

## **LEGAL SERVICES PRIVACY NOTICE**

The wording in this document reflects the requirements of the General Data Protection Regulation (GDPR) effective from the 25th May 2018.

<b>TCBC Service Area:</b>	Resources
<b>Work area:</b>	Legal Services
<b>Contact Details:</b>	Legal Services, Torfaen County Borough Council, Civic Centre, Pontypool NP46YB  LegalTeam@torfaen.gov.uk
<b>Privacy Notice Name:</b>	<b>Legal Services</b>

**Data controller:**

**Torfaen County Borough Council  
C/o Civic Centre  
Pontypool  
NP4 6YB**

**Data Protection & Information Governance Officer:**

**Susan Bullock  
01633 647467  
Email: [dpa@torfaen.gov.uk](mailto:dpa@torfaen.gov.uk)**

**This Notice is for Individuals who we hold information on which we use in Legal Proceedings/Advice and/or Contractual Issues. This Notice is designed to give you information about the data we hold about you, how we use it, your rights in relation to it and the safeguards that are in place to protect it.**

**Legal Services holds personal data about you in its capacity as data controller for the proper handling of legal matters. Information about how we use your personal data is provided below.**

**1) Have we sourced your personal data, directly from you?**

For the majority of cases/transactions we receive Instructions from a Client Department but there are some occasions where we receive information directly from the Individual for example if that person is a litigant in person, is Appealing a Council decision or is entering into a contract with the Council.

**How did we obtain your personal data?**

If we do not obtain it directly from the Individual then it was obtained/shared with the Council.

Information may be provided by a council department, a Member/Officer of the Council or another organisation such as the Police, Health Board, a Housing Association or a Care provider in Social Services Cases?

**2) What information does the Council collect about you?**

The Council collects and processes a range of information about you.

The type of information will vary depending on what area of law is involved. But can include

- Name
- Address
- Date of Birth
- Email Address
- Telephone Numbers
- Family information including ages, dependents and marital status
- Medical Records
- Criminal Records
- Social Media accounts such as Facebook and Twitter
- Photographs

**3) The Council may collect this information in a variety of ways:**

Via a third party as we obtain instructions from a variety of council departments

**We will store your data:**

In secure paper filing systems or electronically.

Also using the court bundling application Iken.

**4) Why does the Council process your personal data?**

To comply with the legal obligations of the Council

For example to take Adoption/Care Proceedings, to draft leases and licences for Council Premises, to instigate or defend criminal/civil proceedings and to draft Contracts for a variety of council services.

**5) Special categories of personal data:**

In some areas of law we collect personal data on Race, Ethnic Origin, Religion, Genetic Data, Health and Sex Life

However whilst we do not actively gather the Information below, this information is relevant to the Outcomes that we are trying to achieve. For example in a Child Care case we need to understand the cultural needs of the child in order to place them with the appropriate family.

**6) Who has access to your data?**

Personal data may be shared with the appropriate/ department in the Council.

The Council securely shares your data with third parties because it is necessary for the legal proceedings/work.

**Is the Data transferred out of the EEA?**

Yes

There is the possibility that Data could be transferred outside of the European Economic Area (EEA). This has occurred in cases involving Children Services. A number of safeguards are put in place for example data is sent on a password protected disk with the password sent by email. Alternatively the Password protected Data and the Password are sent under separate emails.

**How does the Council protect data?**

The Council has internal policies in place to ensure the security of the data it processes is not lost, accidentally destroyed, misused or disclosed. Furthermore data is not accessed by employees except in the performance of their duties.

Where the Council engages third parties to process personal data on its behalf, they do so on the basis of written instructions. These third parties are also under a duty of confidentiality and are obliged to implement appropriate measures to ensure the security of data.

**7) How long does the Council keep your data?**

The Council will hold your personal data only for the period that is necessary and will follow organisational and Local Authority standards in this area. We will keep your information in line with our Local Authority retention schedules. The Schedule is set out below in accordance with Areas of Law.

STORED FILE CATEGORIES	DESTRUCTION DATE
Conveyancing	12 years after closure (the process of changing ownership of land or property).
Agreements including easements, licences, leases etc.	Destroy 6 years after agreement expires or is terminated.
Contractual  Ordinary Contracts (signed)  Contracts under seal	Destroy 6 years after the terms of contract have expired.  Destroy 12 years after the terms of contract have expired.
Common Law matters (i.e. debt possession)	Destroy 7 years after last action.
Care Proceedings, any child care matters and adult services	75 years.
Prosecutions	Destroy 7 years after last action.
Employment cases	Destroy 7 years after last action.
Civil Litigation	Destroy 7 years after last action.
General Legal Advice	Destroy 3 years after last action.

Complaints to Ombudsman	6 years after administrative use is concluded (reports returns and other correspondence).
Advice on Complaints directed to Council	Destroy 3 years after last action.
Road Traffic and Footpath files	Destroy 7 years after completed.
Accommodation Order files	Destroy 3 years after date registered.
Any other category	Destroy 3 years after last action.

8) Are we making automated decisions/profiling with your data?

No

### **Your rights**

You have a number of rights you can exercise:

- access and obtain a copy of your data on request
- require the Council to change incorrect or incomplete data
- under certain circumstances you can require the Council to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing
- to know the period of time that the data will be stored for
- the right to data portability
- the right to withdraw your consent at any time
- the right to lodge a complaint with the Information Commissioners Office at [www.ico.org.uk](http://www.ico.org.uk) or via their telephone helpline 0303 123 1113.

If you would like to exercise any of these rights, please contact Justine Cass. Deputy Monitoring Officer and Solicitor on [Justine.cass@torfaen.gov.uk](mailto:Justine.cass@torfaen.gov.uk)

## DOCUMENT CONTROL

<b>Title:</b>	<b>Legal Services – Privacy Notice</b>		
<b>Document Owner:</b>	<b>Senior Information Risk Owner (SIRO)</b>		
<b>Document Author:</b>			
<b>Reference:</b>	<b>IGFM005</b>	<b>Retention Period:</b>	<b>Until next review</b>
<b>Document Classification:</b>	Official	<b>Location:</b>	SWOOP
<b>Version / Status:</b>	Live	<b>Approved by:</b>	SIRO
<b>Current Issue Date:</b>	May 2018	<b>Next Review Date:</b>	May 2019

## REVISION HISTORY

<b>Issue Date</b>	<b>Version / Status</b>	<b>Reason for Change</b>	<b>Changed By:</b>
April 2018	1.0 Live	Form created to achieve GDPR Compliance	Sue Bullock
May 2018	1.0 Live	Form created by Legal Services	Justine Cass