



Legal Aid  
Agency

## LEGAL AID AGENCY 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.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

### About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in this form.

We know how important it is to protect individuals' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

### Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided on this form will be used for the purposes set out below.

### Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which has been provided on this form is for the purposes of processing claims for costs from solicitors and advocates for confiscation (POCA) proceedings. Specifically, we will use this personal data in the following ways:

- In collecting your details to enable us to assess claims for costs for confiscation proceedings;
- In conducting periodic assurance audits on any payments made to ensure that they have been made correctly and accurately; and
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.



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Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us carrying out our functions with respect processing claims for remuneration for confiscation proceedings.

The lawful basis for the Legal Aid Agency collecting and processing your personal data is the result of the powers contained in the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

We may also collect '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.

### **Who the information may be shared with**

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

- Public authorities such as: HM Courts and Tribunals Service (HMCTS), and other relevant Agencies required to assist in validating any claim;
- Storing information on our IT infrastructure which includes sharing information with data processors to provide email, document management and IT storage services; and
- 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.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

### **Details of transfers to third countries**

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.

### **Retention period for 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



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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>

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

### **Access to personal information**

You can find out if we hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request please contact:

Disclosure Team  
102 Petty France  
London  
SW1H 9AJ  
[data.access@gov.uk](mailto:data.access@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 and not collect information that is irrelevant or excessive.

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.



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## You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact the MoJ Data Protection Officer;

The Data Protection Officer  
102 Petty France  
London  
SW1H 9AJ

[data.compliance@justice.gov.uk](mailto:data.compliance@justice.gov.uk)

For more information on how and why your information is processed, please see the information provided when you accessed our services or were contacted by us.

## 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  
Tel: 0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)