

## **Personal Data Retention and Disposal Policy (“Policy”)**

**Chris de Beneducci**

*If you do not consider that this Policy is written in a concise, transparent, intelligible and easily accessible form, using clear and plain language, then please contact me and I will be happy to discuss any questions which you may have.*

### **Introduction**

1. Under Article 5.1(e) of the General Data Protection Regulation (“**GDPR**”), personal data should not be kept in a form which permits the identification of data subjects for any longer than is necessary for the purposes for which the personal data are being processed.
2. As explained in my Privacy Notice, which should be read alongside this Policy, in the course of my practice as a barrister I process personal data for the purpose of providing legal services (which includes (i) advising and representing my clients, both within and outside of alternative and Court-based dispute resolution procedures and (ii) training pupils and mini-pupils, i.e. trainee barristers and individuals on work experience placements).
3. This Policy is intended to set out the period for which I retain personal data (or the criteria which I use to determine that period, insofar as it may vary from case to case) and the methods which I use to dispose of personal data after the expiry of that period.
4. I am registered with the Information Commissioner’s Office as a Data Controller in respect of personal data which I process as a barrister. My registered address is Selborne Chambers, 10 Essex Street, London WC2R 3AA and my registration number is ZA176475.
5. I will occasionally update this Policy. Whenever I make changes, I will publish the updated Policy on my website profile.

### **Period of Retention**

6. Recital 39 to the GDPR requires that the period for which personal data are stored is limited to a “strict minimum”. That “strict minimum” will, as noted above, be informed by the purpose for which the data controller processes the relevant personal data.
7. Where that purpose is the provision of legal services, the following considerations will apply in respect of determining the appropriate retention period:
  - 7.1. It is necessary to retain personal data in order to document agreements reached as regards the provision of legal services.
  - 7.2. It is necessary to retain personal data in order to deal with any complaints which a client (or other data subject) may raise in respect of the services which I provide.

- 7.3. It is necessary to retain at least some personal data in order to ensure the proper administration of my practice as a barrister (both from a business and a regulatory perspective, as, for instance, in the case of conflict checks).
- 7.4. The standard time limit for bringing claims based on breach of contract or tort is six years. In respect of claims in the tort of negligence, however, s.14A of the Limitation Act 1980 provides that (subject to a 15-year longstop) a special time limit of three years from the “date of knowledge” will apply in cases where the facts relevant to the cause of action are not known at the date on which the cause of action in fact accrues.
- 7.5. In light of those limitation periods, on 26 July 2018 the Chairman of the Bar Mutual Indemnity Fund (which provides professional indemnity insurance to barristers) recommended a retention period of at least 15 years.
8. Weighing the above considerations, and balancing my own legitimate needs against the impact of prolonged retention on others’ privacy, I have adopted a standard retention period of **15 years from the date of my last involvement in the relevant matter**. (In this context, I use the word “involvement” broadly. It can range from representation in Court to one-line administrative email correspondence.)
9. In certain circumstances I may extend the standard retention period. If, for instance, legal or regulatory proceedings in relation to services which I have provided are ongoing *after* the expiry of the standard retention period, I will extend the retention period until those proceedings have been finally determined (i.e., if the window for lodging an appeal has passed without an appeal being lodged or, alternatively, upon the conclusion of any first or second appeal which may be lodged).
10. Finally, it is my view that the factors set out above provide a reasonable basis for retaining personal data for the duration of my standard retention period in a form which permits the identification of individuals, as opposed to retaining that data indefinitely in an anonymised form.

### **Methods of Disposal**

11. I will review my records on at least an annual basis to determine whether the retention period in respect of any personal data has expired. An annual review is appropriate in view of my compliance capacities as a sole trader.
12. Upon the expiry of the retention period, I will dispose of the personal data which I have processed by deleting it (if it is held electronically) or by using an appropriate confidential waste disposal service (if it is held in hard copy). Alternatively, I will dispose of hard-copy personal data by returning it to my instructing solicitor.

**Chris de Beneducci**  
**11 April 2020**