

Appropriate Policy Document: Admission to the Inn and Call to the Bar

1. Introduction

The Honourable Society of the Lincoln's Inn ("the Inn") processes Special Category and Criminal Offence data in accordance with Articles 9 and 10 of the UK General Data Protection Regulation (UK GDPR) and Schedule 1 of the Data Protection Act (2018) (DPA).

Schedule 1 Part 4 of the DPA requires the Inn to have in place an Appropriate Policy Document when certain conditions for processing Special Category and Criminal Offence data are relied on. This policy will tell you what Special Category and Criminal data the Inn processes with respect to admission to the Inn and Call to the Bar, the lawful basis (Schedule 1 condition in the DPA) for processing it, the purposes for which it is processed, and how the Inn ensures compliance with the principles of data protection law provided in Article 5 of the UK GDPR.

2. Description of data processed

During the process of admission to the Inn and Call to the Bar the Inn processes the following types of Special Category and Criminal Offence data:

Applicants for admission and Call must disclose criminal records in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ('the Exceptions order') as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013. For those wishing to be Called on or after 1st July 2021 the Bar Standards Board requires that this information is provided via a 'Standard' DBS check and the international equivalents.

Individuals must also disclose any other matters (other than protected convictions and cautions), which might reasonably be thought to call into question their fitness to become a practising barrister. This includes, but is not limited to, relevant orders e.g. civil orders (including, but not limited to, serious crime prevention orders, non-molestation orders, community prevention orders, civil restraint orders, financial reporting orders); convictions for disciplinary offences by a professional or regulatory body; bankruptcy orders, debt relief orders, or directors disqualification orders, bankruptcy restrictions orders, debt relief restrictions orders.

Individuals must also disclose if they have, or have ever had, a condition (including an addiction to drugs or alcohol) which means they may pose a risk to any member of the public or which may impair their judgment as a practising barrister.

3. Schedule 1 condition for processing

The Inn relies on the following Schedule 1 conditions for processing this data in order to determine an individual's fitness to practice:

UK GDPR Article 6 lawful basis for processing: Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.

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UK GDPR Article 9 lawful basis for processing [for health and disability data]: Article 9(2)(g) – processing is necessary for reasons of substantial public interest (with a basis in law).

DPA 2018 Schedule 1 condition for processing: Schedule 1 Part 2 para 12 – Regulatory requirements relating to unlawful acts and dishonesty. Processing of Criminal Offence data is necessary to comply with Bar Standards Board fitness to practise requirements which involve taking steps to establish whether an individual has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct.

4. How we comply with the data protection principles

Article 5(2) of the UK GDPR requires Data Controllers to demonstrate how they comply with the data protection principles provided in Article 5(1). The sub-sections below illustrate how the Inn ensures compliance with the principles of the UK GDPR and detail what measures the Inn has taken to demonstrate accountability for the personal data it processes.

4.1 Accountability

The Inn demonstrates its compliance with the data protection principles provided in Article 5 of the UK GDPR through the following measures and documents:

The Inn has appointed a Data Protection Officer whose role and responsibilities align with the provisions of Articles 37-39 of the UK GDPR.

The Inn has a Data Protection Policy and Privacy Notices which can be found on the [Policies page of our website](#) which explain to individuals how and why their data is processed, what their rights are, and how they can get in touch with the Data Protection Officer and the regulatory authority.

When the Inn routinely and/or regularly shares data with third parties, written agreements are in place with Data Controllers and Data Processors which meet the provisions of Articles 26 and 28 of the UK GDPR respectively.

The Inn carries out data protection impact assessments (DPIA) for uses of personal data that are likely to result in a risk to individuals' data protection rights and freedoms.

The Inn has appropriate security measures in place which are proportionate to the risk associated with the processing.

4.2 Lawful, fair and transparent processing

The Inn provides clear and transparent information to individuals in Privacy Notices about why their personal data is processed and the lawful basis for doing so. Applicants for admission to the Inn and Call to the Bar are provided with this privacy information when they complete the relevant forms or online application.

4.3 Purpose limitation

The Inn processes Special Category and Criminal Offence data collected at admission and Call in compliance with the legal obligation to determine whether an individual passes the fit and proper test to practise as a Barrister, as required by the Bar Standards Board.

It is possible that the Inn may process some Special Category and Criminal Convictions data for purposes not covered in this policy document. These conditions will either be covered by a separate Appropriate Policy Document, or are:

- where we ask for your explicit consent to process Special Category and Criminal Offence data;
- where processing is necessary to protect your vital interests; and
- for research, statistical and archival purposes.

Your personal data will not be processed for purposes which would be incompatible with the purpose for which the data was originally collected.

4.4 Data minimisation

At admission and Call, the Inn only collects the Special Category or Criminal Offence data necessary to achieve the purpose of determining whether an individual passes the fit and proper test to practise as a barrister.

4.5 Accuracy

The majority of the Special Category and Criminal Offence data supplied to the Inn at admission and Call is provided by the individual concerned. If an individual notifies the Inn that they believe the information held on them is inaccurate or out of date, the Inn will consider whether it is appropriate to rectify, replace or erase it as soon as possible and within one month. If there is a specific reason we cannot rectify or erase the data, for instance because the lawful basis does not permit it, we will record the decision.

4.6 Storage limitation

Special Category and Criminal Offence data processed by the Inn for the purpose of admission and Call, will be retained for the periods set out in the Inn's retention schedule. The retention policy for record categories is determined by legal and regulatory obligations, business requirements, and archival and historical purposes.

4.7 Security

The Inn stores paper and electronic data. The Inn keeps paper data in secure storage facilities on site at the Inn. The Inn stores electronic data on secure servers on site at the Inn and elsewhere in the UK, with Mimecast within the EU, and in Microsoft Azure data centres. There are appropriate security measures in place to prevent personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, access to personal data is limited to those employees, agents, contractors and other third parties who have a business need to know. There are procedures in place to deal with any suspected personal data breach and the Inn will notify you and any applicable regulator of a breach where we are legally required to do so.

5. Retention

We will retain your admission and Call declarations, information provided about matters disclosed on the declarations, information obtained from any criminal records check exercise, and the outcome of any referrals to the Inns' Conduct Committee indefinitely. Retention of this information ensures that we can verify at a later date that matters were declared to the Inn at the appropriate point and have been assessed by the Inn and Inns' Conduct Committee, where necessary. This also ensures that matters that have already been declared and dealt with at admission to the Inn are not subject to a further referral to the Inns' Conduct Committee at Call to the Bar.

6. Appropriate policy review date

This policy will be reviewed annually, or more frequently if necessary.

7. Additional Special Category and Criminal Offence data processing

The Inn may also process special category data and criminal offence data collected at admission and Call where an Appropriate Policy Document is not required e.g. for archival, research and statistical purposes. In these circumstances information will be provided about processing in the Inn's Privacy Notices.