



Judicial Conduct Investigations Office

PRIVACY NOTICE

Version 1: Dated 25 May 2018

Judicial Conduct Investigations Office (JCIO)

What is the purpose of a privacy notice

A privacy notice sets out the standards that you can expect from the JCIO when we request or hold personal information (personal data) about you; how you can access your personal data; and what you can do if you think the standards are not being met.

Who are we?

We are the JCIO. We are civil servants working in the Judicial Office responsible for carrying out activities provided for in the Judicial Discipline (Prescribed Procedures) Regulations 2014. The Judicial Office is an Arm's Length Body of the Ministry of Justice (MOJ) which is made up of civil servants who together provide services for the Judiciary of England and Wales.

The JCIO is the data controller for your personal data. In some circumstances a judge may be the data controller for the data that the JCIO processes.

What do we do?

The JCIO has a statutory role in supporting the Lord Chief Justice and the Lord Chancellor on matters of judicial discipline. We do this by:

- receiving, assessing and responding to complaints of misconduct about judicial office holders;
- providing advice on the application and interpretation of the judicial complaints process;
- managing the investigation of complaints; and
- providing administrative assistance and advice to those involved in the investigation of complaints.

The processes we follow when dealing with complaints are governed by statutory rules and regulations.

The JCIO is the data controller for your personal data.

We will ensure that we process your personal data:

- fairly and proportionately;
- in line with any current guidance and other publications of the Information Commissioner;
- only in ways that are relevant for the purposes for which it is to be used;
- accurately, so that it is complete, and kept up to date;
- so that it is kept for no longer than is necessary for its declared purpose; and
- so that it is protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data.

Our right to change our privacy notice

We may make changes to our privacy notice from time to time. When we do so we will place our changed Privacy Notice on our website – <https://judicialconduct.judiciary.gov.uk> and the Judicial Intranet. We will make clear any changes we have made to our changed Privacy Notice. We will always put the date and version of our Privacy Notice in its heading so that you can easily find this information

What is your personal data?

Personal data is any information about a living individual that can be used to identify them. It includes identifiers such as name, date of birth, personal characteristics such as gender and ethnic group, qualifications and absence information.

It may also include what are known as **special categories of personal data**. This is information concerning: racial or ethnic origin, political opinions, religious or philosophical beliefs, TU membership, genetic or biometric data, health data, data concerning your sex life or sexual orientation.

Identification can be by the information alone or in conjunction with any other information in our possession or likely to come into our possession.

What do we mean by processing?

When we refer to processing we mean any activity we perform on or with your personal data such as collection, storage, adaptation, or other use.

How do we process your personal data?

We will process your data in accordance with the General Data Protection Regulation (the GDPR) and by the Data Protection Act 2018. This means we will keep personal data up to date; store and destroy it securely; not collect or retain excessive amounts

of data; protect it from loss, misuse, unauthorised access and disclosure; and ensure that appropriate technical measures are in place to protect personal data.

On what basis do we process personal data?

We will only use and process your personal data when and how the law allows us to.

The law allows us to process your personal data as it is necessary for us to do so in the public interest and in the exercise of official authority. The public interest is the proper administration of justice or for the exercise of statutory disciplinary functions. The official authority is set out in Judicial Discipline (Prescribed Procedures) Regulations 2014 and the rules made under them.

The law also allows us to process your data with your **explicit consent**. Where we do so, we will ask you for that consent before we process your data. You are under no obligation to give consent if we ask for it. **If you give consent you may withdraw it at any time.**

How we collect personal data

We will collect your personal data in a number of ways, for example:

If you are a complainant:

- when you make a complaint about a judicial office holder; and
- when considering and, if necessary, investigating your complaint

If you are a judicial office holder:

- when considering a complaint about you; and
- when, if necessary, asking you to respond to a complaint.

If you are a third party:

- when considering a complaint or a response to a complaint in which your personal data is contained; and
- when, if necessary, asking you to comment on a complaint, for example, in the context of being named by a complainant or a judicial office holder as a relevant witness.

How we use your personal data

We will use your personal data to:

- consider, if necessary to investigate, respond to and, where appropriate, provide advice on:

- (complainants) a complaint you have made; or
- (judicial office holders) a complaint made about you; or
- (third parties) a complaint in which your personal data is included.

We will collate, process, disseminate and publish statistics based on an aggregation of data held on our files or digital case management system, provided the data relating to any individual may not be identified from the resulting analysis.

Sharing your personal data

We may share your personal data with:

- the Lord Chief Justice (or his judicial delegates); the Lord Chancellor; nominated judges, investigating judges and disciplinary panel members as part of the complaint process;
- civil servants and other individuals who provide advice and support to them as part of the complaint process;
- the judicial office holder(s) who are subject to complaints as part of the investigation process;
- The Judicial Appointments and Conduct Ombudsman; and
- others insofar as this is necessary for the performance of the JCIO's functions and those of others involved in determining complaints.

In the interests of transparency, if a complaint about a judicial office holder concludes with a finding of misconduct, we will publish a brief statement on our website, approved by the Lord Chief Justice and the Lord Chancellor. This will include the name of the office holder and judicial office, a brief summary of the nature of the misconduct and the sanction given to you as a result. You can find further information about our publication policy at:
<https://judicialconduct.judiciary.gov.uk/disciplinarystatements/publication-policy>

We may also share personal data with third parties for other reasons if:

- you have given your explicit consent; or
- we are under a legal obligation to do so, for example because of a court order; or
- for the purpose of another important public interest objective where this is compatible with the GDPR, for example, the prevention, detection or investigation of criminal offences or investigations by professional regulators.

Updating your personal information

Judicial Office Holders

You can update your personal data via eHR judicial Self Service

Complainants and third parties

By contacting us by email – general.enquiries@judicialconduct.gov.uk or letter:

Judicial Conduct Investigations Office
81-82 Queen's Building
Royal Courts of Justice
Strand
London, WC2A 2LL

The processing of data concerning health (judicial office holders)

We may also process the following special category of personal data as it is necessary for us to do so further to a substantial public interest. That public interest is the administration of justice. When we do so we will ensure that the processing is proportionate and that effective measures are in place to safeguard your fundamental rights and interests.

Health

Only data relating to any illness/health condition you may have in circumstances which may be relevant to a complaint about your conduct or your ability to participate in the disciplinary process.

If we consider that it would be in your best interests to share data concerning your health with the Judicial HR Casework team, we will not do so without obtaining your explicit consent.

All staff who have access to health records shall be instructed that such information must be treated as confidential.

Further processing

We may wish to use and process your personal data for a new purpose not set out in this privacy notice. Should we do so we will contact you to let you know about how we wish to use your personal data and where necessary we will seek your prior explicit consent to the new processing.

Security

The security of your personal data is very important to us.

We will ensure that we have in place appropriate technical and organisational measures to prevent unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.

Your rights and your personal data – the subject information rights

Unless subject to an exemption, in respect of your personal data you have a number of subject information rights. These are:

- the right to request that we correct any personal data if it is found to be inaccurate or out of date;
- the right to request your personal data is erased where it is no longer necessary for us to retain such data;
- the right to withdraw your consent to the processing of sensitive information at any time;
- the right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- the right to lodge a complaint with the Information Commissioner's Office.

Access to personal information

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

Data Access & Compliance Unit
6th Floor
102 Petty France
London
SW1H 9AJ

Email: data.access@justice.gsi.gov.uk

Exemptions from your subject information rights in respect of your personal data

In some circumstances your personal data is exempt from the subject information rights.

Exemptions apply where the personal data is processed for the purposes of assessing your suitability for judicial office or in relation to the conferral of an honour by the Crown. Exemptions may also apply where use of the subject information rights is likely to prejudice judicial independence or judicial proceedings.

Retention and destruction of personal data

Your personal data will not be kept longer than it is necessary. Personnel files, both electronic and paper, will be destroyed in line with the JCIO Retention and Disposition Schedule.

Contact details and further information

Please contact us if you have any questions about this Privacy Notice or how we handle your personal data. We can be contacted at – general.enquiries@judicialconduct.gov.uk

For more information about how the JCIO handles data please contact the MOJ Data Protection Officer:

Data Protection Officer
Ministry of Justice
102 Petty France
London, SW1H 9AJ

Email - data.compliance@justice.gov.uk

Complaints

When we ask you for information, we will keep to 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

Further information on the protection of data can also be found on the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/guide-to-dataprotection>