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**LEGAL AID BOARD**

**Privacy Notice**

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# Introduction

The Legal Aid Board (hereafter ‘the Board’) is committed to protecting the rights and privacy of individuals (known as ‘data subjects’) in accordance with the EU General Data Protection Regulation (GDPR 2016/679) and Irish Data Protection Acts 1988-2018.

The GDPR is designed to harmonise data privacy laws across Europe, to protect and empower all EU citizen’s data privacy and to reshape the way in which organisations approach data privacy. In Ireland, the national law, which, amongst other things, gives further effect to the GDPR, is the Data Protection Act 2018.

The GDPR applies to any organisation that collects and stores personal data (known as a ‘controller’) and also any other organisation (known as a ‘processor’) working on the instructions of the data controller. Adherence to the legislation is required by employees, contractors, consultants, agents and third parties who have access to personal data either directly or indirectly.

The GDPR significantly increases the obligations on organisations about how they collect, use and protect personal data. Organisations are obligated to be fully transparent about how they are using and safeguarding personal data as well as demonstrating accountability for their data processing activities.

Further information on data protection is available on the website of the Data Protection Commission (DPC) at [www.dataprotection.ie](http://www.dataprotection.ie)

The Board is committed to the correct, lawful and fair handling of all personal data, respecting the legal rights, privacy and trust of all individuals with whom we deal.

It is important that you know how your personal information is processed. The GDPR introduces changes which give you greater control over your personal information. Please take time to read this notice carefully. If you have any questions about how we use your information, please contact our Data Protection Officer (details below).

# The Legal Aid Board

The Board is the data controller for all personal data collected for its business purposes.

For more information on the activities of the Board, please log on to [www.legalaidboard.ie](http://www.legalaidboard.ie)

You can contact the Board in any of the following ways:

**Head Office**

Quay Street,
Cahirciveen,
Co. Kerry.
V23 RD36

Phone: 066 947 1000
LoCall: 1890 615 200
Fax: 066 947 1035

info@legalaidboard.ie

**Dublin Office**

48-49 North Brunswick Street,
Georges Lane,
Smithfield
Dublin 7
D07 PE0C

Phone: 01 646 9600
Fax: 01 646 9799

info@legalaidboard.ie

Information on law centre and family mediation offices and contacts details for other services provided by the Board are available at: [www.legalaidboard.ie/en/contact-us/](http://www.legalaidboard.ie/en/contact-us/)

# The Data Protection Officer

If you are concerned about what we do with your personal data or require any additional information in respect of any of our data protection policies, you can contact our Data Protection Officer (DPO) at:

Data Protection Officer

Legal Aid Board

48-49 North Brunswick St

Georges Lane

Smithfield

Dublin 7

D07 PE0C

(01) 646 9600

dataprotection@legalaidboard.ie

# Purposes of Processing

## Why do we process your personal data?

Under the GDPR ‘processing’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

We process information about you for a range of purposes. These may include:

* An application for any services provided by us, either in person or online;
* To provide you with legal aid and advice;
* To provide you with legal representation;
* Where you are the subject of a legal case involving the Board;
* If you participate in family mediation;
* The processing of financial assessments;
* The processing of payments and claims;
* If you notify us of a change in your details or circumstances;
* Where we receive information from or send information to other Government departments or agencies for the purposes of delivering our services;
* In order to respond to correspondence either directly from you, or from other people, approved to act on your behalf;
* For the storage of personal data (including legacy data), depending on our retention requirements;
* To manage complaints made by clients of the Board and to deal with legal actions against the Board;
* In the context of an appeal or a review;
* In order to respond to Parliamentary Questions and FOI requests;
* Where we engage in any consultation processes;
* For law centre management, risk management and policy development purposes;
* For statistical purposes to inform management decisions;
* In order to evaluate our services;
* To undertake research to improve our service delivery;
* For Human Resources functions;
* For assessment and verification purposes, including qualifications and suitability for posts/positions.

We also use a number of contractors that process personal data on our behalf. These are all governed by legal instruments/contracts.

1.

## What types of personal data do we collect?

Under the GDPR ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Personal data we collect can include the following depending on the type of service being provided:

* name;
* address;
* date of birth;
* sex;
* phone number;
* email address;
* marital status;
* bank account details;
* Identification including passports, drivers licences etc.
* Personal Public Services Number (PPSN);
* Allocated case reference numbers;
* Relevant financial information including information about assets and income;
* Information about personal history;
* Information about family or relationships including children;
* Information relating to criminal activity;
* Information relating to complaints;
* Information required to make payments and claims;
* Information related to HR support including grades, location, signature, photograph, next of kin, emergency contact details, personnel numbers, tax reference numbers, bank account details, payment history, work history, educational history, disability status, medical information, job applications, referee details, CV’s.

Depending on the type of service being provided, we may process ‘special categories’ of personal data including:

* Personal data revealing racial or ethnic origin.
* Political opinions.
* Religious or philosophical beliefs.
* Trade union membership.
* Genetic data and biometric data processed for the purpose of uniquely identifying a natural person.
* Data concerning health.
* Data concerning a natural person’s sex life or sexual orientation.

## What is our lawful basis for processing your personal data?

Article 6 of the GDPR sets out the grounds on which personal data processing is lawful, including:-

- *Processing is necessary for compliance with a legal obligation*

- *Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller..*

The Data Protection Act, 2018 further states that processing is lawful where it is required for:

*- The performance of a function of a controller conferred by or under an enactment or by the Constitution;*

- *The administration by or on behalf of a controller of any non-statutory scheme, programme or funds where the legal basis for such administration is a function of a controller conferred by or under an enactment or by the Constitution.*

Much of the personal data processed by the Board is carried out for the performance of the Board’s functions or in the public interest. In addition, personal data is processed by the Board in compliance with certain legal obligations to which the Board is subject.

The Civil Legal Aid Act 1995 underpins the Board’s core functions and allows for the processing of personal data by us, or on our behalf. The Act outlines the function of the Board:

* To provide legal aid and legal advice in civil cases to people who meet the criteria specified in the Civil Legal Act 1995 as amended.
* To provide a family mediation service.
* Where the Board considers it necessary or expedient to do so to make arrangements for the provision of family mediation services on its behalf by the engagement of persons appointed by it for that purpose, and training in family mediation, either by itself or by persons appointed by it for that purpose.

The Board is responsible for the management and administration of the following Criminal Legal Aid Schemes:

* Garda Station Legal Advice Revised Scheme
* Legal Aid - Custody Issues Scheme
* Criminal Assets Bureau (CAB) Ad-hoc Scheme

Section 38 (1) (b) Data Protection Act 2018 states that:

*(b) the administration by or on behalf of a controller of any non-statutory scheme, programme or funds where the legal basis for such administration is a function of a controller conferred by or under an enactment or by the Constitution.*

The Board may also process personal data in accordance with certain contracts it has put in place and, in limited circumstances, where it has a legitimate interest in processing specified personal data.

In very limited circumstances, the Board may request specific consent of a data subject to process their data. In such cases, consent will be sought at the time that the data is collected and the data subject will be advised that they can withdraw their consent at any stage during processing. When requesting personal data, the Board will be fully transparent (including the use of clear and plain language) in relation to how this data will be used, and will ensure that the data is not used for any purpose other than that of which the data subject has been informed and to which s/he has consented where appropriate.

The Board ensures that Data Protection Impact Assessments (DPIA) are conducted before any new data processing activity is started, and to update this document accordingly. In line with the GDPR, the Board undertakes to consult with its Data Protection Officer and, if necessary, with the Data Protection Commission before commencing any new data processing activities.

# Where is your personal data stored?

## 4.1 Electronic Storage

Personal data may be stored electronically on our internal ICT systems, and on the ICT systems of our processors and shared service providers. These systems are fully protected by anti-virus and anti-malware software. Electronic data includes all relevant personal information related to the types of personal data we collect outlined in section 3.2 above.

Access to personal data is restricted to those staff members who need the information to carry out their official duties. Access is controlled by the requirement to have a unique login username and password, with usernames being linked to the minimum permissions necessary to allow the staff member to work in a secure environment and to only access the personal data that they need. Complex passwords are used that must be changed regularly to access the network.

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## 4.2 Storage of Hard Copy (Paper) Files

Where the Board holds paper records containing your personal data, these are stored on individual files which are secured on our premises in filing cabinets and appropriate storage facilities and where only our staff can access them. This is achieved through physical security, where access to a Board office is by a swipe card or access code and where visitors are signed in and accompanied by a member of staff, so that they cannot access any personal data stored by us. The Board also promotes a clean desk policy.

## 4.3 Secure Off-site Storage

Some paper files are occasionally stored offsite in secure storage facilities due to limited availability of storage space within offices. These paper files are closed legacy files and are maintained in secure off-site storage under contract. Records are maintained of all paper files in off-site storage. A limited number of staff have access and the transportation of files between the Board and off-site storage is done according to protocol and under strict supervision. No electronic data is stored offsite.

# 5. Sharing personal data

## 5.1 Categories of Recipients with Whom We May Share Your Personal Data

The Board may share your data with or receive your data from other organisations but only where legally permissible. In general, the types of organisations that the Board would typically share information with are as follows:-

* Government Departments including the Department of Social Protection, the Department of Justice and Equality and various agencies under its remit to provide for a range of shared services and supports such as the Courts Service;
* Private Practitioners and Barristers who are used by the Board to provide services;
* The International Protection Office and the International Protection Appeals Tribunal;
* An Garda Síochána, Probation Service, Irish Prison Service and other relevant agencies in the management and administration of the various criminal legal aid schemes;
* Abhaile (Free Mortgage Arrears Advice), Money Advice and Budgeting Service (MABs) and Insolvency Service of Ireland as part of the Board’s role in the administration of the Abhaile scheme;
* Personal Insolvency Practitioners who are used through the Abhaile scheme;
* Payroll Shared Services Centre to provide for a range of shared services and supports;
* Regulators or supervisory authorities;
* IT consultants and general contractors hired by the Board, where they may be working on data handling systems & processes.

# 6. Transfers of personal data

## 6.1 Will your personal data be stored outside of the European Economic Area?

No, your personal data will generally not be stored outside the European Union or the European Economic Area (EEA - EU 27, plus Iceland, Norway, and Liechtenstein).

## 6.2 Are we allowed to transfer your data outside of the EU And EEA?

It is unlikely that we will transfer information about you to a country or international organisation outside the EEA. In such cases we will always take steps to ensure that any transfer of information is carefully managed to protect your privacy rights in accordance with Data Protection law.

## 6.3 Are there any other appropriate and suitable safeguards?

Personal data may only be transferred if appropriate safeguards are provided and on the condition that enforceable data subject rights and effective legal remedies are available. Appropriate safeguards may include:

* Legally binding and enforceable instruments between public authorities/bodies;
* Binding corporate rules;
* Data protection clauses adopted by a Supervisory Authority and approved or adopted by the EU Commission;
* Standard contractual clauses between controller/processor and recipient in the third country or international organisation.

# 7. Retention – How long will we keep your personal data?

Data protection best practice requires that organisations should not store personal data for any longer than is required. Each area of the Board is responsible for the personal data that it collects for business reasons including that which does not need to be retained indefinitely.

A detailed Retention and Destruction Schedule will be maintained by the Board for the retention and destruction of data across all areas of the Board. The main retention periods for personal data are as follows:

|  |  |
| --- | --- |
| Civil Legal Aid  | Family law and litigation - 7 years Conveyancing - 12 yearsChildcare - until the youngest child who is the subject of the care order reaches the age of 18. |
| Family Mediation  | Family Mediation clients - 7 years  |
| HR Records | In accordance with the Civil Service Human Resources Personal Data Records Retention Schedule |

The Legal Aid Board does not retain records in accordance with the requirements of the National Archives Act 1986.

# 8. Your rights as a data subject

All data subjects engaging with the Legal Aid Board and its processors have certain rights under EU (GDPR) and Irish data protection legislation. Guidance on the rights of individuals is available on the Data Protection Commission website and can be accessed via [www.dataprotection.ie](http://www.dataprotection.ie) . Your rights are summarised below:

## 8.1 Right of Access

You can make a formal request for a copy of your personal data being processed by the Legal Aid Board.

We will need you to confirm your identity first, as we cannot give your personal data to others (except by specific request). Once we have verified your identity, we will seek to get the information that you have requested as soon as possible, but at the latest within one month of receipt of the request.

For complex requests, or where there are large numbers of requests, we can extend our time to respond to you by a further two months, but we must tell you we are going to do this within the first month, together with the reason for the delay. If we are not going to respond to your request we must tell you this within one month. We must remind you that that you have the option of submitting a complaint to the Data Protection Commission.

Anything we do in response to your request and any information we give you must be free. If you make excessive requests (e.g. make the same one repeatedly) or your requests have no basis in fact, we may either charge you a fee or refuse to act on it.

Due to the size and nature of our operational areas, we may ask you to clarify your request. You can help us to fulfil your request by being as specific as possible about your dealings or contacts with us.

A separate Subject Access Request Form is available on the Board’s website at <https://www.legalaidboard.ie/en/contact-us/data-protection> or on request.

## 8.2 Right to rectification

The Board is committed to holding accurate data about you, and will implement processes and procedures to ensure that you can rectify your data where inaccuracies have been identified.

##

## 8.3 Right to erasure (right to be forgotten)

Where the Board receives a request from you looking to exercise your right of erasure, the Board will carry out an assessment of whether the personal data can be erased without affecting the ability of the Board to provide on-going services to you.

## 8.4 Right to restriction of processing

The Board will implement and maintain appropriate procedures to assess whether your request to restrict the processing of your data can be implemented. Where the request for restriction of processing is carried out, the Board will write to you to confirm the restriction has been implemented and when the restriction is lifted.

## 8.5 Right to data portability

Where the Board has collected your personal data by consent or by contract, you have a right to receive the data in electronic format to give to another data controller. Exercising this right will depend on the feasibility of the request.

## 8.6 Right to object

You have a right to object to the processing of your personal data in specific circumstances. Where such an objection is received, the Board will assess the case on its merits.

## 8.7 Rights relating to automated decision-making, including profiling

You have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect on you. The Board will ensure that where systems or processes utilise automated decision-making or profiling, an appropriate right of appeal is available to you.

## 8.8 Right to complain

If you are unhappy with how the Board has processed a request made by you, we will endeavour to assist you in resolving any issues raised. In such circumstances you should contact the Data Protection Officer.

You also have the right to complain directly to the Data Protection Commission (DPC). The DPC can be contacted as follows:-

By post: Canal House, Station Road, Portarlington, R32 AP23, Co. Laois.

By e-mail: info@dataprotection.ie

By phone: 0761 104 800 or lo-call number 1890 252 231

***How to Get In Touch With Us?***

If you have any queries about this policy, please contact the Data Protection Officer (DPO). The DPO for the Board can be contacted at dataprotection@legalaidboard.ie

***How Can You Exercise Your Rights?***

You are entitled to exercise the rights outlined above. You can make a request under any of these rights by contacting the Board’s Data Protection Unit at this address:

By e-mail: dataprotection@legalaidboard.ie

By post:

Data Protection Unit

Legal Aid Board

48-49 North Brunswick St

Georges Lane

Smithfield

Dublin 7

D07 PE0C