

# Privacy Notice: Legal & Democratic Services Governance and Litigation Team

This Privacy Notice tells you about what information we collect about you, how we use that information and who we share it with.

## **Who we are and what we do**

The Governance and Litigation team is part of the Legal and Democratic Services team of Durham County Council (the Data Controller).

Governance provides advice and guidance to councillors, officers, client departments, town and parish councils (clerks and councillors), schools, ombudsman, regulators and responds to queries from members of the public.

Litigation provide general legal advice and conduct work of a legal nature on behalf of all services of Durham County Council in respect of their functions.

Services of the team include advising and acting on behalf of the Council in Court and Tribunal proceedings. The team advise and represent the Council in the course of its statutory and regulatory functions. The team also provides advice to and represents schools, academies, housing associations and other external agencies within the County Durham area as part of service level agreements.

For the purposes of Data Protection, Durham County Council is the Data Controller for your information.

## **What type of personal information do we collect and how do we collect it?**

The type of personal information collected varies dependent upon the nature of the matter being dealt with. The type of information typically collected can include:

- Name
- Address
- Contact details

We also collect and receive special category data such as:

- Health/medical information and records
- Employment records
- Financial Information

We collect information about you in the following ways:

- By consent or personal contact.
- By third parties, including referrals from Councillors, officers or other parties providing information.

## **What is our lawful basis to obtain and use your personal information?**

We collect and use your personal information so that either we can comply with our legal obligations, or we can perform a task in the public interest or for our official functions, under Article 6.

When we collect special category personal information we rely on one of the following Article 9 conditions:-

- processing is necessary for the establishment, exercise or defence of legal claims; or
- whenever courts are acting in their judicial capacity; or
- processing is necessary for reasons of substantial public interest.

### **What is your personal information used for?**

The Governance and Litigation team collects and processes information about you for the following purposes:

- To respond to requests for advice.
- To ensure the Council complies with its statutory duties.
- To handle complaints including those against the Council and Councillors.
- To advise or represent the Council in respect of its statutory and regulatory functions.
- In issuing or defending of civil claims.
- In advising or representing the Council in legal proceedings including civil and/or criminal proceedings.
- In issues arising through contracts of employment or employment tribunal proceedings.

### **Will your personal information be shared?**

In certain circumstances your personal information may be shared with other council departments or external organisations, where we have a statutory obligation to share such as for the purposes of the prevention or detection of crime or for legal proceedings.

Some organisations your data will be shared with include:

- HM Courts and Tribunals Service.
- Experts/Solicitors/Barristers for the purposes of obtaining advice and representation.
- County Durham and Darlington Police and Crime Commissioner
- Local Government and Social Care Ombudsman
- Information Commissioner's Office
- Investigatory Powers Commissioner's Office
- Other departments of the Council
- Councillors
- The Independent Person in Code of Conduct complaints
- Compensation Recovery Unit
- Criminal Injuries Compensation Authority
- ACAS
- The Police or other enforcement agencies.
- Insurers and their representatives
- Other relevant parties or bodies in relating to the legal action and other Councils where appropriate.

### **How do we keep your information secure?**

The security of your personal information is important to us. The records we keep about you are secure and are confidential within the Council. The Council have a range of procedures, policies and systems to ensure that access to your records are controlled appropriately.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

We use two systems to communicate securely with you and other organisations, namely:

- Safedrop - a system which lets users send audited secure messages and files to anyone with an email address with security features such as recipient verification, customisable terms of use, read receipts, expiry receipts, full audit trails, encryption and self destruct after delivery
- Egress - a system which helps users manage risk by enabling them to identify sensitive data wherever it resides on networks, cloud storage and within emails and manages access to the data with a view to preventing data breaches. It also provides data security and privacy when data is shared, encrypting it in transit and at rest.

We use electronic files within a secure case management system and have encryption on our local authority computers to ensure that if the computer is accessed by another person they cannot read any information contained on it.

We secure information by controlling access to systems and networks, which allows us to stop people who are not allowed to view your personal information from getting access to it. We also provide training for our staff which allows us to make them aware of how to handle information and how and when to report when something goes wrong.

### **How long will we keep your personal information?**

After we deliver a service to you, we have to keep your information as a business record of what was delivered. The type of service you receive will determine how long we have to keep your information.

Our corporate retention guidelines show how long we keep information for different services.

The retention periods for the Governance and Litigation team are:

General litigation matters	3 years from last action
Contract matters	6 years from last action
Employment matters	7 years from last action
Matters involving children	25th birthday of child
Code of conduct investigations	6 years from last action
Complaints against Police and Crime Commissioner	6 years from last action
Data protection queries	3 years after last action
FOI/EIR	3 years after last action
RIPA	3 years after end of authorisation
Legal Advice on a point of law	3 years after last action

### **Personal information processed outside of the European Union (EU)?**

We do not process your personal data outside of the EU

## **Marketing**

At no time will your information be used or passed to others for marketing or sales purposes, or for any commercial use without your express consent.

## **What are your information rights?**

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- request a copy of the personal information the council holds about you
- have any inaccuracies corrected;
- have your personal data erased;
- place a restriction on our processing of your data; and
- object to processing.

To exercise your rights, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at [inforights@durham.gov.uk](mailto:inforights@durham.gov.uk)

To learn more about these rights please see the [ICO website](#).

## **Further Information**

Our Data Protection Officer (DPO) provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process your data, please contact our Data Protection Officer at [DPO@durham.gov.uk](mailto:DPO@durham.gov.uk) or write to:

DPO  
Floor 4 Room 143-148,  
Durham County Council  
County Hall,  
Durham County Council  
DH1 5UF

If we have not been able to deal with your query, you can also contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 0303 123 1113 (local rate) or 01625 545 745