**MODEL PRIVACY NOTICE FOR EXPERT WITNESSES TO USE WHERE THEY COLLECT DATA FROM LAWYERS/LITIGANTS**

## ABOUT

INSERT INDIVIDUAL NAME AND ADDRESS OR COMPANY NAME AND ADDRESS[[1]](#footnote-1) respect the privacy of our clients (“**you**”) and we recognise the need for appropriate protections and management of your personal information.

When we, and our service providers, collect and use your personal information and special category data, we are the data controller for the purpose of Data Protection Legislation (defined below).

In certain circumstances we may be acting as a joint controller with another organisation (such as the instructing law firm). [Where we are acting as a joint controller with another organisation, we will have a written agreement in place to govern this relationship.]

## PURPOSE

We have prepared this Privacy Notice to assist you in understanding what information we collect about you and how that information is used by us and by third parties.

## KEY TERMS

When we refer to **Data Protection Legislation** we mean the General Data Protection Regulation (Regulation (EU) 2016/679) (“**GDPR**”); and the Data Protection Act 2018, implemented by the UK to give effect to the derogations permitted under the GDPR.

**Personal information** is information that can be used to identify or contact a specific individual, such as a name, address, telephone number, email address, etc., and also online identifiers and location data such as IP addresses and mobile device IDs.

**Special category data** means personal information revealing your racial or ethnic origin; political opinions; religious or philosophical beliefs; or trade union membership; genetic data; biometric data; data related to your health or data concerning your sex life or sexual orientation; and criminal convictions or involvement in criminal proceedings.

A **data controller** is someone who decides why personal data is to be collected and how it will be used and treated.

A **joint data controller** is where a person or organisation determine the purposes for which and the manner in which any personal data are, or are to be, processed. Joint controllers act together to decide how data is to be collected and how it will be treated.

## CONTACT

If you have any questions regarding the Privacy Notice you can contact us at: [INSERT CONTACT DETAILS].

If you are unhappy with how we handle your personal information you can write to us using the contact details noted above; and / or notify the Information Commissioner’s Office (ICO) (please see: <https://ico.org.uk/concerns/> for more information).

## HOW DO we USE YOUR PERSONAL INFORMATION AND WHY?

| Information | Why we collect it | Legal basis  | Special category data condition  | Effect of not providing the information if legal condition or contractual condition  |
| --- | --- | --- | --- | --- |
| Identity data - *title, first name, last name, the company you work for (where relevant), your job title or position, date of birth, location and other information [to enable us to check and verify your identity (for example passport details, driving licence and utility bills or bank statements)]* | To allow us to identify our client [and comply with our obligations in relation to identification, anti-money laundering and due diligence checks.] | Legal obligation. | N/a | We will be unable to provide services to you/on your behalf. |
| Contact data - *billing address, residential and/or business address, email address and telephone numbers (business and/or personal including fax).* | To allow us to contact you in relation to the services we are providing to you/on your behalf. | On the basis of our contractual obligation (providing the expert witness services to you/on your behalf) | N/a | We will be unable to provide services to you/on your behalf. |
| Transaction data - *details about the services relating to the matter you have instructed us on; the information we will process about you to open our files and administer the client relationship and any credit checks we may have carried out.* | To allow us to examine the case and provide our services to you in line with your instructions. | On the basis of our contractual obligation (providing the expert witness services to you/on your behalf) | N/a | We will be unable to provide services to you/on your behalf. |
| Special categories of personal data - *race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data) in order to provide you with our services.* | In very limited circumstances we may process special categories of data in order to provide our services to you. | On the basis of our contractual obligation (providing the expert witness services to you/on your behalf) | The processing is necessary for the establishment, exercise or defence of legal claims or you have made the information public or the processing is necessary for reasons of substantial public interest (usually to undertake activities in relation to the prevention or detection of fraud or other unlawful or dishonest activities) or you have given us your explicit consent to do so. | We will be unable to provide services to you/on your behalf. |
| Criminal convictions data  | To enable us to provide services to you/on your behalf. | On the basis of our contractual obligation (providing the expert witness services to you/on your behalf) | Prevention or detection of unlawful acts or complying with our regulatory requirements in relation to unlawful acts or dishonesty or dealing with suspicions of terrorist financing, money laundering or acts of bribery or processing is necessary for the establishment, exercise or defence of legal claims. | We will be unable to provide services to you/on your behalf. |
| [Insert] | [insert] | [insert] | [insert if applicable] | [insert if applicable] |

## HOW DO WE KEEP YOUR PERSONAL INFORMATION UP-TO-DATE?

Please contact us at [INSERT CONTACT DETAILS] as soon as possible after there is any change to your personal details, including your contact details.

[INSERT DETAILS AS TO HOW YOU ENSURE THAT THE PERSONAL DATA IT HOLDS IS KEPT UP-TO-DATE E.G. CONTACTS THE INDIVIDUAL ANNUALLY AND REQUESTS A NOTE OF ANY CHANGE IN DETAILS].

## WHERE DO WE GET YOUR PERSONAL INFORMATION?

We may get your personal data from a number of sources:

* where you are a lawyer/instructing party - from you directly;
* where you are the end-client - from your solicitor/legal representative/other professional advisor who instructs us/me as an Expert Witness; or
* where you are a third party involved in litigation/court action – from our client, instructing party and/or legal representative/ advisor; or
* [INSERT OTHERS WHERE APPLICABLE]

## DO WE SHARE PERSONAL INFORMATION?

We contract with third party service providers and suppliers to deliver certain services. [We have data processing agreements in place with each of these providers so that they process your personal data in accordance with this Privacy Notice.]

The following third parties may have access to your personal information and, in some circumstances, your special category data (if applicable), for the purposes noted below:

* [[INSERT] hosts our email on [INSERT]];
* [our email mailing list provider, currently [INSERT]];
* [our archival and storage provider, who is currently [INSERT];]
* any other person who is authorised to act on your behalf;
* counterparties (including their lawyers and client) to transactions or litigation, other professional service providers such as lawyers and accountants, counsel, barristers, arbiters, arbitrators, mediators, clerks, medical professionals, witnesses, tax advisors or valuers;
* regulators, government departments, law enforcement authorities, tax authorities and insurance companies;
* [confidential waste management provider, who is currently [INSERT];
* [IT and communications service provider, who is currently [INSERT];
* [document processing provider, who is currently [INSERT];
* [translation services, who is currently [INSERT];
* our general insurers, auditor and accountants, pension providers, banks and other financial institutions, credit reference agencies and regulatory bodies;
* professional indemnity and other relevant insurers, who are currently [INSERT];
* any relevant dispute resolution body or the courts; and
* persons in connection with any sale, merger, acquisition, disposal, reorganisation or similar change in our business;
* [INSERT OTHER THIRD PARTIES].

Some of these entities may also be data controllers under the Data Protection Law in their own right and/or acting as a joint controller with me/us. However, in the first instance you should contact [INSERT NAME] using the contact details above if you have any queries.

Except as provided above, we will not share personal information with any other third parties without informing you beforehand, unless required by, or in connection with, law and / or regulatory requirements.

We will not sell, trade or lease your personal information to others.

## EUROPEAN ECONOMIC AREA

The data that we collect from you will usually be stored inside the UK or the European Economic Area (EEA).

However, if you live or work outside of the UK or the EEA, we may need to transfer your personal data outside of the UK or the EEA to correspond with you. Where this applies, we will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this privacy notice.

We also may transfer data outside the UK or the EEA where our, service providers host, process, or store data outside the UK or the EEA. Where we do this, we will ensure that the transfer is to a country covered by a decision of the European Commission or is otherwise made in circumstances where we have put appropriate safeguards are in place to protect your data in accordance with the Data Protection Law:

* [*INSERT DETAILS OF ANY SERVICE PROVIDES THAT TRANSFER DATA OUTWITH THE EEA AND PROVIDE DETAILS OF MEASURES PUT IN PLACE].*

[We will process personal data outside of the EEA as we are established in [insert country] or we are established within the EEA but our client/instructing party/other party to the litigation is outside of the EEA or where all parties are based outside of the EEA however a data subject is from the EU/based in the EU. Our legal basis for transferring personal data outside of the EEA is as follows:

a) Where we are instructed to act by a solicitor/other third party (who is also a controller) we will either:

i. have Standard Contractual Clauses in place with that party to govern the transfer of personal data outside of the EEA for the purposes of performing our services; or

ii. we will rely on the legal basis of explicit consent of the data subject (if you are the client) in order to transfer personal data outside of the EEA; or

iii. we will rely on the legal basis of necessary for the establishment, exercise or defence of legal claims (if you are another party involved in the litigation) in order to transfer personal data outside of the EEA.

b) Where we are instructed by an individual directly, we will be relying on the following exemptions:

i. where you are the client, we will be relying on the exemption of the processing being necessary for the performance of a contract; and

ii. where you are another third party involved in the matter, we will be relying on the exemption of the processing being necessary for the establishment, exercise or defence of legal claims.]

## RETENTION PERIODS

Option 1: [We will not hold your personal information for any longer than is necessary for the uses outlined above, unless we are required to keep your personal data longer to comply with the law and any regulatory requirements. The length of time we shall retain it for shall be determined by a number of factors, including the type of data, the purpose for which we use that data including our legal and regulatory obligations which we must comply with when we collect and process personal data. We will also take into account the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data.]

Option 2: We will not retain personal data for longer than is necessary and shall retain personal data in accordance with our retention policies. We apply the following retention periods: [INSERT DETAILS OF RETENTION POLICY].

## YOUR RIGHTS

You have certain rights under the Data Protection Legislation which can be exercised by contacting us at: [INSERT CONTACT DETAILS], including:

* the right to access the personal data held about the you by making a subject access request in accordance with the Data Protection Legislation. We may charge a reasonable fee when a request is manifestly unfounded or excessive;
* the right to have your personal data rectified if it is inaccurate or incomplete;
* the right to request to have your personal data deleted in certain specific circumstances as set out in the Data Protection Legislation;
* the right to request to restrict the processing of your personal data in certain specific circumstances as set out in the Data Protection Legislation;
* the right to ask us not to process your personal data for marketingpurposes or for purposes based on our legitimate interests;
* the right to ask us to not undergo automated decision making; and
* where you have provided consent, to request to withdraw such consent at any time.

Please note that if you choose to exercise your rights to have personal data restricted or deleted, then we may not be able to act.
Further details about your rights can be found on the ICO’s website at https://ico.org.uk/.

1. For ease of reading the plural we/our/us is used to include I/my/me throughout this document [↑](#footnote-ref-1)