

**To reflect the proposed rule change:**

- Paragraph 34 of *Supporting Information – BSB Handbook Equality Rules*<sup>1</sup> will be deleted; and
- The following draft guidance will be inserted at paragraphs 34 to 39.

**Publication: sexual orientation and religion or belief data (SO and RB data).**

34. The decision to remove restrictions on the publication of SO and RB data became effective on **[date]**. The decision extends and streamlines data monitoring practices, found at rC110.3(q-s) of the BSB Handbook, across all diversity characteristics monitored by the model diversity data questionnaire at the end of this section.
35. Diversity data officers are responsible for implementing the BSB rules relating to the collection and processing of diversity data. To implement the updated rules on the publication of SO and RB data, diversity data officers will need to update their chambers' or BSB entities' diversity data policies, which must comply with the Data Protection Act 2018.
36. Whilst they are able to do so if they wish, the decision to remove restrictions on the publication of SO and RB data does **not** require chambers or BSB entities to re-run their data collection and publication processes, other than in the normal three-yearly cycle required by the BSB. The current cycle will run until [date], unless a chambers or BSB entity has been granted permission by the BSB to collect and publish its diversity data on another timescale.
37. Chambers should take care when processing sensitive personal data such as that relating to SO and RB status:
  - a. They must satisfy themselves that members of the workforce who give consent for data publication are made fully aware of what publication entails, particularly if fewer than ten people fall into a particular category of data.
  - b. If an individual withdraws their consent to the publication of their diversity data, and they are one of fewer than ten people whose data falls into an SO or RB category, the relevant data must be removed immediately from the chambers' or BSB entities' website; and
  - c. In exceptional circumstances, and even if there is no real risk of individuals being identified, chambers and BSB entities may have justifiable reasons for not publishing SO and/or RB data.
38. Regarding point c. the non-publication of SO or RB data may be appropriate where a chambers or BSB entity has a high-representation of individuals of a particular SO or RB status, which creates a threat to security or to business continuity by attracting, for example, unwanted protests or disruptive media attention. Situations like this are unlikely but may be more likely to occur in certain areas of law, at times when a chambers or BSB entity is undertaking a high-profile case or because a member of a workforce has a high-profile.
39. Diversity data officers are required to demonstrate compliance with the BSB rules relating to the collection and processing of diversity data, by providing the BSB with any

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<sup>1</sup>[https://www.barstandardsboard.org.uk/media/1977492/bsb\\_equality\\_rules\\_handbook\\_2019\\_update.pdf](https://www.barstandardsboard.org.uk/media/1977492/bsb_equality_rules_handbook_2019_update.pdf)

documents or information reasonably requested for that purpose. In line with this requirement, and as part of the BSB's supervision activity, diversity data officers within chambers or entities which do not publish SO or RB data may be asked to provide an explanation.

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