

Privacy Notice for Legal Services

Introduction

This notice is provided to meet the requirements of the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) to provide transparency in how we process personal data within Legal Services. This document will be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

Service description

This is a specific privacy notice on processing personal data by Thanet District Council (“the Council”) for the purposes of dealing with legal proceedings and transactions in accordance with our statutory duties and/or the establishment, exercise or defence of legal claims.

It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The information collected and held by the Council will vary depending on the Legal services used, however we always collect the least amount of personal data required in order to fulfil our particular purpose.

What information we hold

We provide services in the following areas:

- Provision of legal advice
- Conducting or defending legal action on behalf of the Council
- Managing land, planning and land registration enquiries
- Conveyancing, such as in Right to Buy
- Procurement, drafting and completion of contracts for goods, works and services, and miscellaneous agreements
- Fulfilling the role of Monitoring Officer, on matters believed to be illegal or amount to maladministration, conduct of councillors and officers and operation of the Council's constitution.

To provide these services, we may need to process some personal data, including:

- Name
- Contact details
- Date of birth
- Identification information and documentation
- Criminal records

- Contact details of contractors, service providers and consultants
- Witness of deeds information
- Grant recipients
- Financial and social information
- CCTV footage

We may have to process additional information in relation to the legal transaction to enable us to progress the case. This will depend on the type of legal work being undertaken.

In addition to the above, we may also hold the following information:

- Racial or ethnic origin
- Religion
- Sexuality and sexual life
- Physical or mental health
- Trade union membership
- Criminal convictions and offences

We may process special category personal data and criminal offence data in the course of providing legal services and some of this data may have been supplied from other departments in the Council.

Legal Services may view documents such as:

- Antisocial behaviour logs and complaints, including photos
- Social housing tenant records
- Planning applications
- Employment records, including grievances
- Homelessness and Housing Options files
- Complaints
- Telephone recordings

Where we get your information from

Data is provided to us by other Council services areas who seek our advice and representation or via a third party such as the court or a solicitor. We may also be provided information from members of the public and their representative, where applicable.

Civica

On behalf of Thanet District Council, Civica deals with the collection, administration and enforcement of council tax and business rates, payment and administering of housing benefit, council tax support and queries from customers. At times, the Legal Service may work with Civica to meet our purposes.

How your information will be used

We use your personal information for the purpose of managing legal cases. We also carry out equality monitoring in accordance with our obligations under the Equality Act 2010 such as Public Sector Equality Duty (PSED) reporting.

In rare situations, we may use your personal information to monitor Regulation of Investigatory Powers 2000 (RIPA) authorisations.

Lawful basis for processing data under GDPR

We are permitted to use information to carry out tasks that are in the public interest (GDPR, Article 6(1)(e)), as well as to provide services that we are under a statutory obligation to provide (GDPR, Article 6(1)(c)). In some circumstances, we may also process some personal data under [explicit] consent (GDPR, Articles 6(1)(a) and 9(2)(a)).

In addition, Special Category personal data can be processed under Article 9(2)(f) where processing is necessary for the establishment, exercise or defence of legal claims by or against the Council.

The legal power is set out under Common Law and within the Local Government Act and Localism Act.

Legal Duties are laid out within, but are not limited to:

- the Housing Act
- Food Safety Act
- Environmental Protection Act
- Regulation Of Investigatory Powers Act 2000;
- Crime and Disorder Act;
- Anti Social Behaviour Crime and Policing Act;
- Town and Country Planning Act; and
- Licensing Act or within Acts which are detailed within the individual service's Privacy Notices.

If you fail to provide certain information when requested, we may not be able to perform the services you have requested or we may be prevented from complying with our legal obligations.

Who we will share your information with

We may share and receive personal information about you with the following:

- External solicitors and barristers under professional legal privilege and other professionals who may be acting on our behalf;
- The courts and those involved in legal proceedings and non-contentious matters including external solicitors and barristers, the Office of the Official Solicitor and Public Guardian, the Police, CAFCASS and other Local Authorities;
- Other Local Authorities, Parish Councils and Commons Associations;

- Highways England;
- Tribunals;
- Coroner's Inquests;
- Inquiries;
- Government Agencies;
- The Land Registry;
- HMRC;
- The National Health Service and Clinical Commissioning Groups;
- Members of the public by way of statutory notice or property related order (e.g. Compulsory Purchase Order);
- Trade Unions (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992);
- Deputies appointed by the Court of Protection and Attorneys appointed under Lasting Powers of Attorney.

The Legal Service recognises the sensitive nature of many of the documents processed and we only share confidential information with other council staff on a needs to know basis to fulfil our purpose and in accordance with Legal Professional ~Privilege, where appropriate.

How long do we keep your personal information?

The Council will only keep your personal data for as long as it is required to fulfil the purpose it was collected for or for as long as is required by legislation.

We will retain your information for six years (or twelve years for a document sealed as a Deed), following the closure of your case or the finalisation of enforcement action, as defined within the Limitation Act 1980.

Where your information relates to assets for which the Council retains an interest this information will be securely archived and retained for a period of six years (or twelve years for a document sealed as a Deed) after the Council's interest has come to an end.

What security precautions are in place to protect the loss, misuse or alteration of your information?

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us. However, we cannot guarantee the security of any information you transmit to us. We recommend that you take every precaution to protect your personal information.

Your data protection rights

We recognise that some of the personal data we receive may be highly confidential, therefore the Legal Service takes much care in respecting the rights and freedoms of the individuals when we process such information.

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants you a number of other rights:

- Your right of access - You have the right to ask us for copies of your personal information.
- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

You have the right to request information that is held about you and this is known as the 'right of subject access'. Making a request for your personal information is known as a 'Subject Access Request'. You are entitled to receive a copy of your records free of charge and within a month.

For more information on how we process your personal information and how to make a subject access request, please visit <https://www.thanet.gov.uk/privacy-statement>

Please note that in certain circumstances access to your records may be limited, for example, if the records you have asked for contain information relating to another person. You also have the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to have your data erased when you have withdrawn 3 consent.

If you wish to exercise any of these rights, you should contact the Data Protection Officer using the contact details provided below. You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

Further information

If you would like to know more about how we use your information or to exercise any of your rights, please contact the Data Protection Officer (DPO) at Thanet District Council:

Data Protection Officer
Thanet District Council
Cecil Street
Margate
CT9 1XZ

Email: dataprotection@thanet.gov.uk

Tel: 01843 577 000

How do I complain?

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner
Wycliffe House,
Water Lane, Wilmslow,
Cheshire SK9 5AF

Phone: 0303 123 1113 or 01625 545745

Website: www.ico.org.uk