



DIRECT MEDIATION SERVICES

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Prepared by	Stuart Hanson
Approved by	Dorian Roberto Ramirez Sosa
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PRIVACY NOTICE

This privacy notice sets out the standards that you can expect from the Direct Mediation Services and the Legal Aid Agency when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information held for Legal Aid clients. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Their public function is to provide Legal Aid. Sometimes the Legal Aid Agency uses contact information to ask customers if they would like to complete a customer service survey to measure customer satisfaction with our services and to inform areas for improvement.

Direct Mediation Services (DMS) is a private mediation company. It does private mediation work and also publically funded mediation work via The Legal Aid Agency. DMS is the data controller for the personal information held private and publically funded clients. DMS collects and processes personal data for the exercise of its own functions. DMS’s function is to provide family mediation. Sometimes DMS uses contact information to ask customers if they would like to complete a customer service survey to measure customer satisfaction with our services and to inform areas for improvement.

About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in this form such as your financial circumstances and information relating to any current or previous legal proceedings concerning you. We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided on this form will be used for the purposes set out below.

Purpose of processing and the lawful basis for the process

Legal Aid Agency

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided is for the purposes of providing legal aid. Specifically, the Legal Aid Agency will use this personal data in the following ways:

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In processing your application for legal aid, deciding whether you are eligible for Legal Aid, whether you are required to make a contribution towards the costs of this Legal Aid and to assist the Legal Aid Agency in collecting those contributions, if appropriate;

In assessing claims from your legal representative, DMS, for payment from the Legal Aid Agency for the work that they have conducted on your behalf;

In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately; and

In producing statistics and information on processes to enable the Legal Aid Agency to improve their processes and to assist them in carrying out their functions.

Were the Legal Aid Agency unable to collect this personal information, they would not be able to conduct the activities above, which would prevent them from providing Legal Aid.

The lawful basis for the Legal Aid Agency collecting and processing your personal data is the result of the powers contained in the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Direct Mediation Services

The purpose of DMS collecting and processing the personal data which you have provided is for the purposes of providing legal aid. This information is then securely forwarded to the Legal Aid Agency to make their assessment.

With the information that DMS holds they will use this personal data in the following ways:

In processing your application for Legal Aid;

In conducting periodic assurance audits on files to ensure that documentation and files are being correctly recorded; and

In producing statistics and information on processes to enable DMS to improve their processes and to assist them in carrying out their functions.

Were DMS unable to collect this personal information, they would not be able to conduct the activities above, which would prevent them from providing the service.

Both The Legal Aid Agency and DMS collect 'special categories of personal data' for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010 and good practice for private companies such as DMS. Special categories of personal data obtained for equality monitoring will be treated with the strictest confidence and any information published will not identify you or anyone else associated with your legal aid application.

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Who the information may be shared with

Legal Aid Agency

The Legal Aid Authority sometimes need to share the personal information they process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP) and HM Land Registry;

Non-public organisations such as: Debt collection partners;

If false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering;

You can contact the Legal Aid Agency's Data Protection Officer for further information on the organisations we may share your personal information with.

Direct Mediation Services

DMS will sometimes need to share the personal information they process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

The Legal Aid Authority;

Non-public organisations such as: debt collection partners;

If DMS identifies safeguarding issues concerning a vulnerable person identified during mediation process, DMS can lawfully share your personal information with the necessary agencies such as Social Services or the police; and

If false or inaccurate information is provided or fraud identified, DMS can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering.

You may also be asked if you want specific information forwarding to a third party such as a family lawyer; however, this will only ever be done with your expressed permission.

You can contact DMS's Data Protection Officer for further information on the organisations we may share your personal information with.

Details of transfers to third country and safeguards

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Legal Aid Agency

It may sometimes be necessary to transfer personal information overseas. When this is needed, information may be transferred to: United States of America

Any transfers made will be in full compliance with all aspects of the data protection law.

Direct Mediation Services

DMS will not transfer your personal information overseas.

Retention period for information collected

Legal Aid Agency & Direct Mediation Services

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that is collect. These retention periods will also be followed by DMS. Information can be accessed via:

<https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

The Legal Aid Agency and DMS both state that you can also contact our Data Protection Officer for a copy of our retention policies.

While both organisations retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

Access to personal information

Legal Aid Agency

You can find out if the Legal Aid Authority hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request, please contact:

Disclosure Team
Post point 10.38
102 Petty France
London
SW1H 9AJ
Email: data.compliance@justice.gov.uk

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Legal Aid Agency

You can find out if DMS hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request, please contact:

Disclosure Team
Direct Mediation Services
Vicarage Chambers
9 Park Square East
Leeds
LS1 2LH

Email: info@directmediationservices.co.uk

When we ask you for personal data

Legal Aid Agency & Direct Mediation Services

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

That you can withdraw consent at any time, where relevant; That you can lodge a complaint with the supervisory authority; That we will protect and ensure that no unauthorised person has access to it; That your personal data is shared with other organisations only for legitimate purposes; That we don't keep it longer than is necessary; That we will not make your personal data available for commercial use without your consent; and That we will consider your request to correct, stop processing or erase your personal data.

Legal Aid Agency: You can get more details on:

Agreements we have with other organisations for sharing information; Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics; Our instructions to staff on how to collect, use or delete your personal information; How we check that the information we hold is accurate and up-to-date; and How to make a complaint.

For more information about the above issues, please contact the MoJ Data Protection Officer; Post point 10.38,102 Petty France, London, SW1H 9AJ. Email: data.compliance@justice.gov.uk

For more information on how and why your information is processed, please see the information provided when you accessed our services or were contacted by us.

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Complaints

Legal Aid Agency and Direct Mediation Services

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113 www.ico.org.uk

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