

## **Official Solicitor - Privacy Notice**

### **Privacy policy**

This privacy notice explains what the Official Solicitor means when we talk about personal data, why we ask for this information about you and what we do with it. It also explains how we store your data, how you can get a copy of the information we have collected about you and how you can complain if you think we've done something wrong.

The Official Solicitor is the data controller of the personal data we store about you. The Official Solicitor collects and uses personal data as part of the work we do. The Official Solicitor has a range of different responsibilities. The information we collect will depend on why he is involved.

### **Court cases in the Civil and Family Courts and in the Court of Protection.**

We collect and process personal information about you where it is relevant to the court proceedings (where these are either proposed, underway or concluded). We do this to fulfil the Official Solicitor's responsibility when he has been asked to act, or appointed to act, as your Litigation Friend.

Due to the nature of our work in court proceedings, this is often sensitive information. The information we collect can include personal characteristics, criminal record information, local authority record information, health information and some other types of information. We hold this information when it is needed by the Official Solicitor to act as your Litigation Friend.

The Official Solicitor can lawfully process your information in order to fulfil his functions as Official Solicitor. This is covered under Chapter 2, paragraph 8c of the Data Protection Act 2018.

### **Where do we collect this information from?**

We collect this information from:

- court documents
- the solicitors for the parties in the case, and sometimes direct from the parties in the case
- sometimes from you in phone or face to face conversations
- your General Practitioner or other medical adviser
- medical, social work and other experts appointed to provide advice to the court

We also sometimes obtain information from other agencies, such as the police and local authorities.

### **How will we use your information?**

We use this information to help the Official Solicitor to make decisions as your Litigation Friend.

### **Who will we share your information with?**

Your information is shared with the court and with the other parties involved in the case.

In most circumstances, it cannot be shared further even with your consent, as information relating to proceedings cannot be disclosed without the permission of the court. However, it may sometimes be shared with other professionals where it is required.

### **How long do you keep my information for?**

If the Official Solicitor has declined to act, your information will be kept for 2 years.

If the Official Solicitor acted for you as your Litigation Friend while you were a child, your information will be kept until you are 24.

If the Official Solicitor acted for you as your Litigation Friend while you were an adult, your information will be kept for 6 years after the case is finished.

If the Official Solicitor acted as Trustee or Administrator of an Estate, the information about the Estate or Trust and the beneficiaries will be kept for 6 years after the file is closed.

If the Official Solicitor acted as Judicial Trustee, the information is kept indefinitely.

There will be some rare circumstances when the Official Solicitor needs to keep your information for longer than this, for example if the Official Solicitor's costs have not been paid.

### **Can I see what information you hold about me?**

You have the right to see a copy of the personal information we hold about you (this is called a [Subject Access Request](#)).

### **Can you correct my information if I tell you it is wrong?**

You have a right to ask us to correct any inaccuracies in the information we hold about you. Please contact us if any of the information we have recorded about you is not correct or is out of date. We will either amend the information, or add a note to show that it is contested.

### **How do we keep your information secure?**

Due to the nature of the work the Official Solicitor carries out we often deal with personal information that is sensitive. It is our duty to handle this information correctly and protect it from falling into the wrong hands. We protect it by holding new information on our secure electronic case management system and old information in archives on secure premises. We also send sensitive information by secure methods, and use passwords to protect information that we send by email. This ensures that only those with the right to view the information can access it.

### **What to do if you think there is a problem with the way we handle your information**

Please contact us if you have any questions about our privacy notice, the information we hold about you, or how we handle this information:

- by email: [enquiries@ospt.gov.uk](mailto:enquiries@ospt.gov.uk)
- by post: Official Solicitor & Public Trustee  
Post Point 0.53  
102 Petty France  
London  
SW1H 9AJ

### **Making a complaint**

If you have any further concerns about how we handle your information, you can contact the Information Commissioner for independent advice about data protection on the address below.

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)