



Privacy Notice – Legal Services

Introduction

Legal Services have provided this privacy notice to help you understand how we collect, use and protect your information whilst we conduct criminal prosecutions.

The document below will describe how we may collect and process your personal information.

The purpose of this document is to clearly acknowledge the Council's responsibilities in relation to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Definitions

Personal Data means any information related to an identified or identifiable natural (living) person ('**data subject**') i.e. a person that can be directly or indirectly identified by reference to a name, ID reference number, email address, location data, or physical, physiological, genetic, mental, economic, cultural or societal identifier

Special Personal Data previously known as 'sensitive personal data', relates to race, ethnic origin, politics, religion, trade union membership, genetic data, biometric data, health, sex life or sexual orientation. Records of criminal personal data must also be treated in a similar way.

Data Controller determines the purposes and means of processing personal data.

Data Processor is responsible for any operation which is performed on personal data on behalf of the controller e.g. collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, restriction, erasure or destruction.

Third Party is someone / somebody who is not the Data Controller, the Data Processor or the Data Subject.

Who we are

Legal Services provides legal advice and representation to the Council relevant to this privacy notice, Legal Services undertakes criminal prosecutions in areas such as health and safety, planning and the environment.

The Council is the 'data controller' for the information which is collated and processed. This means we are responsible for deciding how we can use your information.

The Council regards lawful and correct treatment of personal information as critical to their successful operations, maintaining confidence between the Council and those with whom they carry out business. The Council will ensure that they treat personal information correctly in accordance with the law.

The Council has discretion as to whether or not to undertake prosecutions. Any prosecutions that are undertaken are done so in the public interest. When conducting a prosecution, the Criminal Procedure Rules 24.11.3 requires the Council, as prosecutor, to identify any other matter relevant to sentence, including aggravating and mitigating features affecting the defendant's culpability which would include any previous criminal convictions.

The Data Protection Officer for ESC is Siobhan Martin, Head of Internal Audit, and can be contacted at dataprotection@eastsoffolk.gov.uk

How the law protects you

GDPR says that we are allowed to use personal information only if we have a proper reason to do so. More information on how the law protects you can be found on the [East Suffolk website](#).

Our Responsibilities

GDPR provides us with main responsibilities for processing personal data.

All personal information provided by you is held securely and in confidence by us in our computerised and other records. When we process your personal information, we do so in compliance with GDPR.

For further information on our responsibilities, please see the [East Suffolk website](#).

Your Rights

The GDPR provides you with the following rights:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making
9. The right to withdraw consent
10. The right to complain

Requests in relation to your rights with regards to the personal data we hold should be made verbally or in writing to the Data Protection Officer.

For further information on your rights, please see the [East Suffolk website](#).

Your responsibilities

You are responsible for making sure you give us accurate and up to date information, and to let us know if any personal information we hold is incorrect.

When do we collect information about you?

We collect information about you from different places, including:

- Investigation records from other departments;
- Electoral role;
- Police National Computer (PNC);
- Court records.

What information do we maintain?

The information about you which we will maintain will include:

- Name;
- Address;
- Date of birth;
- Previous criminal convictions.

How do we use your information?

We will be using your information to carry out prosecutions in the public interest.

We will not use your personal data for other purposes other than for what it was collated unless we have obtained your consent or for other lawful purposes (e.g. detection and prevention of fraud).

We do not use automated decision making.

How long do we keep your information?

We will hold your personal information for:

- Cases that were finalised at magistrates' court – 1 year following the final court date; or the length of the sentence or order if the court sentence or order is longer than 1 year.
- Cases that were finalised at Crown Court – 3 years following the final court date; or the length of the sentence or order if the sentence or order is longer than 3 years.

Data Sharing

We will share your personal information with the Court to assist in sentencing, in accordance with Criminal Procedure Rule 24.11.3.

Transferring your information overseas

Currently, we do not transfer any personal information outside of the European Economic Area (EEA).

National Fraud Initiative (NFI)

We may share information provided to us with other bodies responsible for auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. For further information, see the [East Suffolk website](#).