



Legal Aid
Agency

Privacy Notice for users of SILAS and LAA Services

Purpose

This privacy notice is for Authorised Individuals that hold accounts on Sign In to Legal Aid Services (SILAS) and other Legal Aid Agency (LAA) Services accessed through SILAS. Authorised Individual has the same meaning as in the Terms and Conditions of SILAS, available here.

<https://www.gov.uk/guidance/laa-silas-help-and-information>

This privacy notice sets out the standards that you can expect from the LAA when we request or hold 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 met.

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

About personal data

Personal data is information about you as an individual. It can include your name, address or telephone number. It can also include the information that you have provided in a legal aid application or you user account information for SILAS

We know how important it is to protect users' 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.

Types of personal data we process

We only process the personal data that is necessary for us to securely manage your user account and your access and use of LAA Services. This may include information necessary to allow you to submit applications, claims for costs or to receive payments from the LAA.

Purpose of processing and the lawful basis for processing

The purpose of the LAA collecting and processing the personal data which you have provided for user account creation and through LAA Services is for the purposes of providing IT systems to enable the provision of legal aid services and payment to legal aid providers. Our lawful basis is 'the performance of a task carried out in the public interest or in the exercise of official authority' as set out in Article 6(1)(e) of UK

GDPR. The tasks are those set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and associated regulations.

We will use this personal data in the follow ways:

- To create and manage individual user accounts in SILAS
- To manage access, roles and responsibilities in LAA digital Services accessed through SILAS
- To facilitate your creation and management of and to allow you to receive notifications relating to applications, claims and all other submissions in LAA digital Services accessed through SILAS.
- To track, log and monitor user activity and support decisions relating to the security of SILAS and LAA digital Services accessed through SILAS
- In conducting periodic audits of user activity
- In producing statistics and information relating to our systems and processes to enable us to monitor performance and to enable us to review and improve the Services necessary to deliver our functions.

Were the LAA unable to collect this personal data we would not be able to manage or deliver electronic or digital legal aid services.

LAA does not collect special categories of personal data or criminal offence data relating to users.

Who the information may be shared with

We sometimes need to share the personal data 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 data with include:

- The organisation that has authorised your user account
- Any other organisation engaged in delivery of legal aid services where this is necessary for provision of legal aid services in a specific case.
- Public authorities and other government departments or agencies, specifically HM Courts and Tribunals Service
- With fraud prevention and law enforcement agencies to detect or prevent fraud, money laundering or other criminal offences
- Where a debt is owed to the LAA we may share your data with public authorities such as HMRC, DWP or debt collection partners for the purposes of tracing, debt collection and enforcement.
- With relevant regulatory bodies such as the Solicitors Regulation Authority or the Bar Standards Board.

Data processors

We may contract with third party data processors to provide email, system administration, document management, IT storage services, and system design,

development and management. Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

Automated Decision Making

We do not use solely automated decision making within the definition of Article 22(1) of UK GDPR. The overall decision making in respect of personal data processed by LAA will always be made by a human decision maker.

Details of transfers to third countries and safeguards

Personal data may be transferred to locations in the European Economic Area (EEA) where required by our data processors for hosting, storage and secure backup of our Services. Such transfers are made on the basis of adequacy decisions between the UK and EEA in accordance with Article 45 of UK GDPR.

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 data does not become inaccurate, out of date or irrelevant. The LAA has published retention periods for all the personal data 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 data and information

You can request access to the personal data we hold about you by making a 'subject access request'. You can do this by contacting MoJ's Disclosure Team

Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Data.access@justice.gov.uk

If you want further information or have any concerns about our use of your personal data, or wish to exercise any of your information rights, that are not a request for a copy of your personal information, you can contact the MoJ Data Protection Officer:

Data Protection Officer
Ministry of Justice
102 Petty France
SW1H 9AJ

dataprotection@justice.gov.uk

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