

Data protection policy

Legal Services
Last Updated: January 2013

Introduction

The Law Society is required to maintain certain personal data about living individuals for the purposes of satisfying operational and legal obligations. The Society recognises the importance of the correct and lawful treatment of personal data; it maintains confidence in the organisation and provides for successful operations.

The types of personal data that the Law Society may require include information about: current, past and prospective employees; Law Society members; suppliers and others with whom it communicates. This personal data, whether it is held on paper, on computer or other media, will be subject to the appropriate legal safeguards as specified in the Data Protection Act 1998.

The Law Society fully endorses and adheres to the eight principles of the Data Protection Act. These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation, and storage of personal data. Employees and any others who obtain, handle, process, transport and store personal data for the Law Society must adhere to these principles.

Principles

The principles require that personal data shall:

1. Be processed fairly and lawfully and shall not be processed unless certain conditions are met;
2. Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
3. Be adequate, relevant and not excessive for those purposes;
4. Be accurate and, where necessary, kept up to date;
5. Not be kept for longer than is necessary for that purpose;
6. Be processed in accordance with the data subject's rights;
7. Be kept secure from unauthorised or unlawful processing and protected against accidental loss, destruction or damage by using the appropriate technical and organisational measures;

- 8 And not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Satisfaction of principles

In order to meet the requirements of the principles, the Law Society will:

- observe fully the conditions regarding the fair collection and use of personal data;
- meet its obligations to specify the purposes for which personal data is used;
- collect and process appropriate personal data only to the extent that it is needed to fulfil operational or any legal requirements;
- ensure the quality of personal data used;
- apply strict checks to determine the length of time personal data is held;
- ensure that the rights of individuals about whom the personal data is held, can be fully exercised under the Act;
- take the appropriate technical and organisational security measures to safeguard personal data;
- and ensure that personal data is not transferred abroad without suitable safeguards.

The Law Society's Designated Data Controller

The Law Society's Information Compliance Manager is responsible for ensuring compliance with the Data Protection Act and implementation of this policy on behalf of the Chief Executives. The Information Compliance Manager may be contacted at

Information Compliance Manager
113 Chancery Lane
London
WC2A 1PL
020 7320 5662 (int: 4117)
informationcompliance@lawsociety.org.uk

Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with the Information Compliance Manager.

Status of the policy

This policy has been approved by the Chief Executives and any breach will be taken seriously and may result in formal action.

Any employee who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with their Line Manager or the Society's Information Compliance Manager in the first instance.

Subject access

All individuals who are the subject of personal data held by the Society are entitled to:

- Ask what information the Society holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed what the Society is doing to comply with its obligations under the 1998 Data Protection Act.

Employee responsibilities

All employees are responsible for:

- Checking that any personal data that they provide to the Society is accurate and up to date.
- Informing the Society of any changes to information which they have provided, e.g. changes of address.
- Checking any information that the Society may send out from time to time, giving details of information that is being kept and processed.

If, as part of their responsibilities, employees collect information about other people (e.g. about solicitors practice details or personal circumstances, or about employees in their business unit), they must comply with this Policy.

Data security

The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Rights to access information

Employees and other subjects of personal data held by the Law Society have the right to access any personal data that is being kept about them on computer and also have access to paper-based data held in certain manual filing systems. This right is subject to certain exemptions which are set out in the Data Protection Act. Any person who wishes to exercise this right should make the request in writing to the Society's Information Compliance Manager, using the standard form which is available from the Information Compliance Manager or via the Intranet and the Law Society website.

The Law Society reserves the right to charge the maximum fee payable for each subject access request. If personal details are inaccurate, they can be amended upon request.

The Society aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days of receipt of a completed form and fee unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the individual making the request.

Publication of Law Society information

Information that is already in the public domain is exempt from the 1998 Act. This would include, for example, information on staff contained within externally circulated publications such as the Law Society diary. Any individual who has good reason for wishing details in such publications to remain confidential should contact the Society's Information Compliance Manager.

Subject consent

The need to process data for normal purposes has been communicated to all data subjects. In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data must be obtained. Processing may be necessary to operate Society policies, such as health and safety and equal opportunities.

Retention of data

The Society will keep some forms of information for longer than others. All staff are responsible for ensuring that information is not kept for longer than necessary.

Supporting material

The purpose for holding personal data and a general description of the categories of people and organisations to whom we may disclose it are listed in the Data Protection register. This information may be inspected or obtained from the Information Commissioner's Office.