disposal Policy
<b>Page Number</b>	Page 5 of 5

### 8.3 Electronic Copies of Documents

The retention period for electronic copies of documents will be for 15 years. The basis for length of retention is that such documents need to be retained in light the foreseeable limitation period on claims in respect to work undertaken on the case or matter.

### 8.4 E-Mails

The retention period for emails will be for 15 years. The basis for length of retention is that such documents need to be retained in light the foreseeable limitation period on claims in respect to work undertaken on the case or matter.

### 8.5 Member Generated Documents

The retention period for member generated documents will be for 15 years. The basis for length of retention is that such documents need to be retained in light the foreseeable limitation.

### 8.6 Direct Access and Licensed Access Clients

Barristers are normally instructed by solicitors. However, solicitors are not usually involved in public access (formerly Direct Access) or Licenced Access cases. (Licensed access is granted to organisations licensed by the Bar Council to instruct barristers directly e.g. accountants). To avoid potential problems arising from non-retention, the BSB require counsel "*to retain or take reasonable steps to ensure that the lay / licensed access client will retain for at least 7 years after the date of the last item of work done*" therefore the retention period of Direct Access & Licensed Access will be 7 years.