



# CONDUCT COMPLAINTS PRIVACY NOTICE

## ***Introduction***

The Law Society of Northern Ireland (LSNI) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you make a complaint about a solicitor, and tell you about your privacy rights and how the law protects you.

Personal information is processed by the LSNI where a regulatory investigation of an individual solicitor or their firm is taking place and it is necessary to do so to allow us to perform our regulatory functions. These investigations may include a range of matters such as complaints about a solicitor or breaches by a solicitor of the law, regulations, codes of conduct and ethical standards which apply to solicitors.

This Notice relates to how we use personal information to deal with complaints made against solicitors.

## **1 Important information and who we are**

### ***Purpose of this privacy notice***

This privacy notice aims to give you information on how LSNI collects and processes your personal data during the complaints process, including any data you may provide in your initial complaint and any supplementary information you provide, and any information supplied by the solicitor in responding to us in relation to your complaint. In order to allow us to properly investigate your complaint, we may require access to your file which is held by your solicitor.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

### ***Controller***

LSNI is the controller and responsible for your personal data. We have appointed an Internal Data Protection Liaison Officer who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the Internal Data Protection Liaison Officer using the details set out below.

## Contact details

Full name of legal entity:	Law Society of Northern Ireland
Internal Data Protection Liaison Officer:	Peter O'Brien
Email address:	<a href="mailto:peter.obrien@lawsoc-ni.org">peter.obrien@lawsoc-ni.org</a>
Postal address:	Law Society House, 96 Victoria Street, Belfast, BT1 3GN
Telephone number:	028 90231614

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

## Changes to the privacy notice and your duty to inform us of changes

We may need to change this privacy notice from time to time. This may be necessary for example if the law changes, or if we change our business in a way that affects the protection of personal data. This version was last updated on 2<sup>nd</sup> September 2021.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us. In particular, we will send correspondence about your complaint to the address you provide to us and it is important that you tell us as soon as possible if your postal address has changed.

## 2 The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, marital status, title, date of birth and gender.
- **Contact Data** includes address, email address and telephone numbers.
- **Information about your complaint** includes the information you provide to us in your initial complaint, including about the nature of work undertaken by the solicitor you are complaining about, the factual background and reasons for your complaint. This also includes any supplementary information you provide to us at any time during the complaints process.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for a range of purposes. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

**Special Category** information means sensitive personal information including information about your religious or philosophical beliefs, health, genetic and biometric information, racial or ethnic origin, trade union membership, political opinions, sex life or sexual orientation. We do not seek to process this kind of information about you, however, at times this kind of information may be supplied by you if it is relevant to your complaint, or it may be contained within your legal file which we may review for the purposes of investigating your complaint. Similarly, although we do not seek to process information about any criminal convictions or offences you may have, this information may be contained in your legal file which may be reviewed for the purposes of investigating your complaint.

### ***If you fail to provide personal data***

If you fail to provide certain information required we may not be able to deal effectively with your complaint.

## **3 How is your personal data collected?**

We use different methods to collect data from and about you including:

- **Information provided by you, or by your appointed representative or authorised agent on your behalf.** You, or your representative or authorised agent may provide us with information in your initial correspondence to the Society, and when you contact us to provide us with supplementary information.
- **Information provided by the solicitor you are complaining about or their firm.** We will contact the solicitor you have complained about to seek their response. The solicitor, or their firm, may provide us with information about you.
- **Information held by your solicitor on file.** We may need to review, and retain copies of, relevant documents on the legal file held by your solicitor in order to investigate your complaint.
- **Information received from other sources.** We may receive information about you from other sources including local politicians, public authorities and third sector organisations who may assist individuals with bringing complaints.

## **4 How we use your personal data**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- to investigate the complaint and reach a determination against the solicitor.

### ***Purposes for which we will use your personal data***

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the

specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Contacting you	(a) Identity (b) Contact	(a) Necessary to comply with a legal obligation. (b) Necessary for our legitimate interests (to keep our records updated). (c) Necessary for the performance of a task in the public interest.
To investigate your complaint	(a) Information about your complaint supplied by you. (b) Information supplied by the solicitor, or their firm. (c) The legal file held by your solicitor. (d) Special category data referred to at paragraph 2.	(a) Necessary to comply with a legal obligation. (b) Necessary for the performance of a task in the public interest.
To administer and protect our organisation	(a) Identity (b) Contact	(a) Necessary for our legitimate interests (for running our organisation, provision of administration and IT services, network security, to prevent fraud and in the context of any reorganisation of the LSNI). (b) Necessary to comply with a legal obligation. (c) Necessary for the performance of a task in the public interest.

### **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with data protection legislation, where this is required or permitted by law.

## **5 Disclosures of your personal data**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internally within LSNI, including to the Professional Conduct Committee for the purposes of determining/ adjudicating on your complaint.
- The Society's appointed solicitor and the Solicitors' Disciplinary Tribunal where a referral has been made to the Tribunal.
- If required to do so by law or as part of our regulatory function.
- Information may be shared with the solicitor whom you are complaining about and with their firm and representatives.

## 6 International transfers

We do not transfer your personal data outside the European Economic Area (EEA) (which comprises the countries in the European Union and Iceland, Liechtenstein and Norway) unless it is necessary to deal with your complaint, for example, where you reside outside the EEA and we need to contact you. If we do transfer any personal data outside the EEA, we will ensure that there are appropriate safeguards in place to protect your data.

## 7 Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 8 Data retention

### *How long will you use my personal data for?*

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## 9 Your legal rights

You have the right to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and

to check that we are lawfully processing it.

- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use.
- **Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to deal effectively with your complaint. We will advise you if this is the case at the time you withdraw your consent.

### ***No fee usually required***

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### ***What we may need from you***

We may need to request specific information from you to help us confirm your identity and ensure

your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### ***Time limit to respond***

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **10 Glossary**

### ***Lawful basis***

**Legitimate Interest** means the interest of the LSNI in conducting and managing our organisation effectively. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### ***Third parties***

#### **External Third Parties**

- Service providers acting as processors based in the United Kingdom who provide IT and system administration services.
- Service providers acting as processors based in the United Kingdom who provide office operational assistance, such as disposing of confidential waste.
- Regulators such as the Legal Services Oversight Commissioner for Northern Ireland, or the Office of the Immigration Services Commissioner.