

PN006 - LEGAL SERVICES PRIVACY NOTICE

The wording in this document reflects the requirements of the General Data Protection Regulation (GDPR)

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

Data controller:

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

If you wish to raise a concern about the handling of your personal data, please contact the Data Protection Officer using the details below;

Data Protection Officer:

Susan Bullock
01633 647467
Email: 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?

In some cases personal data is received by Legal Services directly from you.

How did we obtain your personal data?

In most cases personal data comes from other Service areas within the Council. On occasions other people or organisations provide personal data by making a complaint or submitting information on behalf of someone else. In addition, outside agencies such as other local authorities may provide Legal Services with personal data.

2) What information does the Council collect about you?

Legal Services hold information which is pertinent and relevant to the subject of and parties to a legal transaction.

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

But can include;

- Name, address, date of birth, contact information (telephone and email where appropriate);
- National Insurance Number (where appropriate);
- Identify information and documentation;
- Family information including ages, dependents and marital status
- Criminal Records
- Social Media accounts such as Facebook and Twitter
- 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. For example in a matter relating to Child Protection we may require access to your medical records. In addition to health information we may also need to process other special category data such as biometric information which could include CCTV footage and photographs however we would only use this information if it was required to conduct legal matters on the behalf of the Council.

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

Please see (1) and (2) above.

We will store your data:

In secure paper filing systems or electronically.

4) Why does the Council process your personal data?

Legal Services needs to process your personal information;

- to comply with the law

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are;

- to carry out a task in the public interest or in the exercise of official function;
- for the legitimate interests of representing the Council in a legal transaction;
- to meet contractual and legal obligations in relation to the performance of a contract.

In limited circumstances direct consent may be obtained.

5) Special categories of personal data:

In some legal transactions it deals with Legal Services hold special categories of personal data including (but not limited to) information relating to, revealing or concerning race, ethnic origin, religion, genetic data, biometric data, health, sex life and sexual orientation.

The lawful ground for processing special category personal data under the General Data Protection Regulation is Article 9(2) (f) (legal claims and judicial acts).

6) Who has access to your data?

Personal data may be shared with the appropriate Department within the Council.

Additionally, Legal Services may share your personal data with advisors and service providers so that they can assist us in processing a legal transaction. Legal Services only shares information to the extent that it considers the information is reasonably required for these purposes.

In addition where required by law or to carry out a public task under an official function of the Council, Legal Services may share your personal information with:

Other public bodies:

- Healthcare, social and welfare organisations;
- Educators and examining bodies;
- Local and central government;
- Ombudsman and regulatory authorities;
- Courts and tribunals;
- International law enforcement agencies and bodies;
- Law enforcement and prosecuting authorities;
- Police complaints authority;
- The disclosure and barring service (DBS)

Other organisations / individuals

- Professional advisers and consultants;
- Housing associations and landlords;
- Private investigators;
- Partner agencies, approved organisations and individuals working with the police;
- Healthcare professionals;
- Legal representatives and defence solicitors.

Is the Data transferred out of the EEA?

Generally, the Council will not process your personal data outside the EEA. In exceptions where this is required Legal Services will ensure equivalent data protection controls are in place before any personal data is transferred.

How does the Council protect data?

The Council has internal policies in place to ensure the security of personal data it processes is not lost, accidentally destroyed, misused or disclosed.

Where the Council engages third parties to process personal data on its behalf, they do so on the basis of written instructions.

Other organisations which the Council shares personal data with will be responsible to you directly for their use of that personal data. Personal data held by those organisations is subject to their own data protection policies which will apply to their use of your personal data.

7) How long does the Council keep your data?

Legal Services will hold your personal data only for the period that is necessary.

However, Legal Services is required to retain information including personal data for a period at the end of the transaction. The length of the retention will depend on the nature of the transaction. Legal Services will keep your personal data in line with the Local Authority Retention Schedule.

The Schedule is set out in full below.

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 - to obtain a copy of your data on request;
- Rectification – to require the Council to change incorrect or incomplete data;
- Object, Restrict or Delete - 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;
- Data Portability - to receive and/or transmit data provided to the Council to other organisations (this applies in limited circumstances);
- To know the consequences of failing to provide data to the Council
- To withdraw your consent at any time (where consent has been given);
- To lodge a complaint with the Information Commissioners Office.

If you would like to exercise any of these rights as outlined above, please contact legalteam@torfaen.gov.uk.

The Information Commissioner can be contacted at: The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone 0330 414 6421 or e-mail Wales@ico.org.uk.