

Annex 2

Guidance on the Bar Standard Board's Diversity Data Collection Rules

Introduction

Key points

- ✓ Chambers must ensure that there is a Diversity Data Officer (DDO).
- ✓ The identity of chambers' DDO should be provided to the Bar Standards Board (BSB).

Chambers DDO must ensure that:

- ✓ Diversity data covering age, gender, disability, ethnic group, religion or belief, sexual orientation, socio-economic background and caring responsibilities, is collected from members of chambers' workforce.
- ✓ Anonymised summary data is published on chambers website by 31st December 2012 in the first instance and every three years thereafter.
- ✓ Published data does not include sexual orientation or religion and belief data, unless there is consent from all members of chambers' workforce.
- ✓ Data is not published where the number of individuals in chambers workforce is fewer than 10 (ten), unless there is consent from all members of chambers' workforce.
- ✓ Where the number of individuals identified with any characteristic within any category is fewer than 10 (ten), no data is published for that characteristic within that category, unless there is consent from all those to whom the data in question relates.
- ✓ Data is broken down by seniority and job title: for example in categories representing Queen's Counsel, juniors, pupils, directors and general managers, senior clerks, junior clerks, and other administrative staff.
- ✓ There is a written Diversity Data policy in place which sets out when and how data will be collected. *A sample policy may be found at Annex A.*
- ✓ There is explicit consent to the collection and processing of diversity data before collection commences. *A sample notification and consent form may be found at Annex B.*
- ✓ The data is collected and processed securely and in accordance with the provisions of the Data Protection Act 1998.
- ✓ Individuals are informed that they may withdraw their consent to the processing, collection or publication of some or all of their diversity data at any time.

- 1.1 The purpose of this document is to provide guidance on the requirement for chambers to offer barristers and non-barrister members of their workforce the opportunity to provide Diversity Data for collection and publication in statistical form. Publication is not required where the number of individuals identified with any characteristic within any category is fewer than 10 (ten) in line with guidance issued by the Government Equalities Office¹.
- 1.2 Diversity Data is defined in the Code as information relating to the following characteristics in respect of an individual: age, gender, disability, ethnic group, religion or belief, sexual orientation, socio-economic background and caring responsibilities.
- 1.3 Collection of diversity data in relation to these rules will assist chambers in meeting the diversity data analysis rules set out at 408.1 of the Code of Conduct.
- 1.4 For the avoidance of doubt, this requirement applies only to self-employed barristers, however employed barristers may be subject to similar requirements imposed by their employer or another regulator. This guidance is primarily intended for self-employed barristers, Diversity Data Officers and chambers, but may be useful to members of the public.
- 1.5 This guidance is not exhaustive and will be reviewed from time to time in the light of the progress of the Diversity Data collection process and any relevant changes in the law.

2. Diversity Data

- 2.1 The Bar Standards Board is required, under the Legal Services Act 2007, to encourage an independent, strong, diverse and effective legal profession. Section 149 of the Equality Act 2010 (“the 2010 Act”) applies to the Bar Standards Board. It requires all public authorities, and bodies which exercise public functions, to have due regard to three needs in the exercise of all of their functions. They are the need
 - a. to eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the 2010 Act;
 - b. to advance equality of opportunity between persons who share a relevant protected characteristic, and persons who do not share it; and
 - c. to foster good relations between persons who share a relevant protected characteristic and those who do not share it

¹ <http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/specific-duties>

- 2.1 One of the ways in which the Bar Standards Board demonstrates and achieves these aims is by establishing rules on the collection and publication of Diversity Data (in anonymous form) at the level of individual chambers, and by extracting and aggregating diversity data from the “Barrister Connect” register for publication at a national level in order to give an aggregate view of the diversity make up of the profession.
- 2.2 The Legal Services Board consulted on ***Increasing diversity in the workforce*** in 2011 and as a result of that consultation published statutory guidance on the approach it expects from approved regulators, including the Bar Standards Board. In summary, the statutory guidance recommends that the approved regulators should require those whom they regulate to collect and publish diversity data on the whole of their workforce at the level of the firm or chambers, using a model questionnaire produced by the LSB. The full report on the Consultation and the statutory guidance and questionnaire are available on the LSB’s website.²
- 2.3 The Bar Standards Boards’ rules in respect of Diversity data are designed to implement this statutory guidance in a way that is proportionate and sensitive to the issues surrounding diversity data collection in small workplaces, as chambers typically are.
- 2.4 It is important to emphasise that provision by individuals of their diversity data remains entirely voluntary, that the data may be collected on an anonymous basis identified only by job title and seniority, that publication of summary data is not required in respect of sexual orientation, religion or belief, and nor is publication required where there is a real risk this would lead to identification of individuals. These provide important safeguards.
- 2.5 However, to the extent that individuals, recognising that the purpose of collection is to promote progress in equality and diversity, do agree to provide this data, collection and publication of the data at the level of individual chambers can help build a useful picture of the developing diversity profile of those chambers and of the workforce across the Bar as a whole.
- 2.6 The Bar Standards Board is therefore requiring chambers to give all individuals in the workforce (i.e. barristers and non-barristers who work within chambers) the opportunity through a model questionnaire to self-classify against the diversity characteristics set out at paragraph 1.2 above. The model questionnaire, which can be downloaded from the BSB’s website, is based on the LSB’s model. Using the questions in the LSB’s model will ensure that results can be compared, not only as between different chambers but also with other parts of the legal profession, since other approved regulators will be likely to use that model. For this reason, you are asked either

² http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/index.htm

a) to use the model questionnaire supplied; or b) to base any questionnaire of your own on the same questions as are used in the model questionnaire.

3. Data Protection responsibilities

3.1 Data protection responsibilities are included within this guidance for the purpose of assisting barristers in understanding the relevant data protection legislation.

3.2 The Data Protection Act 1998 regulates organisations or individuals that collect and use personal data. These organisations or individuals, known as data controllers, must ensure that their registration with the Information Commissioner's Office is up-to-date and includes the collection and use of Diversity Data. It is the data controller that is ultimately held responsible by the Information Commissioner for the collection and use of personal data. Whilst individual barristers will be the responsible data controller in respect of personal client data processed on their own behalf, there will be a named data controller (for example the Senior Clerk or Head of Chambers) in respect of data processed on behalf of and for the benefit of the barristers as a group. This will include the collection and use of Diversity Data under these rules and guidance.

4. The Diversity Data Officer

4.1 Each chambers is required to appoint a chambers' Diversity Data Officer. The Diversity Data Officer is responsible for implementing the rules relating to the collection and processing of Diversity Data, and for demonstrating compliance by providing the Bar Standards Board with any documents or information reasonably requested for that purpose. The identity of the Diversity Data Officer must be notified to the Bar Standards Board as soon as reasonably practicable following their appointment, or any change in their identity.

4.2 The individual appointed to be the Diversity Data Officer may, but need not be, the person appointed as Equality and Diversity Officer in accordance with rule 408.2(a) of the Code.

4.3 In addition, the Diversity Data Officer may, but need not be, the same individual as the data controller. In some cases, it may make sense for one individual to perform both roles. However, the roles are distinct: The data controller has specific statutory responsibilities under the Data Protection Act with respect to personal data whereas the Diversity Data Officer is responsible to the Bar Standards Board for compliance with the rules relating to the collection and processing of Diversity Data. The Diversity Data Officer need not be a barrister.

5. Production of policy for the collection and use of Diversity Data

5.1 The Diversity Data Officer is responsible for producing a written policy on the collection and use of Diversity Data. The written policy shall include details of when and how the data will be collected. Initial data collection must be completed in time to allow publication of anonymised summary data by the date prescribed by the Bar Standards Board, namely by 31st December

2012. Thereafter, data will need to be collected sufficiently frequently to allow chambers to comply with the obligation to update the published summary at least every three years. In addition, the policy should, as a minimum, address the following:

- (a) The names of the registered data controller and the Diversity Data Officer;
- (b) An explanation that the provision of Diversity Data is voluntary and the right of individuals to withdraw their consent to the use of their data at any time;
- (c) How the data will be collected and the purposes for which it is being collected;
- (d) That the anonymised data will be published online in summary form or made available to the public on request by the chambers, except for data on sexual orientation and religion or belief, or where there are reasonable grounds to believe that publication of the anonymous data would result in the identification of an individual in connection with one or more of the diversity characteristics;
- (e) How the data will be held, and the security measures in place to protect the identity of individuals in connection with the diversity characteristics;
- (e) How the data will be anonymised;
- (f) When and how the anonymised data will be published; and
- (g) How and when the Diversity Data will be deleted/destroyed.

5.2 A sample Diversity Data Policy is included in Annex A to this guidance. Please note that use of this policy does not guarantee compliance by chambers with their legal and regulatory requirements, for which they remain fully responsible. Chambers' should review and amend the sample Diversity Data Policy to ensure that it is suitable, having regard to their individual circumstances.

6. Collection of Diversity Data

6.1 In order lawfully to collect Diversity Data from individuals, chambers must obtain the explicit consent of individuals to the collection and processing of their data before collecting such Diversity Data. This is required because of the rules under the Data Protection Act concerning the processing of sensitive personal data (which includes information on health, ethnicity, religion or belief and sexual orientation). All Diversity Data, of whatever nature, should be treated as if it were sensitive personal data for the purposes of compliance with the Code.

6.2 To demonstrate that explicit consent has been obtained, it is necessary that chambers can show that individuals are prominently informed about how their personal data will be used and that the

provision of their personal data is voluntary. Likewise, individuals should be told that by providing their Diversity Data they are explicitly consenting to the collection and use of their personal data for the purposes for which they are notified. To this effect, they must be provided with a copy of the written Diversity Data policy when they are invited to provide their Diversity Data.

- 6.3 Chambers must ensure that consent to the collection and use of the Diversity Data is freely given, and it is the responsibility of all Heads of Chambers and Diversity Data Officers to ensure that it is made clear to all individuals from whom Diversity Data is requested, that there is no obligation to respond and that the provision of Diversity Data is entirely voluntary.
- 6.4 In particular, chambers must therefore ensure that there are no internal procedures or behaviours which could reasonably be considered to compel individuals to provide their Diversity Data. For instance, the provision of Diversity Data should be obtained through a separate mechanism from any other collection of information from members of the workforce. This should mean that a separate form or questionnaire and separate notification is used. The request for Diversity Data should be made in isolation from any other requests for information and, in particular, should in no way be linked or associated with any appraisal or performance review of barristers/members of staff.
- 6.5 The questionnaire provided to individuals must clearly state that the provision of Diversity Data is voluntary. To this effect, each question must include the option for the individual to indicate that they would 'prefer not to say' if they do not wish to answer.
- 6.6 In order to highlight the provision of consent, when collecting Diversity Data electronically chambers should consider requiring an individual to tick a box on the first page of the online process which operates as an indication that the individual recognises that, by continuing with the questionnaire, they are consenting to the use of their Diversity Data for the purposes described. On the page where the tick box is provided, there must be a clear and comprehensive explanation of the purposes for which the data will be used and the consent wording should make reference to this. Failure to tick the box and thus not provide consent should stop the individual continuing with the online process and prevent them from completing the Diversity Data questionnaire. Individuals should be able to retain a copy of the notification and consent wording, for example through a print out of the electronic form.
- 6.7 If collecting Diversity Data electronically, chambers may wish to use online tools such as Survey Monkey (www.surveymonkey.com) to collect Diversity Data through an online questionnaire. However, these may not be appropriate for all chambers and do not guarantee compliance by chambers with their legal and regulatory requirements, for which they remain fully responsible. Chambers should carry out their own checks before using such online tools to ensure that they are suitable, having regard to their individual circumstances.
- 6.8 If collecting Diversity Data manually, in hard copy, chambers should use separate documents for the notification and consent form and the questionnaire itself. The notification and consent form

should include a tick box which the individual must tick in order for the responses collected through the questionnaire to be valid. The notification must clearly state that the individual must tick the box in order for their consent to be given for the collection and use of their Diversity Data. Moreover, they must be informed that if the box is not ticked, then their responses are invalid. If the box is not ticked, the questionnaire (if completed) must be promptly deleted/destroyed in a secure manner. Individuals should be able to retain a copy of the notification and consent wording.

- 6.9 The Bar Standards Board has produced a sample notification and consent form which is included in Annex B to this guidance. However, use of the sample forms does not guarantee compliance by chambers with their legal and regulatory requirements, for which they remain fully responsible. Chambers' should review and amend the sample forms to ensure that they are suitable, having regard to their individual circumstances.
- 6.10 All members of the workforce must also be informed if the Diversity Data Officer considers that there is a risk that publication of the anonymised data could lead to identification of diversity characteristics in connection with an individual, in order that consent to publication is given in the knowledge of that risk. This risk may be evident at the time the data is collected, or thereafter, but must be notified to members of the workforce prior to publication in order that consent is provided or declined to publication accordingly.

7. Security of Diversity Data

- 7.1 The chambers must implement appropriate systems and measures to protect Diversity Data against unauthorised or unlawful access and use of the Diversity Data, and against accidental loss or destruction of, or damage to, the Diversity Data.
- 7.2 In ensuring Diversity Data (whether containing personal data or anonymised) is kept securely, the chambers should, as a minimum:
- (a) Take physical measures to protect hard copies from unauthorised access or damage including, for example, keeping the data in a secure locked drawer or box;

- (b) Have access controls so that only those persons whose role requires them to access the Diversity Data are able to access it (for example, any IT specialists assisting with anonymisation);
- (c) Encrypt removable media on which the data is stored, including tapes, disks, removable hard drives, CDs and DVDs; and
- (d) Include confidentiality provisions in any outsourcing arrangement with a third party who may process the Diversity Data on behalf of the chambers.

7.3 The Diversity Data Officer shall be responsible for establishing secure electronic and physical barriers to the Diversity Data. Only those persons whose business role requires them to have access should have access and all such personnel, including the Diversity Data Officer, must be informed about the confidentiality of the Diversity Data and, where necessary, receive appropriate training about how to use the Diversity Data.

7.4 In the event of accidental or unlawful destruction, loss, alteration, disclosure of, or access to, the Diversity Data which is likely to adversely affect the privacy of individuals, the Diversity Data Officer must investigate the incident and take action to mitigate the consequences such as seeking to recover the affected data, rectifying the circumstances that led to the incident and putting in place measures to ensure that such an incident is not repeated. In particular, the Diversity Data Officer must promptly notify:

- (a) the Information Commissioner's Office; and
- (b) where the Information Commissioner's Office so advises, the individuals likely to be affected.

8. Anonymisation, retention and destruction of Diversity Data

8.1 Chambers must anonymise Diversity Data as soon as reasonably practicable in order to ensure that individual members of the workforce cannot be identified in connection with their diversity characteristics. Chambers should take a reasonable and proportionate approach to anonymisation, and should have due regard to good practice set out in guidance such as that produced by the Office for National Statistics [(such as Statistical Disclosure Control)] and the Information Commissioner's Office [(including any Anonymisation Code of Practice)].

8.2 Chambers shall be entitled to retain anonymised data indefinitely and must do so for at least 12 (twelve) months after publishing the data in order that copies may be provided to the Bar Standards Board on request, for example where the Bar Standards Board queries any summaries produced by chambers. For the avoidance of doubt, the Bar Standards Board will not in any circumstances seek access to unanonymised Diversity Data.

- 8.3 Individuals should be informed that they have a right to object to the collection and use of their Diversity Data at any time, even if they have consented on a previous occasion, and to withdraw consent previously given, at any time. In the event that an individual withdraws their consent to the use of their Diversity Data or objects to the use of their Diversity Data, the chambers is required promptly to delete or destroy any Diversity Data which includes the personal data of that individual and to inform the individual accordingly (and within at least 21 (twenty-one) days of receiving notification from the individual of the objection or withdrawal of consent).
- 8.4 On receipt of a withdrawal of consent or objection and where the anonymised data has already been published in summary form, there is no requirement to extract that individual's personal data from the published summary unless the individual alleges that continued publication of the anonymised data is causing or is likely to cause them or someone else substantial damage or distress. In such circumstances, the Diversity Data Officer shall promptly examine whether the publication of the anonymised data identifies the individual in order to determine whether the continued publication of the data is justified. This determination should include, for instance, whether substantial damage or distress is or is likely to be caused and if so whether this is unwarranted. Should the publication be deemed unjustified, the Diversity Data Officer must ensure that the anonymised data is removed from publication until, as far as reasonably possible, the individual's personal data is extracted. Once the individual's personal data has been extracted and securely destroyed, the anonymised data shall be re-published in summary form. The Diversity Data Officer must respond to the individual explaining the decision that the chambers has reached and any action taken, within at least 21 (twenty-one) days of receiving the allegation from the individual.

9. Publication and Sharing of Anonymous Data

- 9.1 Chambers must publish a summary of the anonymised data on their website or, if they do not have a website, make such information available to the public on request by 31st December 2012 in the first instance and thereafter every three years. Where chambers do not have a website, chambers should use reasonable and proportionate means to notify the public that any member of the public can request and receive a copy of the summarised anonymised data from the chambers, in electronic or hard copy form, as appropriate.
- 9.2 When publishing the summary of the anonymous data, chambers must not include Diversity Data relating to the diversity characteristics of sexual orientation, religion or belief unless there is consent to this from the members of the workforce.
- 9.3 The summary of anonymised data should include a breakdown of each diversity characteristic by job status and role, in a manner which reflects seniority: For example, chambers' should publish summary data from barrister members in categories representing Queen's Counsel, junior tenants and pupils, and from non-barrister members in categories representing directors and general managers, senior and junior clerks and other administrative staff.

- 9.4 Notwithstanding efforts made to anonymise data, rare combinations of characteristics will generally lead to the identification of individuals. The summary of anonymous data must not include any analysis that links responses against different diversity characteristics or individuals. For instance, the analysis should not indicate that there are 11 (eleven) female barristers of which 1 (one) considers themselves to be disabled.
- 9.5 In the event that there is a real risk that the publication of the summary of anonymous data would result in the identification of an individual in respect of one or more of their diversity characteristics, chambers are not required to publish that part of the information in the summary of anonymised data on their website or to make such information available to the public on request, unless the individuals who have provided the information have been notified that publication may result in the identification of an individual, and consent to such publication in such circumstances is provided by each. The Diversity Data Officer will need to make a judgment on reasonable grounds as to whether, in the given circumstances, there is a real risk of this.
- 9.6 However, as a general rule the risk of identification is considered likely to occur where the number of individuals identified with any particular characteristic within any category is fewer than 10 (ten),³ for example where 4 (four) junior tenants identify themselves as disabled. In those circumstances, publication must not occur unless full and free consent to such publication, in the knowledge of that risk, has been obtained. Whilst there may be circumstances where the individuals concerned are all willing to consent to such publication, there should never be any question whatsoever of any pressure on them to do so.
- 9.7 Data can be published using either percentages or numbers and can be presented in graph or table format. Data may be presented as is set out at figs.1 and 2 below. Numbers fewer than 10 in a given category can be represented using an asterisk or a range (for example, <10).

Fig 1.

³ The approach of not requiring publication of diversity data where those in a particular group are fewer than 10 derives from and is supported by government guidance on the approach to be taken by public bodies in publishing their own diversity data: <http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/specific-duties>. The BSB considers this approach all the more justified in the context of chambers which will be typically much smaller than the workforces of 15 or more contemplated in that guidance.

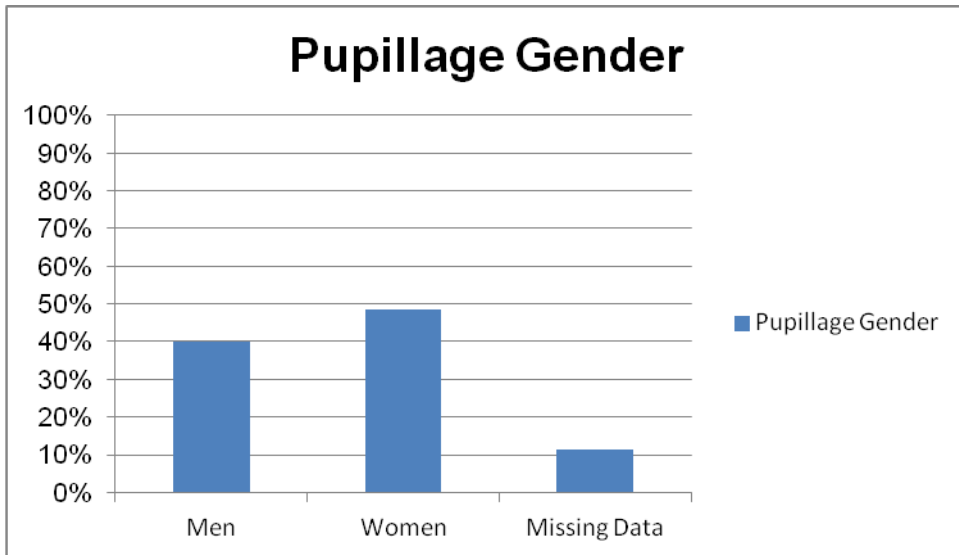
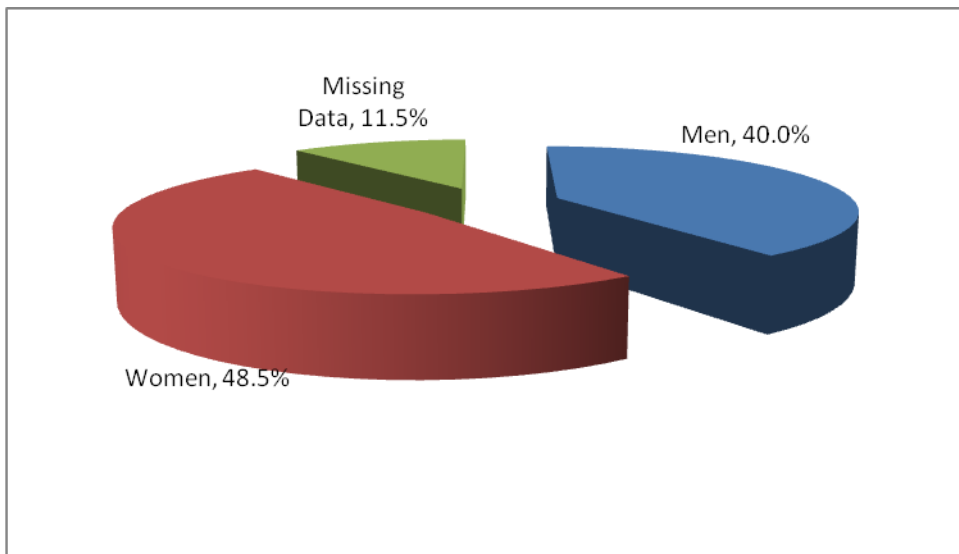


Fig 2.



Annex A: Sample Data Diversity Policy

This is the Data Diversity Policy for *[Name]* which is established in accordance with [paragraphs 408.2 (k) – (u) of] the Bar Standard Board Code. This policy is effective as of *[insert date]*.

(1) The name of the registered data controller for *[Name]* is *[insert name]* and the data controller's registration number on the Data Protection register is *[insert number]*.

(2) The name of the Diversity Data Officer is *[insert name]*.

(3) Collection of Diversity Data

Members of chambers' workforce are to be given the opportunity to provide their Diversity Data for collection in accordance with the requirements set out in the Code of Conduct for the Bar . The Diversity Data Officer shall be responsible for arranging and supervising the collection of Diversity Data.

(4) Why Diversity Data is collected

Individuals have the opportunity to provide their Diversity Data in order for *[Name]* to publish an anonymous summary of the Diversity Data. This provides transparency concerning recruiting and employment activities and aims to encourage an independent, strong, diverse and effective legal profession.

Please note that you are not required to provide your Diversity Data. You are free to choose whether or not you wish to provide all, some or none of your Diversity Data.

(5) How Diversity Data is collected

Diversity Data will be collected through *[insert details i.e. completing an online form/ survey or completing a hard copy form plus details of how the individual returns the completed form to the Diversity Data Officer if relevant]*.

You will be provided with a copy of the [online] form [by email], together with a copy consent form which you must complete if you wish to provide your Diversity Data. You will be notified of the deadline for completing the forms, which will be no less than 7 days from the date of notification.

(6) Keeping Diversity Data secure

All Diversity Data that is collected from individuals will be kept securely. *[Name]* shall put the following security measures in place to protect Diversity Data:

[Set out the measures that will be used to protect the Diversity Data against unlawful and unauthorised disclosure or access and the way in which it will be deleted]

[Name] will not share Diversity Data with any third parties, save as set out in paragraph 4 above.

Should you access or disclose Diversity Data accidentally or intentionally when you are not authorised to do so, you must notify the Diversity Data Officer immediately. Failure to do so may amount to misconduct and result in disciplinary proceedings before [Name] or the Bar Standards Board.

(7) Anonymising Diversity Data

[Name] is required to anonymise Diversity Data before publishing it in summary form. We will securely anonymise Diversity Data through *[insert details of how anonymisation is achieved and categories against which data will be summarised]*.

(8) Publication of the anonymised summary of Diversity Data

[Name] is required to publish Diversity Data in an anonymised summary format within the three (3) month period following the date for collection specified by the Bar Standards Board. The summary will break down the information in a way which categorises each diversity characteristic against job status and role, in a manner which reflects seniority within [Name]. The summary will be *[set out whether the summary will be published online if the chambers has a website or made available on request where the chambers does not have a website]*.

Diversity Data relating to sexual orientation and religion or belief will **not** be included in the anonymised summary format for publication.

Where there are fewer than 10 (ten) individuals within each published category who identify through the questionnaire with the same diversity characteristic (for example, 4 (four) individuals with a job role at the same level of seniority identify themselves as disabled), [Name] shall not publish the anonymous data relating to those individuals and that diversity characteristic unless the individuals concerned have each consented to such publication, in the knowledge that they may be identified against that characteristic.

[Since [Name] currently has fewer than 10 (ten) individuals in [the workforce/the job role of [name of role(s)]], individuals [in those roles] should be aware that by providing their Diversity Data it may be possible for a third party to identify them even though the Diversity Data is anonymised.]

(9) Destruction of Diversity Data

[Name] shall securely destroy the Diversity Data collected promptly after the Diversity Data has been anonymised and in any event within 3 (three) months following the date for collection specified by the Bar Standards Board (usually the date you receive notification under paragraph (5) above). Secure destruction means that as far as possible we shall not hold the Diversity Data in any way where it is possible to identify an individual. In practice *[insert details of how secure destruction will be achieved]*.

Anonymised data will be kept for 12 months before being destroyed as above.

(10) Questions or complaints

Individuals have a right to withdraw their consent or object to the use of their Diversity Data at any time.

Where your data has already been provided and you wish to withdraw your consent to its use, please notify the Diversity Data Officer in writing [*insert contact details*]. He/she will promptly delete or destroy any Diversity Data which includes your personal data and will confirm to you that this step has been taken within 21 days of receiving notification from you.

Where the anonymised data has been published in summary form, the Diversity Data Officer will not extract your personal data from the published summary unless you have reason to believe that continued publication of the anonymised data is causing or is likely to cause you or someone else substantial damage or distress. In such circumstances, the Diversity Data Officer will consider the reasons you have put forward and shall respond within 21 days from the date you notify him/her of your belief to let you know whether he/she has determined that the continued publication of the data is justified and, if not, to confirm the action taken to extract your data from the published summary and to delete or destroy any copies.

Should you have any questions or complaints about this Diversity Data Policy, please contact the Diversity Data Officer on [*insert contact details*].

Annex B: Sample Notification and Consent Form for Diversity Data

[Name] is required by the Bar Standards Board to give you the opportunity to submit diversity data so that, as further described below and in the Diversity Data Policy, such data may be published in anonymised summary form. This requirement is in order to provide transparency concerning recruiting and employment activities and aims to encourage an independent, strong, diverse and effective legal profession. Your diversity data will be processed by the Diversity Data Officer (and by other parties under his/ her direction) in order to fulfil the requirements set down by the Bar Standards Board.

Diversity data is considered to be information relating to the following characteristics: age, gender, disability, ethnic group, religion or belief, sexual orientation, socio-economic background and caring responsibilities. You may submit this diversity data through the questionnaire *[attached or insert link]*. You are under no obligation to provide diversity data and if you submit diversity data, you do so voluntarily.

Please read this notification before you consent to the submission of your diversity data.

Apart from data relating to religion or belief and sexual orientation, which will not be published, any diversity data that you submit will be processed for the purposes of publishing an anonymous summary *[on [Name] website or made available on request to members of the public in electronic or hard copy form]*. Diversity data you submit relating to religion or belief and sexual orientation will be anonymised and held by [Name] for 12 months but not published. The anonymous summary will categorise each diversity characteristic against job status and role, in a manner which reflects seniority within [Name].

Please tick this box to confirm that you explicitly consent to providing the data and the processing of your diversity data as described in this notice and consent form [].

Please note that it may be possible that fewer than 10 individuals in each published category identify through the questionnaire with the same diversity characteristic (for example, 4 (four) individuals who [job role] identify themselves as disabled). Where this occurs, we shall not include the data relating to those individuals and that diversity characteristic in the anonymous summary publication. This is because due to the smaller group of individuals concerned, it may be possible for a third party to identify distinct individuals. We will instead indicate that there are fewer than 10 in that category. Should we consider that it may be desirable to publish anonymised data relating to fewer than 10 people and you are one of those, we will explain this and ask you for your separate consent to such publication which you will be entirely free to give or withhold entirely as you see fit, and we will not publish anonymised data about that category unless all those within it consent,

[Where a chamber has fewer than 10 members of the workforce or in any particular job role, or level of seniority please insert]: *Since there are fewer than 10 individuals in [Name/job role(s)], it may be possible for a third party to identify individuals [holding those roles] when anonymous data is published. If you explicitly consent to the publication of your diversity data in anonymous form even if there is a possibility of you being identified against one or more of the characteristics, please tick this box to confirm this []. You are under no obligation to give this consent.]*

If you would like further information about the collection and use of diversity data, please refer to our Diversity Data Policy available here *[insert link or similar]*. You have a right to object to the use of your diversity data at any time, or withdraw your consent to its use, by contacting the Diversity Data Officer at *[insert details]*.

Annex C – Model Diversity Data Questionnaire

(attached as separate document due to formatting issues)