

Defence Solicitor Call Centre (DSCC) - Privacy Notice

PURPOSE

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you, how you can get access to a copy of your personal data and what you can do if you think the standards are not being met.

When using this service, you agree to the terms of use for both [gov.uk/help/terms-conditions](https://www.gov.uk/help/terms-conditions), as well as the terms and conditions specific to this service found below.

Who manages the Defence Solicitor Call Centre?

The Legal Aid Agency (LAA) is responsible for the DSCC service and the Ministry of Justice (MoJ) is the Data Controller for the personal information we hold. The Legal Aid Agency (LAA) is an Executive Agency of the MoJ. Our public function is to provide legal aid.

The Legal Aid Agency (LAA) is responsible for the Defence Solicitor Call Centre (DSCC) service. The LAA works with other organisations who deliver the DSCC service.

When you first make contact with DSCC, you will communicate with the DSCC Operator Service (DSCC) which is delivered by Hinduja Global Solutions UK Limited. The DSCC receives requests from the police for legal advice for individuals detained at Police Stations and it deploys these requests to appropriate providers.

Hinduja Global Solutions UK Limited is a contractor employed by the LAA to deliver the DSCC Operator Service.

Where the DSCC ascertains that the matter involves an offence covered by Criminal Defence Direct (CDD) and there is no interview or identification procedure within 90 minutes of the request being received, it will deploy the matter to CDD and a CDD advisor will contact the Station directly to give advice to the detainee.

If the matter is a non-criminal immigration matter, then the DSCC will deploy the case to the Immigration Telephone Advice (ITA) service and the ITA advisor will contact the Station directly to give advice to the detainee.

Complaints

If you would like to make a complaint about the DSCC service, please contact DSCC on 0345 543 8910.

How is my privacy protected?

Protecting your privacy is important to us.

We only save the information provided by the Police, if you require a duty or own solicitor and the Police or a Provider contacts the DSCC.

At this point, the LAA need to know your name and offence details and all the information you've entered will be stored when the case is logged with the DSCC. We store this information so that the operator can pass it on to the Provider who will provide advice and assistance to you at the Police Station.

To provide you with the best service that we can, DSCC may share some information about you with other organisations but we will only do this if you have given us permission or when we have a lawful basis for doing so.

In exceptional circumstances, we may share limited information about you without your consent. This would only be to prevent fraud, to help detect crime, if it is required by law or by a court order or if we are very worried about your safety or the safety of others.

In order to provide a service to you, the DSCC may need to view, collect, record and hold ('process') personal data about you.

Personal data is information about you as an individual. For example, your name, address or telephone number.

This statement explains how DSCC will process any personal data that we collect from you or that you provide to us.

The LAA works with other organisations who deliver the DSCC service. For example, when you first contact DSCC, you will communicate with the DSCC Operator Service, which is delivered by Hinduja Global Solutions UK Limited (a contractor employed by the LAA).

Once you have contacted the DSCC Operator Service, the operator will transfer the relevant information to a Duty Solicitor, your Own Solicitor or a Police Representative who will contact you at the Police Station. Depending on the offences that have been recorded, your details may be passed to CDD who will give you advice in a telephone call, if required.

The DSCC service is committed to following this Privacy Statement. DSCC Providers must also adhere to their own internal privacy policy.

What types of personal data do we process?

DSCC will only collect the minimum amount of information that is necessary and relevant, in order to deliver the DSCC service to you.

The kind of information DSCC may collect about you includes:

Clients

- Personal details including your name, offence details, and whether an appropriate adult is required due to age or mental capacity

Providers

- Providers are required to confirm their names, Pin numbers and telephone details in accordance with administration of the Police Station duty schemes
- Responses to any customer satisfaction survey or details of any feedback or complaints
- Information relevant to Accredited Representative application process and maintaining the Register of Police Station Representative register (an Accredited Representative may represent Detained Person's at the station on behalf a Solicitor) both of which are necessary to be able to deliver the DSCC service

Police

- Police are required to give information on rank, surname and shoulder number
- Responses to any customer satisfaction survey or details of any feedback or complaints

The amount of information DSCC will collect will depend on your specific needs.

How does DSCC use your data and why?

DSCC collects and records information about you to:

- Provide information and/or advice services to you
- Save you from repeating information every time you contact us
- Help us monitor and improve our service
- Build statistics about the DSCC service, monitor fraud and justify public expenditure; this information is collated in an anonymous format
- Collect views on the DSCC service and any improvements considered necessary; where consent is provided, DSCC User contact details may be passed onto an independent research agency
- Prevent or detect crime or fraud and
- Conduct occasional assurance audits to ensure that the decisions we make are correct and accurate

Without this information, DSCC would not be able to conduct the activities above which are essential to the delivery of legal aid.

The lawful basis for DSCC collecting and processing your personal data is the result of the powers contained in legislation, specifically the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

The LAA also process this data in order to enable Section 58 of Police and Criminal Evidence Act:

1) A person arrested and held in custody in a police station or other premises shall be entitled, if he so requests, to consult a solicitor privately at any time.

4) If a person makes such a request, he must be permitted to consult a solicitor as soon as is practicable except to the extent that delay is permitted by this section.

DSCC also collects 'special categories of personal data' for the purposes of monitoring equality. This is a legal requirement for public authorities, under the Equality Act 2010. Special categories of personal data obtained for equality monitoring will be treated with the strictest confidence and any information published will not identify you or anyone else associated with your legal aid application.

Given the purposes for which your personal data may be used (as referred to above), it is essential that the information you provide is accurate and complete.

How does DSCC collect your personal data and keep it safe?

DSCC may collect personal data about you by phone, online, email or post (see table below). Any personal data will be recorded and stored within a secure system that meets required Government standards.

DSCC will be able to view and verify the information that you provide and, where necessary, will amend it to maintain its accuracy.

As your personal data is stored on our IT infrastructure, and shared with our data processors, it may be transferred and stored securely outside the European Economic Area (EEA). Where that is the case, it will be subject to equivalent legal protection through the use of Model Contract Clauses.

Any transfers made will be in full compliance with all aspects of the data protection law.

By submitting your personal data, you agree to information being recorded, used and stored as outlined in this Privacy Statement.

How we collect and store your personal data

Phone When the Police call the DSCC, we will record relevant personal data that you have provided to them within a secure digital system.

We will also record calls with the Police and the Providers when deploying the case to them.

Email Transmitting information via email is generally not completely secure, and DSCC cannot guarantee the security of your data. Any data you transmit is at your own risk, unless you do so through a secure email address.

DSCC have procedures and security features in place to keep your data secure, once we receive it.

When you email DSCC, relevant personal data that you provide will be recorded within a secure digital system.

DSCC may monitor and store both your incoming and outgoing emails. We may also use blocking software.

Post When DSCC receives post, we may record relevant personal data included within a secure digital system.

DSCC may also retain original hard-copies of information submitted by you. This must be stored in a locked filing cabinet. Digital copies of letters may be scanned and stored.

When will we share information about you outside DSCC?

Confidentiality means ensuring information is only accessible by those allowed to have access to it.

We want to keep your contact with DSCC confidential, which means you can feel safe talking to us. But we sometimes need to share some information outside DSCC which we will explain below.

In order to provide you with the best service that we can, we may share some information about you with the organisations mentioned below. But we will only do this when it is lawful to do so.

- Public Authorities, such as Her Majesty's Courts and Tribunal Services (HMCTS)
- Professional representation and regulatory bodies such as the Law Society and the Solicitor Regulatory Authority (SRA)
- Storing information on our IT infrastructure which includes sharing information with data processors to provide email, document exchange and IT storage services
- If false or inaccurate information is provided or suspected fraud identified, the Legal Aid Agency can lawfully share your personal information with other Government bodies and fraud prevention agencies to detect and to prevent fraud and money laundering
- External research organisations engaged by the LAA to inform future government policy on legal aid; such research will not identify individuals whose data has been used for research purposes

When this is necessary, we will comply with all aspects of the relevant data protection laws.

In exceptional circumstances we may share limited information without your consent, for example if it is a legal requirement or a court compels us to do so.

If we do this, we will, wherever possible:

- Talk to you first
- Give you as much control as possible over how we do this
- Only share information on a 'need to know' basis

Access to personal information

You can find out if we hold any personal data about you and request a copy of this information by writing to the Legal Aid Agency to make a 'subject access request'. If you wish to make a subject access request, you will need to contact:

Disclosure Team

Legal Aid Agency

102 Petty France

London

SW1H 9AJ

data.access@justice.gov.uk.

When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need. We will not collect information that is irrelevant or unnecessary.

When we collect your personal data, we have responsibilities and you have rights. These include:

- That you can withdraw consent at any time, where relevant;
- That you can lodge a complaint with the supervisory authority;
- That we will protect and ensure that no unauthorised person has access to it;
- That your personal data is shared with other organisations only for legitimate purposes;
- That we don't keep it longer than is necessary;
- That we will not make your personal data available for commercial use without your consent; and
- That we will consider your request to correct, stop processing or erase your personal data.

Retention period or information collected:

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your

personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

<https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

For more information about the above issues or for copies of the retention policy, please contact the MoJ Data Protection Officer:

- MoJ Data Protection Officer
Post Point 10.38
102 Petty France
London
SW1H 9AJ
- Data.privacy@justice.gov.uk

Once the retention period has been reached, your personal data will be permanently deleted and destroyed.

Complaints

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

- Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
- Telephone: 0303 123 1113
- www.ico.org.uk

Changes to the statement

This policy is under regular review. Any changes made to the privacy policy will be posted here and, where appropriate, DSCC staff will be notified by email.

Complaints about this statement

If you would like to make a complaint about this statement and how it applies to you then please contact DSCC on 0345 543 8910.