EXTERNAL PRIVACY NOTICE

What is the purpose of this privacy notice and to whom does it apply?

The Solicitors Disciplinary Tribunal Administration Limited ("SDT", "SDTAL", "we" or "us") is committed to protecting the privacy and security of your personal data. References to your "personal data" include any or all of your personal data, as the context requires, including "special categories of personal data", which involves more sensitive information about you as clarified in the notice (for a full definition, see Article 9 of the retained UK General Data Protection Regulation ("UK GDPR")).

This privacy notice describes how we are or will be processing personal data about you during and after your relationship with us. By "processing", we mean such actions as collecting, using, storing, disclosing, erasing or destroying your personal data (for a full definition, see Article 4 of the UK GDPR).

This notice applies to all those who are not job applicants, employees, workers, contractors or Tribunal Members. In particular it applies to Applicants, Respondents, Legal Representatives and third parties involved in, or members of the press or public attending, litigation administered by, or otherwise involving, the SDT. We may update this notice at any time and without notifying you before we do so.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are processing personal data about you, so that you are aware of how and why we are using such information.

Identity and contact details of the data controller

The SDT is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

The contact details of the SDT are:
2nd Floor
45 Ludgate Hill
London
EC4M 7JU

Our main office number is 0207 329 4808.

What type of personal data do we process about you?

We may process the following categories of personal data about you:

- Personal contact details such as name, title, addresses, telephone numbers, and work email addresses or (in the case of some Respondents) personal email addresses.
- For Respondents: your date of birth, gender, marital status and details of dependants.
- For Lay Applicants: any additional personal information provided with your application.
- Details relating to your case, including but not limited to, allegations of misconduct relating to you, mitigating factors, financial information, any third-party personal data relevant to your case etc.
- Photographs, audio recordings of hearings, and temporary video images of remote hearings.

We may also process the following "special categories" of more sensitive personal data:

- Information about your race or ethnicity, religious beliefs and sexual orientation.
- Information about your health, including any medical condition, and health records.
- Information about criminal convictions and offences.
- Information about political party membership or political affiliations.

How do we collect your personal data?

We typically collect personal data about Respondents from the regulator, the Solicitors Regulation Authority ("SRA"). We may sometimes collect additional information from other third parties including referees, Lay Applicants, employers/former employers and witnesses.

What are the legal bases and the purposes for which we process your personal data?

We will only use your personal data as permitted by law. We may use your personal data in any of the following circumstances (see section below for details of the situations in which we may process your data):

1. Where we have your consent to do so.

2. Where we need to perform the contract we have entered into with you.

3. Where we need to comply with a legal obligation.

4. Where the processing is necessary to protect anybody's vital interests (used rarely).

5. Where the processing is necessary to perform a task in the public interest.

6. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. We are required to specify what the legitimate interests are (see below for further details).

Necessary for the performance of a contract with you

The following purposes come under this category:

- Contact details of named individuals working for suppliers and other third parties with whom SDTAL plans to enter into (or has entered into) a contract for the supply of goods or services.

Necessary to comply with a legal obligation

The following purposes come under this category:

- Ensuring the health, safety and wellbeing of those attending the Tribunal's premises.

Necessary to perform public interest task

- Fulfilling the SDT's functions as a statutory tribunal (including corresponding with parties and representatives and providing relevant material to SDT Members, staff and parties where necessary for the issues to be determined).
- The completion of equality and diversity monitoring forms in order to monitor diversity in relation to the incidence and outcome of cases.
- Publication of case data, including details of forthcoming hearings.
- Publication of Judgments involving solicitors, recognised bodies, registered European and foreign lawyers, and their employees – anybody visiting our website can conduct a Judgment search relating to a named Respondent, and if the name of the Respondent does not appear in their search, they can contact the SDT for further information. Judgments can also be obtained by post or email from Solicitors Disciplinary Tribunal, 2nd Floor, 45 Ludgate Hill, London, EC4M 7JU. The SDT's Judgment Publication Policy is available on our website. A list of appeals is published in the Annual Report.
- Details of sanctions applied are available from our website.

Necessary for our legitimate interests or those of a third party

- Personal data of named individuals within the SRA and Lay Applicants (such as name, gender, mobile phone number, direct landline, email address) for the purpose of communicating with them in the context of cases administered by the SDT.
- Provision of information about fines publicly imposed by the SDT to HM Treasury on the basis that such fines are payable to HM Treasury. Contact details (correspondence address/email address) are also provided to HM Treasury given their responsibility for the collection of such fines.

- Provision of names, email addresses and roles of participants in SDT proceedings to a third-party service provider in order to compile (anonymised) Tribunal user feedback with a view to measuring and improving the effectiveness of the SDT's administration.
- Hearings are audio recorded to provide a record of all hearings. Unless the hearing is held in private a copy of the audio recording is publicly available. Video images are processed to the extent necessary for remote hearings to be effective.
- Any visitors to our website who request information will need to leave contact information (such as name, address, email address, mobile phone number) the legitimate interest is to enable us to respond to their request.

If you fail to provide personal data

If you fail to provide certain information when requested, and we are unable to obtain it from a third party or publicly available source, we may not be able to perform any contract we have entered into with you (if you are a supplier), or we may be prevented from complying with our legal obligations or to perform a public interest task.

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 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, before we start using it for that unrelated purpose.

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

How we use special categories of personal data

"Special categories" of personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process special categories of personal data in the following circumstances:

1. In limited circumstances, with your explicit written consent.

2. Where it is needed in the public interest, such as for equality and diversity monitoring (where such information is provided by you in line with our data protection and related policies) or where the processing is necessary for the Tribunal to discharge its statutory function.

3. Where it is necessary for the establishment, exercise or defence of legal claims or wherever courts are acting in their judicial capacity.

We will use your special categories of personal data in the following ways:

- We will use information about your physical or mental health, or disability status, to ensure that we provide appropriate adjustments under the Equality Act 2010.
- We will use information about your race or national or ethnic origin, religious or other beliefs, or your sexual life or sexual orientation, to ensure meaningful equality and diversity monitoring and reporting.
- As required for the determination of cases by the SDT as a statutory tribunal.

Do we need your consent?

We do not need your consent if we use special categories of your personal data in accordance with our written policy to carry out our legal obligations including processing necessary to the performance of our statutory obligations under the Solicitors Act 1974. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data or to use data for purposes not related to those for which we have collected it. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. We will at the same time inform you of the consequences of not consenting and you are also reminded of your right to withdraw your consent at any time, in any cases where your consent has been sought.

Information about criminal convictions

Judgments published on our website are published in accordance with our Judgment Publication Policy, or on request, with details of sanctions applied to solicitors, recognised bodies, registered European and foreign lawyers, and their employees. Recordings of court proceedings (unless in private) are available on request.

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy and related policies.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

With whom might we share your personal data?

Certain personal data relating to Respondents will be made publicly available where it is in the public interest or we are required to do so as set out above. In addition, hearings (unless they are private) are recorded and a copy of the audio recording is publicly available. The formal record of a case management hearing is also publicly available if requested. Our staff would provide publicly available information in response to a telephone enquiry relating to a specific case.

Where hearings are conducted remotely via video-link an audio only recording of the recording is retained. As also set out above limited information (the amount of the fine, any provisions regarding time for payment, the address of the Respondent and the date of order) about fines imposed by the SDT will be shared with HM Treasury which is the body responsible for collecting such fines.

We may have to share your data with third parties, including third-party service providers and any sub-contractors of those service providers. See below for further details.

We require third parties to respect the security of your data and to treat it in accordance with the law.

Why might we share your personal data with third parties?

We may share your personal data with third parties where required by law or where we have another legitimate interest in doing so.

Which third-party service providers process my personal data?

"Third parties" includes third-party service providers (including contractors and sub-contractors). The following activities are carried out by third-party service providers: The provision of goods and services to SDT/SDTAL, insurance, IT, communications and Tribunal user feedback surveys. The SDT utilises CaseLines, a digital court platform. Case-related personal data may be processed via this platform. Where hearings are conducted remotely, case-related personal data, with audio and video images, is processed via the relevant software platform.

How secure is your information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal data in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes unless they are data controllers in their own right in relation to your personal data. Where they operate as our "data processors" (i.e. they process your personal data on our behalf and acting only on our instructions), we only permit them to process your personal data for specified purposes and in accordance with our instructions. CaseLines is a secure digital court platform and all users of the platform do so on terms requiring their compliance with data protection legislation. Where relevant your personal data is processed via the third-party software platform used to facilitate remote hearings. Zoom, the software platform currently used for remote hearings, operates on terms confirming its compliance with UK GDPR requirements.

What about disclosure to other third parties?

We may share your personal data with other third parties, for example with the SRA, to external legal or other professional advisers, or otherwise to comply with the law.

What safeguards are in place in relation to the transfer of your personal data outside of the UK and EU?

Neither we nor our third-party suppliers envisage transferring your personal data outside the UK and EU. The exception to this is that Zoom may transfer data to the US. We consider this to be in the substantial public interest to facilitate remote hearings. The following factors mitigate the limited risk involved in any such transfers: all personal data stored within the platform (the audio recording) are deleted promptly on the conclusion of all hearings and Zoom operates on terms confirming its compliance with UK GDPR requirements, as they have self-verified under the UK extension to the EU-US Data Privacy Framework.

If the position changes, we will let you know and also let you know of the safeguards we will be putting in place to keep your personal data secure. In the event that a Respondent, witness or other individual involved in a particular case is situated outside the EEA we will take appropriate safeguards and liaise with that individual about secure transfer.

How long will we retain your personal data?

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. Details of retention periods for different aspects of your personal data are available in our Records Management Policy which is available from the Head of Operations.

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.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

What are your rights and obligations as a data subject?

If your personal data changes

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.

Your rights in connection with personal data

Under certain circumstances, you have the right to:

- Be informed about the way we process your data, which is what this privacy notice is for.

- 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 information we hold about you corrected.
- 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 exercised your right to object to processing (see below).
- 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.
- Request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact the Data Protection Co-Ordinator in writing: enquiries@solicitorsdt.com.

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 for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

What are your rights to withdraw consent to processing?

You may withdraw your consent to allow us to continue processing your personal data, but only where consent was sought as a lawful means of processing your personal data.

In the limited circumstances where you may have provided your consent to the processing of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Co-Ordinator: enquiries@solicitorsdt.com. Once we have received notification that you have

withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

What are your rights to lodge a complaint about the way in which your personal data are being processed?

Firstly we would encourage you to contact the Data Protection Co-Ordinator in writing so that we can try to resolve your complaint to your satisfaction. Alternatively, or additionally, you may formally complain using our External Complaints Procedure – details of which are on our website. You are also free to contact the Information Commission's Office on 0303 123 1113 at any time.

Personal data received from someone other than you

If we obtain personal data from someone other than you, we will provide you with information as to the source of such personal data and, if applicable, whether it came from publicly available sources. Where the personal data is received pursuant to the exercise of our statutory function, and where revealing the source of the data may undermine the statutory function or involve processing the personal data of a third party, we may be unable to provide this detail.

What data security measures are in place to protect your personal data?

We have put in place measures to protect the security of your information. Details of these measures are available upon request. Secure lockable storage is provided for physical documents containing personal data and electronic data of this nature is held securely on our systems to which access is restricted via login/password and multi-factor authentication to those with a legitimate need to access that information.

Third parties will only process your personal data on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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 business 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 data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data Protection Complaints Procedure

Our process for handling data protection complaints is made clear within the privacy policy on our website. The Data Protection Co-Ordinator is the main point of contact and complaints can

be sent via email to: complaints@solicitorsdt.com or in writing to: 2nd Floor, 45 Ludgate Hill, London, EC4M 7JU. They may also make a complaint via the telephone: 0207 329 4808

If another member of the team receives a complaint related to data protection, it should be immediately escalated to the Data Protection Co-Ordinator to handle.

The Data Protection Co-Ordinator will always verify the identity of anyone making a complaint about how their personal data has been handled before handing over or confirming any information. We will ask for proportionate confirmation, and only when necessary, one of the following forms of ID may be required:

- Passport
- Photocard Driving Licence

The Data Protection Co-Ordinator will acknowledge receipt of the complaint within one month of receiving it and will investigate the complaint without any undue delay.

Our investigation will include:

- Reviewing the facts thoroughly, fairly and accurately
- Speaking to relevant Staff Members and / or Tribunal Members
- Comparing the information from the complaint with the information held within SDTAL; and
- Ensuring SDTAL have acted according to our own terms, policies and processes.

If necessary, the Data Protection Co-Ordinator will approach the complainant to clarify the complaint or to ask for additional information. It may be helpful in the investigation for SDTAL to understand what the desired outcome is; for example, a change in decision, apologise for a mistake or a change in processes.

The Data Protection Co-Ordinator will keep the complainant up to date with the progress of the investigation and tell them the outcome of their complaint once this is known. The Data Protection Co-Ordinator will inform them of steps taken to resolve their data protection complaint, and if appropriate, any actions taken as a result. We will also include details of how the individual can complain to the Information Commission's Office if they are not satisfied with the outcome of our process.

SDTAL will maintain a Data Protection Complaints Log to record key information about data protection complaints, including dates received, acknowledge and responded to, and a summary of key steps taken, outcome of the complaint and any actions taken as a result of the complaint.

If you are dissatisfied with the Data Protection Co-Ordinator's response we would encourage you to discuss the decision with them. However, if an informal discussion does not resolve your

complaint, you may submit it in writing to the Chief Clerk/Chief Legal Adviser either by e-mail to complaints@solicitorsdt.com or by post to the following address:

The Chief Clerk/Chief Legal Adviser
2nd Floor
45 Ludgate Hill
London
EC4M 7JU

Our main office number is 0207 329 4808.

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

If you have gone through our Complaints Process as outlined above, you also have the right to apply to the Information Commissioner for a decision as to whether the Tribunal has dealt with your request for information or processed your personal data in accordance with the requirements of Data Protection Act legislation and the UK GDPR.

We will provide details of how to complain to the ICO in our response to the individual. The following details should be checked online and then included in the email/response letter:

An application may be made to the Information Commission's Office by post to the following address:

Information Commission's Office
Casework and Advice Division Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.
The Information Commissioner's telephone help line is 0303 123 1113.
The ICO's website is: www.ico.org.uk.

You can make a complaint and access further information about their complaints process here: Make a complaint about how an organisation has used your personal information | ICO

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will make details available when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data. If you have any questions about this privacy notice, please contact the SDT offices.