

LEGAL SERVICES COMMISSION DATA PROTECTION POLICY

1. This is the data protection policy of the Legal Services Commission (“the Commission”).
2. The Commission needs to collect and use information about the people it deals with in order to carry out its duties under the Access to Justice Act 1999. These people include Commission members and staff, applicants for public funding of legal services and contracted providers.
3. The Commission has always been under a statutory duty to collect and use personal information in a responsible manner. The Data Protection Act (“the Act”) 1998 extends the scope of that duty, enforcing secure ways of working with personal information. The Act gives individuals a right of access to their personal information. It also provides them with a number of rights to ensure that their information is not used in an inappropriate manner.
4. The Commission is a Data Controller, as defined under the Act. It fully endorses and adheres to the Act’s eight principles of data protection which require that personal information:
 - i) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions under the Act are met;
 - ii) Shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
 - iii) Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
 - iv) Shall be accurate and, where necessary, kept up to date;
 - v) Shall not be kept for longer than is necessary for that purpose or those purposes;
 - vi) Shall be processed in accordance with the rights of data subjects under the Act;
 - vii) Shall be processed with appropriate technical and organisational measures in place to guard against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
 - viii) Shall 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.

5. Through appropriate management, and strict application of criteria and controls, the Commission will:

- i) Observe fully the conditions regarding the fair collection and use of information;
- ii) Meet its legal obligations to specify the purposes for which information is used;
- iii) Collect and process appropriate information, only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- iv) Take all reasonable steps to ensure the quality of information used;
- v) Apply checks to ensure that personal information is not held any longer than is required for the purposes for which it was obtained;
- vi) Ensure that the rights of people about whom information is held can be fully exercised under the Act. These include the right to be informed that processing is being undertaken; the right of access to one's personal information; the right to prevent processing in certain circumstances; the right to correct, rectify, block or erase information which is regarded as wrong information;
- vii) Ensure that appropriate technical and organisational security measures are applied to safeguard personal information;
- viii) Ensure that personal information is not transferred abroad without suitable safeguards.

In addition, the Commission will ensure that:

- ix) Responsibility for data protection is assigned to a designated post holder in the organisation;
- x) Everyone processing personal information on the Commission's behalf understands that they are contractually responsible for following good data protection practice;
- xi) Everyone processing personal information on the Commission's behalf shall also have regard to its policy on equal opportunities and its obligations under the range of anti-discrimination legislation;

- xii) Methods of processing personal information are clearly communicated within the Commission;
 - xiii) Staff processing personal information are appropriately trained to do so;
 - xiv) Staff processing personal information are appropriately supervised;
 - xv) Queries about the Commission's processing of personal information are promptly and courteously dealt with;
 - xvi) The Commission's methods of processing personal information are regularly assessed and evaluated;
 - xvii) Performance in processing requests for personal information under the Act is regularly monitored and evaluated;
 - xviii) All reasonable steps are taken to guarantee that any "data processor" that the Commission uses has appropriate technical and organisational security measures in place to safeguard personal information.
6. The Governance Manager in the Chief Executive's Office is responsible for the Commission's compliance with the Data Protection Act 1998.

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