



Aaminah Khan

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Year of Call: 2001

“Strong in advice, pleadings and at hearings. Technically very astute whilst also able to convey complex law and application to lay clients.” **Legal 500 2022**

Aaminah specialises primarily in Information Law and Regulatory work, with particular experience in data protection, having spent 11 years in-house at the Information Commissioner’s Office (ICO).

Aaminah was called to the Bar in 2001 and developed a broad common law practice for 6 years before moving to the employed Bar, as a regulatory enforcement lawyer at the Information Law regulator, the ICO.

Having had a broad common law practice earlier in her career, Aaminah has experience of general crime, motoring, personal injury, and costs. Aaminah has experience of acting for both Claimants and Defendants in a wide range of personal injury matters, including Fast-Track and Multi-Track matters and detailed assessments in costs proceedings.

Appointments and memberships

- MPTS – Legally Qualified Chair and Legal Assessor
- Optical Council – legal advisor to the fitness to practice panel
- Member of the Association of Regulatory & Disciplinary Lawyers
- Member of the Criminal Bar Association

Secondments

Earlier in her practice, Aaminah gained experience of the range of offences prosecuted by the Revenue and Customs Prosecutions Office during a three-month secondment with the then in-house prosecutions team at HMRC, assisting on money laundering, drugs importation and VAT fraud cases.

Scholarships

- Middle Temple Benefactor's Scholarship
- Blackstone's Entrance Exhibition Award
- The Malcolm Wright Pupillage Award
- The Terence Fitzgerald Pupillage Award
- The State School Pupillage Award

Education

- ISEB Practitioners Certificate in Data Protection (Distinction)
- Brunel University LLB (Hons) – 1997-2000
- Manchester Metropolitan University – Bar Vocational Course

EXPERTISE

Data and Information Law

Whilst at the ICO, Aaminah advised on some of the most high profile and complex investigations undertaken by the ICO, including the Consulting Association (construction blacklisting case – undertaking the prosecution of the holder of the blacklist), Operation Spruce (ICO investigation of blue chip clients instructing private investigators) and was part of the legal team advising in Operation Cederberg (investigation into data misuse in political campaigns involving Cambridge Analytica/Facebook).

Aaminah advises in all aspects of data protection and GDPR compliance, with a particular interest in data subjects' rights such as Subject Access Requests (SAR), having experience of advising both data controllers and data subjects in respect of disputes arising from SARs, including in respect of making court applications for compliance orders. Whilst at the ICO, she advised in respect of the first Enforcement Notice issued in respect of a failed SAR, including conducting the subsequent appeal before the Information Tribunal.

Aaminah also has experience of advising clients in respect of the handling and reporting of security incidents, as well as the subsequent regulatory investigation. She has developed particular specialist experience in relation to claims for damages and other remedies arising from data protection breaches, as well as breach of confidence and misuse of private information claims. Aaminah has also advised in respect of making applications for interim and final injunctions in disputes with a data protection aspect,

Aaminah has extensive experience of advising in relation to and the prosecution of data protection offences, having been the lead in-house prosecutor at the ICO during her time at the employed Bar, advising from the early stages of an investigation up to and including confiscation proceedings. As well as prosecuting information law offences, Aaminah has a particular interest in the overlap with other offences and cybercrime more generally, having experience of the prosecution of Computer Misuse Act offences on behalf of the ICO.

Aaminah has been a prosecutor throughout her career and has particular expertise advising on data protection issues that arise in the context of the criminal justice system, having been the lawyer with conduct of the ICO's investigations into the data protection issues arising from Mobile Phone Extraction in policing and the use of complainants' data obtained by third parties (linked Operations Kegen and Edessa).

Aaminah also has experience of advising in respect of the wider range of Information Acts, including the Freedom of Information Act 2000 (on the application of exemptions and investigations into the offence of concealing or destroying information under section 77) and the Privacy and Electronic Communication Regulations (advising on investigations into breaches and advice on electronic marketing).

Recent Cases include:

- Acting as led junior counsel in a number of group litigation data breach cases currently at the pre-issue stage;
- Advising in numerous data related claims arising from alleged breach of the DPA/GDPR, breach of confidence and/or misuse of private information in varying levels of claim, including significant claims where psychological injury has been sustained, advising at the pre and post issue stage;
- Advising in a multiple claimant action in respect of a data breach committed by a housing association, with varying impacts on the data subjects;
- Advising in several separate claims against police forces arising from processing of personal data in breach of Part 3 of the DPA in respect of unauthorised disclosures of data of complainants and witnesses;
- Advised a law firm in respect of their response to a complex subject access request that followed protracted legal proceedings conducted by the firm;
- Advising various data subjects in respect of making applications for a compliance order under s167 DPA 2018, including drafting the same, in respect of data controllers refusing to comply with a subject access request;
- Acted for a data controller in respect of an interim injunction application against a former employee, who took copies of personal data when leaving her employment;
- Advised a data processor in the tech sector under investigation by the ICO following a high-profile data breach, which resulted in no further action against the processor;
- Acted for the ICO in the first successful prosecution of an offence of concealing or blocking information in response to an FOI request, under s77 FOIA 2000;
- Currently acting for the ICO in an ongoing prosecution for conspiracy to commit Computer Misuse Act offences.

Aaminah can be booked for training and can provide general or bespoke data protection/GDPR training to law firms, in-house legal departments and corporates.

Articles

- Article on the Information Commissioner's Opinion on live facial recognition, published in Privacy Laws & Business, November 2019.

Regulatory

Aaminah is developing wider regulatory experience in professional regulation and has been appointed as a Legally Qualified Chair and Assessor for the Medical Practitioners Tribunal Service MPTS, as well as a legal advisor for the General Optical Council.