

Privacy Notice for Legal Services

As the Council's Legal Services department, we provide legal advice and representation to internal clients including the Electoral Registration Officer, Returning Officer and Human Resources. Some of the information that you provide to our service departments is passed to us.

We are required to comply with the Solicitors Regulation Authority Code and Handbook 2011 and other professional codes of conduct.

Processing activity - In general terms, we process personal information relating to the following areas of law:

- building control
- commercial property
- community safety
- complaints
- contract advice and preparation
- data protection
- defending legal proceedings
- employment
- environmental
- freedom of information
- highways
- housing
- human resources advice including employment tribunal
- judicial review
- leases
- licensing
- litigation (civil & criminal)
- local government
- ombudsman
- planning
- procurement
- property & conveyancing (council related property disposals and acquisition)
- prosecutions for breaches of legislation applicable to us as local authority
- regulatory notices
- right to buy
- case files
- general correspondence between you and us

Information requirements – our processing activities may include:

- full name
- address including postcode
- date of birth
- telephone number
- email address
- forwarding address(es)
- National Insurance Number
- CCTV images
- criminal conviction(s)
- health information

Failure to provide your personal data may result in us being unable to complete legal transactions with you or may lead to you failing to receive important legal documents and relevant correspondence.

Lawful bases - our lawful bases for processing your personal information are:

- where it is necessary to fulfil your contractual obligations with us e.g. entering into a lease

- where it is necessary for the establishment, exercise or defence of legal claims
- where needed for the performance of a task carried out in the public interest (under legislation applicable to our client departments)
- in the exercise of official authority vested in us (under legislation applicable to our client departments)

Reasons for processing - some of the information that is collected and shared is classified as:

- special category personal data;
- criminal convictions and offences (including alleged offences).

This is processed for reasons of substantial public interest under the laws that apply to us where this helps to meet our broader social obligations such as where it is necessary for us to fulfil our legal obligations and regulatory requirements. We have a Data Protection Policy that sets out how this information will be handled.

Data sharing - we may share and receive information from:

- our department(s) including Electoral Registration
- Councillors
- Member of Parliament
- other local authorities
- Government agencies
- Courts/tribunals
- Land Registry
- Ombudsman
- lawyers and other professionals who may be acting on our behalf

We may also rely on a number of **exemptions**, which allow us to share information without needing to identify a lawful basis for the sharing and without needing to provide you with information about the sharing. Please refer to the Kent & Medway Information Agreement for further details on our sharing arrangements.

Retention period - we keep your personal information for the minimum period necessary. The information outlined in this Privacy Notice will be kept in accordance with the retention periods referred to in our Asset Information Register. All information will be held securely and disposed of confidentially.

Anonymisation- your personal information may be converted ('anonymised') into statistical or aggregated data in such a way that ensures that you cannot be identified from it. Aggregated data cannot, by definition, be linked back to you as an individual and may be used to conduct research and analysis, including the preparation of statistics for use in our reports.

Right to object – where processing your personal information is required for the performance of a public interest task (see our lawful bases above), you have the right to object on 'grounds relating to your particular situation'. We will have to demonstrate why it is appropriate for us to continue to use your personal data.

Changes to this Privacy Notice – we review this Privacy Notice regularly and will place updates on our website.

Please refer to our Corporate Privacy Notice at www.dartford.gov.uk for further details of how we process your personal information.

LEGAL SERVICES - INFORMATION ASSET REGISTER 2018

Strategic Directorate	Information Asset Owner	Record/Information Description	DPIA	Retention Period	Statutory or Common Practice	Action taken at end of retention period – e.g. disposal/archive	Personal Data	Lawful basis for processing personal data	Sensitive data	Lawful basis for processing sensitive data	Held manually and/or on electronic systems (including mobile devices)	Children (under 13) – parental consent normally required
Internal Services	Head of Legal Services	Procedure/guidance on a range of legal & constitutional matters	Applicable if policy or strategies have privacy implications	Supersedes previous version	Common Practice	Archive	No	N/A	No	N/A	Electronic – Council computer/laptop – intranet-website	N/A
Internal Services	Head of Legal Services	Property matters – case file material – sales, purchases, leases, mortgages, easements, covenants etc.	N/A	6 years from date of closure (excluding completed lease, licences etc. & other documents considered important for future reference)	Common Practice	Secure disposal	Yes (identifiable natural persons only) - name, address, contact details	Performance of a contract/taking steps preparatory to such a contract	No	N/A	Paper copy &/or electronically in Idocs	N/A
Internal Services	Head of Legal Services	Deeds – unregistered titles, leases, land registry titles, section 106 agreements, unilateral undertakings, contracts etc.	N/A	Permanent	Common Practice	Archive	Yes (identifiable natural persons only) – name, address, contact details	Performance of a contract/taking steps preparatory to such a contract	No	N/A	Paper copy in Deed Room &/or electronically in Idocs	N/A
Internal Services	Head of Legal Services	Contract files - case file material – tenders, specifications, draft contracts etc.	N/A	6 years from date of closure (excluding concluded contracts & other documents considered important for future reference)	Common Practice	Secure disposal	Yes (identifiable natural persons only) – name, address, contact details	Performance of a contract/taking steps preparatory to such a contract	No	N/A	Paper copy in Deed Room &/or electronically in Idocs	N/A

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Internal Services	Head of Legal Services	Court/Tribunals judgements/orders	N/A	6 years from date of file closure unless considered important for future reference	Common Practice	Secure disposal	Yes (identifiable natural persons only) – name, address, contact details	Legal claims or performance of a task carried out in the public interest	Yes – criminal offences	Substantial public interest	Electronically in Idocs	N/A
Internal Services	Head of Legal Services	Orders - byelaws, PSPOs etc.	N/A	Permanent	Common Practice	Archive	No	N/A	No	N/A	Paper copy in Deed Room &/or electronically (Idocs/intranet /website)	N/A
Internal Services	Head of Legal Services	Correspondence (general) – emails, letters, memos etc.	N/A	1 year unless considered important for future reference	Common Practice	Secure disposal	Yes (identifiable natural persons only) – name, address, contact details	Public interest (subsidiary activity)	No	N/A	Paper copy/ Electronic/ Idocs	N/A
Internal Services	Head of Legal Services	Town & Country Planning - case file material – instructions, section 106 agreements, unilateral undertakings, enforcement notices, advice etc.	N/A	6 years from date of closure (excluding completed notices, section 106 agreements, unilateral undertakings & other documents considered important for future reference)	Common Practice	Secure disposal	Yes (identifiable natural persons only) – name, address, contact details	As applicable - performance of a contract or performance of a task carried out in the public interest Legal compliance – Town & Country Planning Act 1990	Yes – health data, criminal offences etc.	Substantial public interest – Town and Country Planning Act 1990	Paper copy &/or electronically in Idocs	N/A

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Internal Services	Head of Legal Services	Litigation – civil/criminal (taking or defending proceedings) – case file material – instructions, court orders etc.	N/A	6 years from date of closure (excluding orders/judgements & other documents considered important for future reference)	Common Practice	Secure disposal	Yes (identifiable natural persons only) – name, address, contact details	Legal obligation compliance	Yes – racial or ethnic origin, state of health, offences (including alleged offences) criminal proceedings outcomes and sentences (as applicable)	Substantial public interest - Legal claims/legal proceedings	Paper copy &/or electronically in Idocs	N/A
Internal Services	Head of Legal Services	Data protection – subject access requests to Legal Services only – requests received and responses including Stage Two reviews on all SARs and ICO communications	N/A	2 years from date of closure	Common Practice	Secure disposal	Yes – name, address, contact details	Legal obligation compliance – Data Protection Act 2018	Yes - racial or ethnic origin, state of health (as applicable)	Legal obligation compliance – Data Protection Act 2018	Paper copy &/or electronically in Idocs Anonymised - electronically on SAR Schedule on intranet	N/A
Internal Services	Head of Legal Services	Freedom of Information – non-routine requests received and decisions including Stage Two reviews and ICO communications	N/A	2 years from date of closure Or Incoming emails filed in Outlook) – 2 years	Common Practice	Secure disposal	Yes – name, address, contact details-	Legal obligation compliance – FOIA 2000	No	N/A	Paper copy &/or electronically on Pentana (anonymised)	N/A
Internal Services	Head of Legal Services	Performance Indicators – for the legal services function	N/A	If a performance indicator is no longer required, deactivate and archive the indicator and delete from Pentana after 1 year	Common Practice	Disposal	No	N/A	No	N/A	(Anonymised) Electronically on Pentana	N/A
Internal services	Head of Legal Services	Constitution	N/A	Supersedes previous version	Common Practice	Archive	No	N/A	No	N/A	Electronic-computer, intranet, internet	N/A
Internal Services	Head of legal Services	Standing Orders (Procedural) and Contracts Standing Orders	N/A	Supersedes previous version	Common Practice	Archive	N/A	No	No	N/A	Electronic-computer, intranet, internet	N/A

LEGAL SERVICES - INFORMATION ASSET REGISTER 2018

TECHNICAL & ORGANISATIONAL SECURITY MEASURES

Strategic Directorate	Information Asset Owner	IT Systems	Security Measures
Internal Services	I.C.T. Manager	Idocs and department computers and laptops/internet /intranet – maintenance and administration	Password administration, data encryption, implementation of PSN based email services, IT services contingency planning, firewall barriers to hackers, virus protection software, full back-up, rescue disks, security audits, regular testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing, corporate guidance on organisational/security measure, DPIAs, DPA contract provisions
Internal Services	Policy & Corporate Support Manager	Pentana – maintenance and administration	BS ISO/IEC 27001:2013 compliant
Internal Services	Head of Legal Services	Idocs/Pentana/Intranet /Internet and computers and laptops – – input of data – the legal services function	Use of passwords, ISAs, appropriate contract clauses, use of PSN based email services, clear desk policy, departmental contingency planning, data retention, training, monitor screen position, physical security methods (e.g. locked cabinets), visitor passes, anonymisation, pseudonymisation, DPIAs, operational risk assessment, DPA contract provisions Dedicated IP address, up-to-date encryption protocols etc.
External Services	Enforcement & Regulatory Services Manager	CCTV – maintenance and administration	A key part of the Council's security setup
Internal Services	Head of Legal Services	Disaster recovery	See Business Continuity Plan

LEGAL SERVICES - INFORMATION ASSET REGISTER 2018

CONSENT, OUTSIDE EEA TRANSFERS, DATA PROCESSOR, MARKETING AND RISKS

Categories of data subjects	Recipients of personal/sensitive data	If lawful basis for processing is CONSENT -is procedure in place for explicit consent and withdrawal of consent	Outside EEA Transfers YES/NO –if yes - check contractual requirements	Data Processor (i.e. processing undertaken by a third party under contract) & ISAs	Data Processor Contract Checked - to be varied to incorporate 2018 DPA requirements?	Marketing	Profiling	Risk category (to be mapped in accordance with the Council's corporate/strategic risk impact table) Operational Risk Register updated – YES/NO
Identifiable natural persons such as leaseholders, tenants, complainants, applicants, employees, service users etc.	1.Council department(s) 2.Courts/tribunals etc. 3.Ombudsman 4.Councillors 5.Land Registry 6.Government agencies	N/A	NO	Pentana – Cloud based – retention only Secure Waste Disposal - no processing SDC bulk printing – no processing Kent & Medway ISA	Pentana - BS ISO/IEC 27001:2013 compliant Secure Waste Disposal – confidentiality clause in contract SDC bulk printing SLA –includes confidentiality requirements K&MISA - compliant	N/A	N/A	YES – low - 2