

**Privacy Notice  
Durham County Council  
Legal & Democratic Services  
Litigation Team**

**1. Who we are and what we do**

Durham County Council's Litigation Team falls within Legal and Democratic Services. For the purposes of Data Protection, Durham County Council is the Data Controller.

The Litigation Team provides general legal advice and conducts work of a legal nature on behalf of all of Durham County Council's services in respect of their functions.

Services provided include criminal litigation & civil litigation, employment advice/proceedings, as well as advising and representing the Council in the course of its statutory and regulatory functions. The Litigation 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.

**2. 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 and other contact details
- Financial information
- Human resources and personnel records

**How we collect Personal Information**

We collect information about you in the following ways:

- By way of form of authority or personal contact
- By third parties providing documents and records

**3. What is our power to obtain and use the personal data?**

When we collect and use your personal information we rely on one of the following

**Lawful Basis (Article 6)**

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes, by providing a form of authority for access to records or providing the data.
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract – such as when the litigation team support the Council in employment matters and claims and contractual disputes.
- c) processing is necessary for compliance with a legal obligation to which the controller is subject – such as when the litigation team respond to claims and Court orders on behalf of the Council.
- d) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller – such as when we investigate and instigate criminal proceedings for prosecutions and represent the Council in licensing matters and where the Council departments are supported in their public tasks.

- e) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

### **Special Category Data**

The type of special category data collected varies dependent upon the nature of the matter being dealt with. The type of information typically collected will be contained within:

- GP, hospital and medical records
- Police records
- Occupational health records
- HR and personnel records

When we collect special category personal information we rely on one of the following **Conditions** for processing from **Article 9**:

- a) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
- b) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- c) processing is necessary for reasons of substantial public interest.

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

The Litigation Team collects, receives and processes information about you for the following purposes:

- To provide service delivery to our client services.
- To investigate and instigate criminal prosecutions.
- In issuing or defending of civil claims.
- In issues arising through contracts of employment or employment tribunal proceedings.
- In advising or representing client departments in legal proceedings.
- In advising or representing client departments in regard to the Councils statutory and regulatory functions.

## **5. 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:

- Councillors
- Her Majesties Courts and Tribunals Service
- Compensation Recovery Unit
- Criminal Injuries Compensation Authority
- ACAS
- The Police
- Experts/Solicitors/Barristers for the purposes of obtaining advice and representation.
- Insurers and their representatives

- Other relevant parties or bodies in regard to the instructions and other Councils where appropriate.

## 6. How do we keep your personal information secure?

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information. 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.

## 7. How long will we keep your personal information?

After we deliver a service to our client department, we have to keep your information as a business record of what was delivered. The type service will determine how long we have to keep it. Our corporate retention guidelines show how long we keep it for different services. This ranges from months for some records to decades for more sensitive records.

The retention periods for Litigation 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 | 25 <sup>th</sup> birthday of child |

## 8. Is your personal information processed outside the European Economic Community?

We do not process your personal information outside the EEC.

## 9. Marketing (if applicable)

At no time will your information be passed to organisations external to us and our partners for marketing or sales purposes or for any commercial use without your prior express consent.

## 10. What are your Information Rights?

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

- to have any inaccuracies corrected;
- to have your personal data erased;
- to place a restriction on our processing of your data;
- to object to processing; and
- to request your data to be ported (data portability).

**To exercise any of these rights please contact the litigation team in the first instance.**

You also have the right to request a copy of the personal information council holds about you. To do this, please use this [link](#)

To learn more about these rights please see the ICO website.

If something goes wrong with your personal information, or you have questions about how we use it, please contact the Data Protection Officer at [dpo@durham.gov.uk](mailto:dpo@durham.gov.uk) or on 03000 268 050.

If we have not been able to deal with your complaint, 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

**Fax:** 01625 524 510