

Essex Court Chambers

CONFIDENTIALITY PROTOCOL

1. Members of Essex Court Chambers are individual self-employed barristers who are not partners and who are personally required by Core Duty 6 and rC15.5 of the BSB Handbook to keep the affairs of each client confidential, and by rC89.5 to take reasonable steps to ensure that proper arrangements are made in Chambers to preserve such confidentiality and to manage professional conflicts of interest. The BSB attaches great importance to the preservation of client confidentiality. Guidance has been issued by the [Bar Standards Board](#) and by the [Bar Council](#).
2. In addition to their duties under the Code, members of Chambers owe clients obligations at law to preserve the confidentiality of client information.
3. Members of Chambers whose practice includes work for the U.K. Government are also required to comply with the Attorney General's Guidelines on Information Security and Government Work which can be viewed online.
4. Each member of Chambers is a data controller within the scope of the Data Protection Act 2018 and UK GDPR and must comply with their obligations under the legislation. The [Information Commissioner](#) regulates data controllers and can take enforcement action for contravention of the legislation.
5. This Protocol sets out the steps taken by members of Chambers to preserve confidentiality, and arrangements in the administration of Chambers to that end.

(i) Discussion of confidential matters

6. Members of Chambers will not disclose any confidential information in any (written or oral) communications with other persons unless expressly or impliedly authorised to do so.

(ii) Digital materials

7. All digital materials are secured using appropriate levels of encryption and password protection and are accessible only by the member (or members) of Chambers authorised to work with them. All electronic devices (including mobile phones and laptops) used for storing or accessing confidential information are encrypted and password protected. Where Confidential data is received in a digital format, such as on a CD or memory stick, or electronic file, members of Chambers take particular care to keep such devices safe and to ensure that their screens are

not visible to members of the public when using them outside of Chambers. Members of Chambers also ensure that information on electronic devices which they use for home working is not accessible by others. Chambers' IT staff are available to advise and assist in protecting the security of digital information and electronic devices.

8. Each member of Chambers has a unique email account protected by multi-factor authentication. Access to the electronic diary system is similarly protected. Likewise, the voicemail system is password protected. No member of Chambers has access to the email account, diary, fee or case information or voicemail of any other member of Chambers. Instant messaging: Members of Chambers and clerks only use end-to-end encrypted systems when IM is used to communicate.

(iii) Physical materials

9. Members of Chambers take care to ensure that papers and other physical materials remain confidential. Members of Chambers work in separate offices. Within Chambers, confidential documents are not left in a position where they may be viewed by others. Where confidential documents need to be taken outside of Chambers, members of Chambers take care not to allow the documents to become visible to others or to members of the public. When members of the clerking team or administrative staff at Chambers handle any confidential documents, care is also taken not to allow the documents to become visible to others or to members of the public.
10. Confidential documents are printed by members of Chambers on their personal printers or by Chambers' dedicated Postroom, to which members do not have access. Where a member of Chambers wishes to use the Postroom facilities, documents are sent to a member of the clerking team or Postroom staff using internal password protected email. The clerk or member of Postroom staff ensures that the documents are printed and then delivered to that member of Chambers directly.
11. When confidential documents are to be returned to solicitors or disposed of, they are kept in a secure room in Chambers until this takes place. Papers are kept in the member of Chambers' own room until they are collected and removed to the secure room. The disposal of confidential documents is carried out by security-vetted waste disposal contractors.

(iv) Members of Chambers involved in the same cases

12. Members of Chambers are frequently involved in the same cases, often on different sides and sometimes where one is an arbitrator, and one is counsel. In such circumstances, members of

Chambers and the clerking team and other administrative staff ensure that particular care is taken to uphold client confidentiality including an information barrier between relevant members of the clerking team.

13. Sometimes it will be obvious to those involved that more than one member of Chambers are involved in different teams or roles in a particular matter (such as where names appear on pleadings or following the appointment of an arbitral tribunal). When this becomes obvious or where other notification of the involvement of members of Chambers on different sides is received or where a member of Chambers is part of an arbitral tribunal on a matter in which other members of Chambers act as counsel, a separate clerk is allocated to each member of Chambers/each such team in the case and their contact details provided to the client.
14. If clients do not want the fact that they have taken legal advice to be known by anyone other than their advisors, this should be made clear at the outset, and it is advisable for instructions to be sent down under a project name, not including the parties' real names.
15. In any event, in respect of every case, all members of Chambers are aware that it is possible that other members of Chambers may be involved and they always act accordingly and with due discretion.
16. Members of Chambers and the clerking team are also happy to discuss enhanced security measures tailored to specific client needs and concerns where necessary.