



## **PRIVACY NOTICE**

### **Privacy Notice for The Divorce Surgery**

Thank you for choosing to instruct The Divorce Surgery in your case. The Divorce Surgery and the barrister advising you on its behalf (“the advising barrister”) will need to collect and hold your personal information in order to advise you. Both The Divorce Surgery and the advising barrister will take all possible steps to protect your personal information, prevent any infringement of your rights or undermine your trust. This Privacy Notice describes the information The Divorce Surgery and advising barrister collect about you, how it is used and shared, and your rights regarding it.

### **Data Controller**

The Divorce Surgery is registered with the Information Commissioner’s Office (ICO) as a Data Controller for the personal data that it holds and processes. The Divorce Surgery’s registered address is 4PB 6th Floor St Martin’s Court, 10 Paternoster Row, London EC4M 7HP and its registration number is ZA299713. If you need to contact us about your data or this privacy notice, you should email [contact@thedivorcesurgery.co.uk](mailto:contact@thedivorcesurgery.co.uk).

### **Data Collection**

All the information that The Divorce Surgery and the advising barrister hold about you is provided to or gathered by us in the course of your case and/or proceedings. We will tell you why we need the information and how we will use it.

### **Our Lawful Basis for processing your information**

The UK General Data Protection Regulation (UK GDPR) requires all organisations that process personal data to have a Lawful Basis for doing so. The Lawful Bases identified in the UK GDPR are:

- Consent of the data subject
- Performance of a contract with the data subject or to take steps to enter into a contract
- Compliance with a legal obligation
- To protect the vital interests of a data subject or another person
- Performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- The legitimate interests of ourselves, or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Examples of legitimate interests include:

- Where the data subject is a client or in the service of the controller;
- Transmission within a group of undertakings for internal administrative purposes;
- Processing necessary to ensure network and information security, including preventing unauthorised access;
- Processing for direct/indirect marketing purposes, or to prevent fraud; and
- Reporting possible criminal acts or threats to public security.

Our Lawful Bases are (a) performance of a contract with you to provide you with legal advice, (b) your consent and (c) compliance with our legal obligation to you. Our Legitimate Interest is provision of legal advice to you as our client. You have the right to withdraw your consent at any time. Where you do so this will not affect the legality of data processing which had taken place prior to your withdrawal of consent.

**The Divorce Surgery uses your information to:**

- Provide legal services to our clients, including the provision of legal advice;
- Keep accounting records and carry out office administration;
- Take or defend legal or regulatory proceedings or to exercise a lien;
- Respond to potential complaints or make complaints;

- Check for potential conflicts of interest in relation to future potential cases;
- Promote and directly/indirectly market our services;
- Carry out money laundering and terrorist financing checks;
- As otherwise required or permitted by law.

The Divorce Surgery does not use automated decision-making in the processing of your personal data.

Both The Divorce Surgery and the advising barrister collect and process both personal data and special categories of personal data as defined in the UK GDPR. This includes:

- Personal details;
- Family details;
- Lifestyle and social circumstances;
- Financial details;
- Education, training and employment details;
- Physical or mental health details;
- Racial or ethnic origin;
- Political opinions;
- Religious, philosophical or other beliefs;
- Trade union membership;
- Sex life or sexual orientation;
- Genetic information;
- Biometric information for the purposes of uniquely identifying a natural person;
- Criminal proceedings, outcomes and sentences, or related security measures;
- Other personal information relevant to instructions to provide legal services, including information specific to the instruction in question.

The UK GDPR specifies that where special category data is processed, certain exemptions must apply. The following exemptions are applicable in our dealings with you: (a) you consent and (b) it is necessary for the exercise or defence of judicial claims or judicial acts.

**The Divorce Surgery and/or the advising barrister may share your personal data with:**

- The Divorce Surgery management and staff who provide administrative services;

- The advising barrister's chambers' staff who provide administrative services;
- Regulators (including the Bar Standards Board and the Information Commissioner's Office) or legal advisors in the event of a complaint, dispute or other legal matter;
- Law enforcement officials, government authorities, or other third parties to meet our legal obligations;
- Organisations which store and process data on our behalf;
- Organisations undertaking direct/indirect marketing of our services on our behalf;
- Legal directories for the purpose of professional development;
- Legislators and other policy makers undertaking reviews or reform of Family Justice;
- Any other party where we ask you and you consent to the sharing.

The Divorce Surgery uses third party application and services to store and process data in order to provide legal counsel to clients and data subjects. Whilst every effort has been made to obtain signed data processing agreements for all suppliers, some service providers only adhere to their own data processing agreements. Through our Cyber Security partner's supplier due diligence assessment, we have been assured that those agreements are fully compliant with the General Data Protection Regulation. The Divorce Surgery does not admit any liability or accountability for any failure by those third party suppliers to comply with the General Data Protection Regulation and contravention of the data processing agreement.

### **Transfers to third countries and international organisations**

The Divorce Surgery and the advising barrister do not, as a matter of course, transfer any personal data to third countries or international organisations.

This privacy notice is of general application and as such it is not possible to state whether it will be necessary to transfer your information out of the EEA in any particular case or for a reference. However, if you reside outside the EEA or your case or the role for which you require a reference involves persons or organisations outside the EEA then it may be necessary to transfer some of your data to that country outside of the EEA for that purpose. If you are in a country outside the EEA or if the instructions you provide come from outside the EEA then it is inevitable that information will be transferred to those countries. If this applies to you and you wish additional precautions to be taken in respect of your information please indicate this when providing initial instructions.

Some countries and organisations outside the EEA have been assessed by the European Commission and their data protection laws and procedures found to show adequate protection. If your information has to be transferred outside the EEA, then it may not have the same protections and you may not have the same rights as you would within the EEA.

The Divorce Surgery will not transfer personal information outside the EEA except as necessary for providing legal services or for any legal proceedings.

If you would like any further information please use the contact details at the end of this document.

### **How long will The Divorce Surgery store your personal data?**

The Divorce Surgery will normally store all your information:

- until at least 7 years from the date of the last item of work carried out, the date of the last payment received or the date on which all outstanding payments are written off, whichever is the latest or whatever other end point is chosen. This is because it may be needed for potential legal proceedings. At this point any further retention will be reviewed and the data will be marked for deletion or marked for retention for a further period. The latter retention period is likely to occur only where the information is needed for legal proceedings, regulatory matters or active complaints. Deletion will be carried out (without further notice to you) as soon as reasonably practicable after the data is marked for deletion.
- The Divorce Surgery will store some of your information which we need to carry out conflict checks. However, this is likely to be limited to your name and contact details.
- Names and contact details held for marketing purposes will be stored indefinitely or until we become aware or are informed that the individual has ceased to be a potential client.

### **Consent**

As explained above, The Divorce Surgery is relying on your explicit consent to process your information. You provided this consent when you agreed that we would provide legal services to you.

You have the right to withdraw this consent at any time, but this will not affect the lawfulness of any processing activity we have carried out prior to you withdrawing your consent. However, where The Divorce Surgery also relies on other bases for processing your information, you may not be able to prevent processing of your data. For example, if you have asked us to work for you and we have spent time on your case, you may owe us money which we will be entitled to claim.

If there is an issue with the processing of your information, please contact us by email at [contact@thedivorcesurgery.co.uk](mailto:contact@thedivorcesurgery.co.uk)

## **Your Rights**

The UK GDPR gives you specific rights around your personal data. For example, you have to be informed about the information The Divorce Surgery holds and what it is used for, you can ask for a copy of the personal information we hold about you, you can ask us to correct any inaccuracies with the personal data we hold, you can ask us to stop sending you direct mail, or emails, or in some circumstances ask us to stop processing your details. Finally, if The Divorce Surgery or the advising barrister does something irregular or improper with your personal data you can seek compensation for any distress you are caused or loss you have incurred. You can find out more information from the ICO's website: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/> and this is the organisation that you can complain to if you are unhappy with how we deal with you.

If you want to exercise any of these rights, please:

- Use the contact details at the end of this document;
- We may need to ask you to provide other information so that you can be identified;
- Please provide a contact address so that you can be contacted to request further information to verify your identity;

- Provide proof of your identity and address;
- State the right or rights that you wish to exercise.

We will respond to you within one month from when we receive your request.

### **Accessing and Correcting Your Information**

You may request access to, correction of, or a copy of your information by contacting The Divorce Surgery at [contact@thedivorcesurgery.co.uk](mailto:contact@thedivorcesurgery.co.uk)

### **Marketing Opt-Outs**

You may opt out of receiving emails and other messages from The Divorce Surgery by following the instructions in those messages.

### **Cookies**

Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. The Divorce Surgery website use cookies to:

- Validate users;
- Remember user preferences and settings;
- Determine frequency of accessing our content;
- Measure the effectiveness of advertising campaigns; and
- Analyse site visits and trends.

### **How to make a complaint**

The UK GDPR also gives you the right to lodge a complaint with the Information Commissioners' Office if you are in the UK, or with the supervisory authority of the Member State where you work, normally live or where the alleged infringement of data protection laws occurred. The Information Commissioner's Office can be contacted at <http://ico.org.uk/concerns/>.

### **Future Processing**

The Divorce Surgery does not intend to process your personal information except for the reasons stated within this privacy notice. If this changes, this privacy notice will be amended and placed on the website.

### **Changes to this privacy notice**

This privacy notice was published on 21<sup>st</sup> May 2018 and last updated on 8<sup>th</sup> June 2023.

The Divorce Surgery continually reviews its privacy practices and may change this policy from time to time. When we do it will be placed on the website.

### **Contact Details**

If you have any questions about this privacy notice or the information we hold about you, please contact the Divorce Surgery at [contact@thedivorcesurgery.co.uk](mailto:contact@thedivorcesurgery.co.uk), for the attention of the Data Protection Officer.