

## Legal Services Department Privacy Notice

### Overview

We take our obligations under privacy and data protection law very seriously.

This Privacy Notice is designed to help you understand what Personal Information we collect, why, how we use it and who we share it with. It also explains the rights you have in connection with your Personal Information, including how to contact us or to make a complaint.

**Exeter City Council** is registered as a data controller with the Information Commissioner's Office, which is the UK's independent body set up to uphold information rights. As a data controller we are responsible for ensuring that when we process Personal Information we comply with EU and UK data protection law and use it in accordance with our client's instructions and our professional duty of confidentiality.

This Privacy Notice may change from time to time and in response to guidance and best practice advice issued by the Information Commissioner's Office in particular in response to the change in data protection law in the UK on 25 May 2018. We will inform you of changes via our website and if you are a client we will inform you of any key changes in writing. This Privacy Notice was last updated on 23 May 2018.

### Glossary of key terms used in this Notice

<b>We, us, our</b>	Exeter City Council, Legal Services department
<b>Data Protection Officer</b>	The Data Protection officer of Exeter City Council
<b>Matter</b>	Legal advice, services and representation on your particular matter
<b>Personal Information</b>	<p>Also referred to as 'personal data' and means information about a living person by which that person can be identified.</p> <p>Some of that information will identify the individual directly, for example by giving their name and email address. It may also be possible to identify someone indirectly, from information in which their name is not given, for example by naming their job title and employer, or by using another form of identifier such as their IP address.</p> <p>See below in "What Personal Information do we collect and use?" for examples of the type of information which would fall within this definition.</p>

## What Personal Information do we collect and use?

The type of Personal Information we collect and process depends on our relationship with you and the context in which we obtain and use it. The table below sets out the Personal Information we will or may collect depending on the circumstances.

### Clients – where we are advising and/or acting for you

We will require certain Personal Information to be able to provide our service. If you do not provide Personal Information we ask for, it may delay or prevent us from providing services to you.

Personal Information we may collect	Personal Information we may collect depending on our relationship with you
<p>Name, address and telephone number.</p> <p>Information to enable us to check and verify identity, eg date of birth or passport details.</p> <p>Electronic contact details, eg email address and mobile phone number.</p> <p>Information relating to the Matter in which you are seeking our advice or representation.</p> <p>Your financial details so far as relevant to your instructions, eg the source of your funds if you are instructing us on a purchase transaction or your bank if we will need to transfer money to you.</p>	<p>Information provided by you about other individuals in connection with the advice we are providing to your local authority or business, eg information relating to your employees</p>

## How Personal Information is collected and your responsibilities

We will collect Personal Information from you in person when we take instructions from you in relation to your Matter

Third parties may pass Personal Information to us to use in the course of providing our legal and professional services. The processing of this Personal Information may be necessary for the progression of your Matter and to enable us to act in your best interests as your legal and professional adviser.

The sources we may also collect Personal Information from include:

- publicly accessible sources, eg Companies House or HM Land Registry

- direct from a third party, eg from a client or its representatives or the solicitor acting on the other side or from client due diligence providers
- a third party with your consent, eg, a bank or building society, another financial institution or advisor; consultants and other professionals we may engage in relation to your Matter
- our information technology systems, eg, case management, document management and time recording systems; door entry and reception logs; our Website other relevant websites and applications
- automated monitoring of our Website and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, email, voicemail and instant messaging systems.

When we provide our services to you, we may hold and use Personal Information about your officers and/or your employees or other third parties. When you provide Personal Information to us relating to a third party you confirm that you have any necessary permission or authority to do so. You are also responsible for ensuring that the provision of that Personal Information complies with data protection and other applicable law. You must have the authority to disclose personal data if it relates to someone else and all data disclosed should be complete, accurate and up to date.

### **How and why we use your personal information**

Under data protection law, we can only use your Personal Information if we have a proper reason for doing so, for example:

- to comply with our legal and regulatory obligations
- for our legitimate interests (see below) or those of a third party
- for the performance of our contract with you or to take steps at your request before entering into a contract
- you have given consent.

A legitimate interest is when we have a business or commercial reason to use your Personal Information, so long as this is not overridden by your own rights and interests. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Information for our legitimate interests. We do not use your Personal Information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

The table below explains what we use your Personal Information for and our reasons for doing so. In general terms we will collect Personal Information to provide legal and professional services and to manage our relationship and comply with our legal obligations arising from it

<b>What we use your Personal Information for</b>	<b>Our reasons</b>
To provide legal services.	For the performance of our duties in providing a legal service to our clients.

<b>What we use your Personal Information for</b>	<b>Our reasons</b>
<p>Conducting checks to identify those we enter into contracts with and to verify their identity.</p> <p>Screening for financial and other sanctions or embargoes to help detect and prevent financial crime.</p> <p>Other processing necessary to comply with professional, legal and regulatory obligations that apply to our business, eg under health and safety regulation or rules issued by our professional regulator, the Solicitors Regulation Authority.</p>	<p>To comply with our legal and regulatory obligations and for our legitimate interests or those of a third party.</p> <p>Any Personal Information we receive from you for the purpose of preventing money laundering and/or terrorist financing will be used only for that purpose or with your express consent, or as permitted by or under another enactment.</p>
<p>Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies.</p>	<p>To comply with our legal and regulatory obligations.</p>
<p>Ensuring the Council's policies (and client requirements) are adhered to, eg policies covering security and internet use.</p>	<p>For our legitimate interests or those of a third party.</p>
<p>Operational reasons, such as improving our efficiency, for insurance purposes, training and quality control.</p>	<p>For our legitimate interests or those of a third party.</p>
<p>Ensuring the confidentiality of commercially sensitive information.</p>	<p>For our legitimate interests or those of a third party.</p> <p>To comply with our legal and regulatory obligations.</p>
<p>To respond to any complaint or allegation of negligence made against us.</p>	<p>For our legitimate interests or those of a third party.</p> <p>To comply with our legal and regulatory obligations.</p>
<p>Preventing unauthorised access and modifications to systems.</p>	<p>For our legitimate interests or those of a third party.</p> <p>To comply with our legal and regulatory obligations.</p>
<p>Updating and maintaining our records.</p>	<p>For the performance of our contract with you or to take steps at your request before entering into a contract.</p>

<b>What we use your Personal Information for</b>	<b>Our reasons</b>
	To comply with our legal and regulatory obligations. For our legitimate interests or those of a third party.
Statutory returns.	To comply with our legal and regulatory obligations.
Ensuring safe working practices, staff administration and assessments and to enforce or protect any of our rights, property or safety (or those of our members, employees or clients).	To comply with our legal and regulatory obligations. For our legitimate interests or those of a third party.
External audits of our accounts.	To comply with our legal and regulatory obligations. For our legitimate interests or a those of a third party.
With your consent, external audits and quality checks.	For our legitimate interests or a those of a third party.

### **Change of purpose**

We will only use your Personal Information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your Personal Information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

We may process your Personal Information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Who we share your Personal Information with**

We share Personal Information with:

- professional advisers who we instruct on your behalf or refer you to, eg. barristers, accountants or other experts
- other third parties where necessary to carry out your instructions, eg. HM Land Registry in the case of a property transaction, Companies House
- our insurers and brokers
- the audit of our accounts
- our bank
- external service suppliers, representatives and agents that we use to make our business more efficient

- our IT support and service providers may also access your Personal Information as a consequence of them providing support to us.

We only allow our service providers to handle your Personal Information if we are satisfied they take appropriate measures to protect your Personal Information. We also impose contractual obligations on service providers to ensure they can only use your Personal Information to provide services to us and to you.

We may disclose and exchange information with law enforcement agencies and regulatory bodies to comply with our legal and regulatory obligations.

Where possible, information will be anonymized but the recipient of the information will be bound by confidentiality obligations.

### **Where your Personal Information is held**

Information may be held at the Council offices, those of third party agencies, service providers, representatives and agents as described above (see “Who we share your Personal Information with”).

### **How long your Personal Information will be kept**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

When it is no longer necessary to retain your Personal Information, we will delete or anonymize it. In some circumstances we may anonymize your Personal Information (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

To determine the appropriate retention period for Personal Information, we consider the amount, nature, and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of it, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances you can ask us to delete your data, see “Your rights with respect to your Personal Information”.

### **Clients**

We only keep your Personal Information about your Matter for as long as is necessary to:

- carry out our services for your Matter
- respond to any questions, complaints or claims made by you or on your behalf
- show that we treated you fairly
- keep records required by law to comply with our legal obligations and our duties to our regulator. Anti-money laundering legislation requires us to retain records, documents and information relating to a Matter, including a copy of your identity documentation, for five years from conclusion of your Matter or when our business relationship with you ends.

For most types of Matters we retain your matter file, which will include your Personal Information, for up to fifteen years from the closure of the file although this may vary

depending on the nature of your Matter. Further information about the likely retention period will be provided to you when your Matter concludes.

### **How we protect your Personal Information**

Keeping information secure is a key part of data protection compliance. We have put in place appropriate security measures to prevent your Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Information to those employees, agents, contractors and other third parties who have a business need to know and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so or where we have otherwise agreed with you that we will.

If we have given you a username and password which allows you to access certain parts of your Matter via our systems, you are responsible for keeping it confidential.

### **Your rights with respect to your Personal Information**

You are entitled at any time to ask us for a copy of Personal Information we hold about you, known as a data subject access request. You are also entitled to ask that any information we hold about you is supplemented, updated or rectified. You can make any of these requests free of charge by contacting us - see Contact Information.

In certain circumstances you can also ask us to restrict our processing of your Personal Information, eg if you contest the accuracy of it. We will always review your request and will inform you if we decide we are not required to action it. If you require us to restrict or stop processing your Personal Information in any way, this may impact on our ability to provide our legal or professional services to you.

For further information on each of those rights, including the circumstances in which they apply, please contact us or see the Guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under the General Data Protection Regulation.

We do not use your Personal Information for automated decision making.

### **How to complain**

We hope that we can resolve any query or concern you may raise about our use of your information. If you want to complain about how we have handled your Personal Information, please follow the procedure in our Complaints Policy which is available on the Council's website.

We will investigate your complaint but if you are not satisfied with our response or believe we are processing your Personal Information unlawfully, you can complain to the UK Information Commissioner's Office. Further information is available on the ICO website or telephone 0303 123 1113.

### **Contact Information**

Please contact us or our Data Protection Officer by post, email or telephone if you have any questions about this Privacy Notice or the information we hold about you.

The Council's webpage on Data Protection can be found on:



<b>Our contact details</b>	<b>Our Data Protection Officer's contact details</b>
<p>Baan Al Khafaji City Solicitor and Head of HR</p> <p>Exeter City Council Civic Centre EXETER EX1 1JN bkhafaji@exeter.gov.uk 01392 265874</p>	<p>The Data Protection Officer Executive Support Unit Exeter City Council Civic Centre EXETER EX1 1JN E mail address: <a href="mailto:data.protection@exeter.gov.uk">data.protection@exeter.gov.uk</a> Phone: 01392 265257</p>