

SOLICITORS DISCIPLINARY TRIBUNAL DATA PROTECTION POLICY

1. This is the data protection policy of the Solicitors Disciplinary Tribunal
2. The Tribunal needs to collect and use information about the people it deals with in order to carry out its duties under the Solicitors Act 1974. These people include Applicants, Respondents, Legal Representatives, Tribunal members, staff and contracted suppliers.
3. The Tribunal has always been under a statutory duty to collect and use personal information in a responsible manner. The Data Protection 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 Solicitors Disciplinary Tribunal is a Data Controller, as defined under the Data Protection Act 1998. It fully endorses and adheres to the Eight Principles of Data Protection under the Act 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 organizational 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 Tribunal 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 fulfill 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 Tribunal 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 Tribunal's behalf understands that they are contractually responsible for following good data protection practice;
- xi) methods of processing personal information are clearly communicated within the Tribunal;
- xii) staff processing personal information are appropriately trained to do so;
- xii) staff processing personal information are appropriately supervised;
- xiv) queries about its processing of personal information are promptly and courteously dealt with;
- xv) its methods of processing personal information are regularly assessed and evaluated;
- xvi) performance in processing requests for personal information under the Act is regularly monitored and evaluated;
- xvii) all reasonable steps are taken to guarantee that any "data processor" that the Tribunal uses has appropriate technical and organizational security measures in place to safeguard personal information.

6. The Operations Manager in the Tribunal's Secretariat is responsible for the implementation of and compliance with the Data Protection Act 1998.

Asking for details of personal information held

Under the Data Protection Act 1998, and subject to certain defined exceptions, you are entitled to be told whether we hold any personal information about you. If we do, you are entitled:

- to be told what personal information we hold about you, why we hold it and what we are doing (or planning to do) with it, and who else we disclose that information to; and
- to be given a copy of that information, and any information about the source(s) of it.

If you want to know whether we hold personal information about you and, if so what it is, you will need to write to us to make a request. This is known as a 'subject access request'.

Fees

The Tribunal may charge up to £10 for each request made. We will advise you if and where a fee is payable once you make a request.

Making a subject access request

You can submit your request to the Tribunal's Operations Manager by e-mail (liz.aldred@solicitorsdt.com) or to the following address:

Operations Manager
Solicitors Disciplinary Tribunal
5th Floor, Gate House
1 Farringdon Street
London EC4M 7LG

Complaints procedure

If you are dissatisfied with the Tribunal's response to your request for information (including a decision to charge a fee) you may discuss the decision with the person who dealt with your request. However, if this informal discussion does not resolve your complaint, you may submit your complaint in writing to the Tribunal's Clerk, either by e-mail to susan.humble@solicitorsdt.com or by post to the following address:

The Clerk
Solicitors Disciplinary Tribunal
5th Floor, Gate House
1 Farringdon Street
London EC4M 7LG

The Clerk will consider your complaint, and will confirm, reverse or amend the decision. She will advise you in writing of the outcome of your complaint.

If you are dissatisfied with the Clerk's decision, you have the right to apply to the Information Commissioner for a decision as to whether the Tribunal has dealt with your request for information in accordance with the

requirements of the Data Protection Act. An application may be made to the Information Commissioner's Office by post to the following address:

Information Commissioner's Office
Casework and Advice Division
Wycliffe House,
Water Lane, Wilmslow
Cheshire SK9 5AF

The Information Commissioner's telephone help line is 08456 306060 or 01625 545745. The ICO's website is www.ico.gov.uk. Information on complaints can be accessed at:

http://www.ico.gov.uk/complaints/data_protection.aspx

2010