



Privacy notice for tribunals forms

Purpose

This privacy notice sets out the standards that you can expect from the Ministry of Justice (MoJ) and HM Courts and Tribunals Service (HMCTS) when we process personal information ('personal data') about you in the context of tribunal proceedings; 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.

HMCTS is an Executive Agency of MoJ. MoJ is the data controller for the personal data held, although it may act jointly with HMCTS. HMCTS also collects and processes personal data for the exercise of its own and associated public functions and legal obligations.

This privacy notice does not apply to the processing of personal data which is collected and controlled by the tribunal and its judges when they are acting in their judicial capacity. The judiciary are independent from MoJ and HMCTS and data protection law applies differently to them as a result. For more information, see www.judiciary.uk/about-the-judiciary/judiciary-and-data-protection-privacy-notice/

About personal data

Personal data is information that relates to a living individual who can be identified from the data.

It does not include information relating to dead people, groups or communities of people, organisations or businesses. It can be your name, address or telephone number. It can also include information about your gender, your financial circumstances, your cultural background or your social status.

We know how important it is to protect the privacy of all individuals involved in tribunal proceedings 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 meeting our legal obligations and for the administration of justice. The types of data collected in the tribunal forms may include: your name, address, contact details, your economic circumstances, ethnicity, religious beliefs and the details of any other persons, including children, to whom the proceedings relate, or those who may have an interest in the proceedings.

The personal data will usually be obtained from you, your representative, or from another person who has included your data in a tribunal form which they have completed. Your personal data may also be obtained from other sources throughout the course of the proceedings, for example from a government department or local authority that is a party to a tribunal case, or from an institution such as a school or a hospital, or from any other party to the proceedings.

Purpose of processing and the legal basis for the processing

We necessarily process personal data for the purposes of the administration of justice and supporting the independent judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently. Processing is also necessary for the establishment, exercise or defence of legal claims.

Personal data required for this purpose is collected and held in tribunal forms. It is also uploaded onto a tribunal database supporting the administration of justice in tribunal proceedings, which is used by tribunal staff for case management and to collect quality information about the progression of a case.

The tribunal forms are available here www.gov.uk/government/collections/court-and-tribunal-forms

The forms are generally used to initiate proceedings or to determine action within existing proceedings and the information provided enables the tribunal to deliver justice and make important decisions. As explained above, data protection laws apply differently to the tribunal when personal data is collected and used during the proceedings.

We also process personal data obtained in tribunal cases for statistical purposes. The personal data is anonymised and is used to produce quarterly statistics on the activity of tribunals in England, Wales and Scotland. Sometimes HMCTS uses contact information to ask tribunal users if they would like to complete a customer service survey to measure the satisfaction of tribunal users and inform areas for improvement.

When we ask you for personal data we:

- promise to inform you why we need your personal data
- will ask only for the personal data we need and not collect information that is irrelevant or excessive
- will protect it and make sure no unauthorised person has access to it

- may share it with other organisations but only where necessary and permitted by the law (see below)
- will make sure we don't keep it longer than is necessary

You can:

- request access to your personal data or ask for it to be corrected
- object to our processing of your personal data or ask for the processing to be restricted
- lodge a complaint with the Information Commissioner (see below)

Who the information may be shared with

The information you provide us will typically be shared with the other parties involved in the case, including their legal representatives.

The information you give us will not usually be shared with anyone who is not a party to the case unless this is specifically ordered by the tribunal or permitted by the Tribunal Procedure Rules (“the Rules”). This type of processing of personal data by a tribunal is not covered by this privacy notice as it is generally carried out by the independent judiciary.

Where we are required to share personal data, we will comply with all aspects of the rules, including data protection laws. The categories of organisations with whom we may be required to share your personal data obtained in tribunal forms may include agencies contracted by HMCTS (e.g. interpreters, intermediaries, transcription or translation agencies), other Government departments, tribunals or courts and public authorities within or outside the EU.

Subject to certain exceptions which are specified below, tribunal hearings will be held in public unless the tribunal orders otherwise, so if information you give is referred to at a hearing then it may become public in that way. Media representatives or other persons can attend and report on public hearings, unless the tribunal orders otherwise.

The cases that must be heard in private are set out in legislation:

- Section 108 of the Nationality, Immigration and Asylum Act 2002 states that a tribunal hearing must be heard in private where it is alleged that a document relied upon by a party to an appeal under section 82 is a forgery, and that disclosure to that party regarding the detection of the forgery would be contrary to public interest.
- Rule 26(2) of the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Procedure Rules 2008 states that a First-tier Tribunal hearing must be heard in private if it involves special educational needs and disability discrimination in schools, unless the tribunal considers that it is in the interests of justice for the hearing to be held in public. Under Rule 38, mental health cases in the First-tier Tribunal are also heard in private, unless the tribunal considers that it is in the interests of justice for the hearing to be held in public.

- Rule 30(2) of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 states that a First-tier Tribunal hearing must be heard in private if it involves criminal injuries compensation, unless the appellant has consented to the hearing being held in public, and the tribunal considers that it is in the interests of justice for the hearing to be held in public.
- Rule 48(4) of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010 states that where the Lands Chamber of the Upper Tribunal acts as an arbitrator in a reference by consent under section 1(5) of the Lands Tribunal Act 1949, any hearing must be held in private unless the parties agree otherwise.

Details of transfers to third countries

It may sometimes be necessary to transfer personal data overseas for the establishment, exercise or defence of legal claims. The reasons for the transfer and the recipient third country will always depend on the circumstances of the case but any such transfers will be made in full compliance with all aspects of the law (“third country” means a country outside the EU).

To find out more information, you can contact us by emailing data.compliance@justice.gov.uk.

Retention period for information collected

Government departments, agencies, and all other public-sector bodies are instructed to retain any and all documentation; correspondence; notes; e-mails and all other information (however held) which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. The word “children” relates to any person under the age of 18.

Different retention periods apply based on the type of proceedings you are involved in. To find out the retention periods and other information which may be useful to you, please see <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

Access to personal information

You can find out if we hold any personal data about you by making a ‘subject access request’. You can make a subject access request by emailing Data.access@justice.gsi.gov.uk

You can get more details on:

- Agreements we have with other organisations for sharing personal data
- Circumstances where we can pass on personal data 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 data
- How we check that the personal data we hold is accurate and up-to-date
- How to make a complaint

For more information about the above issues or for any other queries, please contact our Data Protection Officer by 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 by MoJ or HMCTS, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner here:

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