

ISLINGTON LEGAL ADVICE CENTRE DATA PROTECTION POLICY

1. Introduction

Islington Legal Advice Centre (“ILAC”) is a not-for-profit volunteer service that provides free legal advice to individuals who attend our open sessions (“clients”). In this capacity, we collect, store and use personal data about clients and others with whom they have dealings.

This Policy sets out how ILAC works to ensure that the data it holds is properly managed so as to protect clients and other individuals from the risk of identity theft or personal embarrassment, and to protect ILAC and its volunteers from the reputational risks that would flow from any data breach.

2. Background

The General Data Protection Regulation (“GDPR”) applied in the UK from 25 May 2018. Following Brexit, data protection is governed in the UK by the UK GDPR and the Data Protection Act 2018. ILAC holds a broad range of personal data relating to clients and others and we are a data controller under the data protection legislation.

3. Personal data held

ILAC is a data controller in respect of the information provided by clients or others in the conduct of advice and assistance to them. ILAC collects and processes information provided by clients so that we can advise them, and also information about its volunteer staff. The ways that we use that information include:

- Understanding the details of the dispute or legal issue for which the client has sought advice;
- Communicating with the client; and
- Communicating with others and drafting documents to progress the client’s legal case.

The categories of personal data that we process may include the following:

Personal data	Residential address; email address; telephone number; family members; relationships within families; income; employment status.
Special category data	Health information; race or ethnic origin; sexual orientation; religious, political or philosophical beliefs.

We are satisfied that the personal data held by us is relevant and not excessive for our purposes. ILAC has never sought information for any purpose other than to assist its clients.

4. Legal basis for processing

We can only process personal data where we have a lawful basis for doing so under the GDPR, and we must keep records of these grounds. We are processing the data

that we hold because we have a legitimate interest in doing so, namely ILAC'S function of providing advice to the clients and also for protecting ILAC from claims against it from its clients, by providing a record of the advice given.

The processing of the data is necessary for ILAC'S legitimate interest. It is not possible to advise the clients without this data. It is not reasonable to consider any other route for providing this information.

In balancing the legitimate interests against the rights of data subjects (including those who are not the clients), it is important to note that this is the only way for most of the clients to receive legal assistance. In the interests of justice and accessibility of legal redress, the legitimate interest overrides the rights of data subjects for their data not to be processed.

Where we process special category data relating to a client, ILAC will receive that client's consent either by their agreement that this information should be provided to us by a third party, or by the act of the client passing the data directly to ILAC.

5. Sharing data with third parties

ILAC shares information with the third parties who are or may be in dispute with the clients and with judicial bodies such as the County Court and with local authorities.

ILAC does not transfer data outside the UK and no one does so on ILAC'S behalf.

6 How ILAC manages personal data

Access and security

Personal data needs to be kept and used as securely as possible from when it is first collected until its eventual destruction. We therefore have put in place appropriate measures to protect personal data against unauthorised or unlawful processing, and against accidental loss, destruction or damage. These include:

- ensuring that ILAC paper documents are kept in the ILAC storage cupboard at St Mary's Church which is generally kept locked and is within locked or otherwise occupied premises;
- ensuring that all documents transferred to our processors, are transferred either via email or (if physically) personally by one of our volunteer members of staff;
- ensuring that any use of personal data by our volunteer staff on their laptops and other mobile devices is on a device that is appropriately passworded;
- limiting the circumstances where paper documents are taken out of the premises by any of our volunteer staff and, where this, occurs or such documents are printed outside the premises, ensuring that such documents are kept personally by our volunteer staff and securely destroyed or returned to ILAC when no longer needed; and
- ensuring that personal data that is sent using the ILAC Gmail address which offers strong account security features.

Data retention

ILAC does not retain personal data for any longer than is necessary. Approximately once a year, the files held at St Mary's Church are reviewed and those which terminate seven years ago or more are shredded. It is not practical for a small not-for-profit organisation such as ILAC to also ensure that all information held on computer systems is removed and instead ILAC is taking steps to ensure that such information is appropriately secure. However, volunteers are encouraged to remove from their electronic systems data that is more than seven years old, except for ongoing cases, and applications for advice or an appointment that are more than seven years old are removed from our systems in an annual review.

Appointing a Data Protection Officer (DPO)

We determined that we are not required to appoint a DPO. If our circumstances or regulatory requirements change, we will review this decision.

Data subjects exercising their rights

We recognise the rights of data subjects as set out in the GDPR, including their right to:

- request access to personal data;
- request that personal data be amended, updated or deleted; and
- object to the continued processing of personal data.

Clients can exercise these rights by applying in writing to ILAC.

If a client requests the return of their file, where such file has been retained, ILAC will provide to the client in person, on the production of identification and on signature by the client of an acknowledgement that the removal of the file brings to an end any right of action against ILAC.

Data breaches

A personal data breach means a breach of security or other incident leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

All actual or potential data protection breaches must be reported without delay to the data committee who will immediately consider (a) whether this breach should be reported to the ICO and (b) whether the breach should be reported to data subjects. ILAC strives to retain sufficient details to contact data subjects in these circumstances. It is noted that the most likely data breaches would be either a break into the St Mary's Church premises, or the loss by an individual volunteer of their personal laptop or other device.

7 Communications with data subject

ILAC is responsible for providing data subjects with information about the processing of their personal data. Given the logistic difficulties with the notification to all data subjects, ILAC has issued privacy notices as required by the GDPR by way of a notice on its website, signposted by the form completed to apply for advice.

We are satisfied that our privacy notices are concise and transparent and easily accessible.

8 Ownership and review of this Policy

This Policy applies to all volunteer staff and has been reviewed at the annual general meeting of ILAC and circulated to volunteer staff to ensure that they are familiar with its terms and have agreed to comply with them.

The data committee are responsible for reviewing and updating the procedures set out in this document. The Policy will be reviewed regularly and, in the light of experience, can be amended as considered necessary.

Signed

Policy adopted:

Next review date: []