

Stirling Council

Privacy Notice

Find out how Stirling Council uses personal data by checking the Council's website at the following address: <http://www.stirling.gov.uk/dataprotection>

Our website contains a Register of Data Processing which lists all the different ways in which the Council uses personal data.

This Privacy Notice provides more information about just one of those processes.

Title of Process	Legal Services – legal advice to all Services
Why does the Council process personal data?	<p>Personal data is processed in order to provide legal advice to Stirling Council as a whole, to specific Services and/or to Elected Members.</p> <p>Data can also be processed in relation to the performance of core statutory matters, other contractual obligations or meet other conditions of processing (or can be preparatory thereto including litigation advice).</p>
What personal data is used?	<p>In order to provide legal advice, it may be necessary to process potentially any personal data already held by the Council, including personal data relating to:</p> <ul style="list-style-type: none"> • Adults, • Children • Vulnerable adults, • Vulnerable children • Council tenants • Council employees • School pupils (and potential pupils) within education authority area, third parties where information is directly relevant to the circumstances of any of the above <p>In the provision of legal advice and/ or in contemplation of litigation, a significant amount of personal data is considered and processed by legal in considering options and routes available to client services, that can include (dependant on the nature of the case)</p> <p><u>Personal Data</u></p> <ul style="list-style-type: none"> • Name and DOB • Address

	<ul style="list-style-type: none"> • Financial details • Physical health/ mental health details (including (in the context of possible adoption) as to addictions, genetic disorders, complex needs and assessments); • Family circumstances • Adopters/ prospective adopters, foster carers • Employment details, financial means and family outgoings (e.g. housing cases) • School and pupil records • Criminal convictions, allegations of a criminal nature involvement with Police or criminal justice/ MAPPA services • Details as to the suspension/ removal of parental rights and responsibilities and information through the Court and Children’s Hearing systems • Complex detail of family histories, family compositions, social work involvement with families over significant periods of time and involvement with services. <p><u>“Special Category” Data</u></p> <ul style="list-style-type: none"> • Biometric data • Genetic data • Health (physical or mental) • Political opinions • Racial or ethnic origin • Religious or philosophical beliefs • Sexual life • Trade union membership <p>Data relating to criminal convictions and offences is also processed.</p>
<p>What makes it lawful for the Council to process this personal data?</p>	<p>Depending on the specific case, personal data may be processed:</p> <ul style="list-style-type: none"> • As a result of a contract with the data subject • To comply with a statutory obligation • To perform a “public task” in the public interest • With the consent of the individual
<p>Where does the Council obtain personal data from?</p>	<p>Personal data is typically collected by other Services within the Council and sent to Legal internally. Personal data can also be:</p>

	<ul style="list-style-type: none"> • Provided by the relevant Service • Disclosed by data subjects or their legal agents as part of the process • Obtained by carrying out standard legal searches with Approved Searchers • Disclosed by external government agencies • Disclosed by partners i.e. other local authorities/police (for example, directly from health or others under Adult Support and Protection processes) <p>In most cases any personal data would not have been collected for the sole or main reason of use in legal proceedings and/or the provision of legal advice but will have been collected in consideration of the wider statutory role. To give appropriate legal advice it may however be necessary to fully process information available to the Council.</p> <p>On occasions information may come directly from Health or Police or other external provider. However the primary point of contact for any external organisation would normally be the Service, and not legal services. For example, Vulnerable Person Reports which may be relevant to a permanence case will typically be disclosed to Social Work, who would then share with legal services. We would not receive these directly.</p> <p>Personal Data can also be disclosed to the Council by legal agents acting on behalf of data subjects.</p>
<p>Where does the Council keep personal data?</p>	<p>In paper format, and in electronic format on the council network.</p>
<p>How long does the Council keep personal data?</p>	<p>Data Protection laws require personal data to be kept no longer than is necessary.</p> <p>Depending on the type of legal advice, different retention rules apply.</p>
<p>Who does the Council share personal data with?</p>	<p>Personal data may be shared with legal representatives of the data subjects in discussions/ negotiations</p> <p>It will be shared as a matter of course (if Court action initiated) with the Court & Tribunals System – through the lodging of applications (normally at Stirling Sheriff Court) and perhaps also with Sheriff Officers who are</p>

	<p>instructed to effect service of certain court documents on behalf of the Council;</p> <p>When certain Court applications are made the Court then orders that the local authority serve copies of papers on relevant people to the action (this may mean for example that a Guardianship application is served on their nearest relative, their care provider and other family members) – those applications will include sensitive personal information and include medical reports – that specific sharing mechanism is provided for under the AWI act but under other frameworks such as Adult Support and Protection it may also be done</p> <p>Shared with government agencies</p> <p>Shared with partner agencies (perhaps with Health in discussion as to an ASP matter) or perhaps with the Office of the Public Guardian, Mental Welfare Commission</p> <p>External legal firms acting for the Council on a particular matter.</p>
<p>Who do I contact about my personal data?</p>	<p>The Council has a Data Protection Officer to make sure it is complying with data protection laws.</p> <p>The Council's Data Protection Officer is Kevin O'Kane, Audit Manager.</p> <p>He can be contacted at: Data Protection Officer, Stirling Council, Teith House, Kerse Road, Stirling FK7 7QA Email: dataprotection@stirling.gov.uk Telephone: 01786 404040</p>