GDPR Training

For Process servers

November 2023

National Centre for Domestic Violence
A Community Interest Company

Introduction

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). Everyone responsible for using personal data has to follow strict rules called 'data protection principles’.

The following document and accompanying training will stand you in good stead to correctly work within these parameters going forward.

The Information Commissioners Office (ICO) upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Nb. All data at NCDV is processed in line with our privacy policy which can be found on our website.

National Centre for Domestic Violence
A Community Interest Company

The Six Principles of GDPR

There are six principles that summarise the requirements of GDPR. These are common sense principles that apply just as much to NCDV as they do to anybody holding any data on a data subject.

	This means	
Lawfulness, Fairness & Transparency		All personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject. The data subject is the person the data is about.
Purpose Limitation	→	All Personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those processes. This principle in practice means that when collecting data, we can only do so if we can prove we have a need to store the data.
Data Minimisation	→	All personal data must be relevant, and limited to what is necessary. This means we should think about every single field of data we hold and be clear in our mind we have a justifiable reason for holding the data.
Accuracy	→	All personal data must be accurate and where necessary kept up to date.
Storage limitation	→	All personal data must be kept for no longer than is necessary and in line with our data retention policy.
Integrity and Confidentiality	→	All personal data must be processed in a manner that ensures appropriate security of the data, and this includes the data being held in a structured filing system, both as paper and on any local PC's or Company PC's

National Centre for Domestic Violence
A Community Interest Company

The Six lawful bases for processing data

There are six lawful bases for processing data. No single basis is 'better' or more important than another. NCDV uses 4 of the 6.

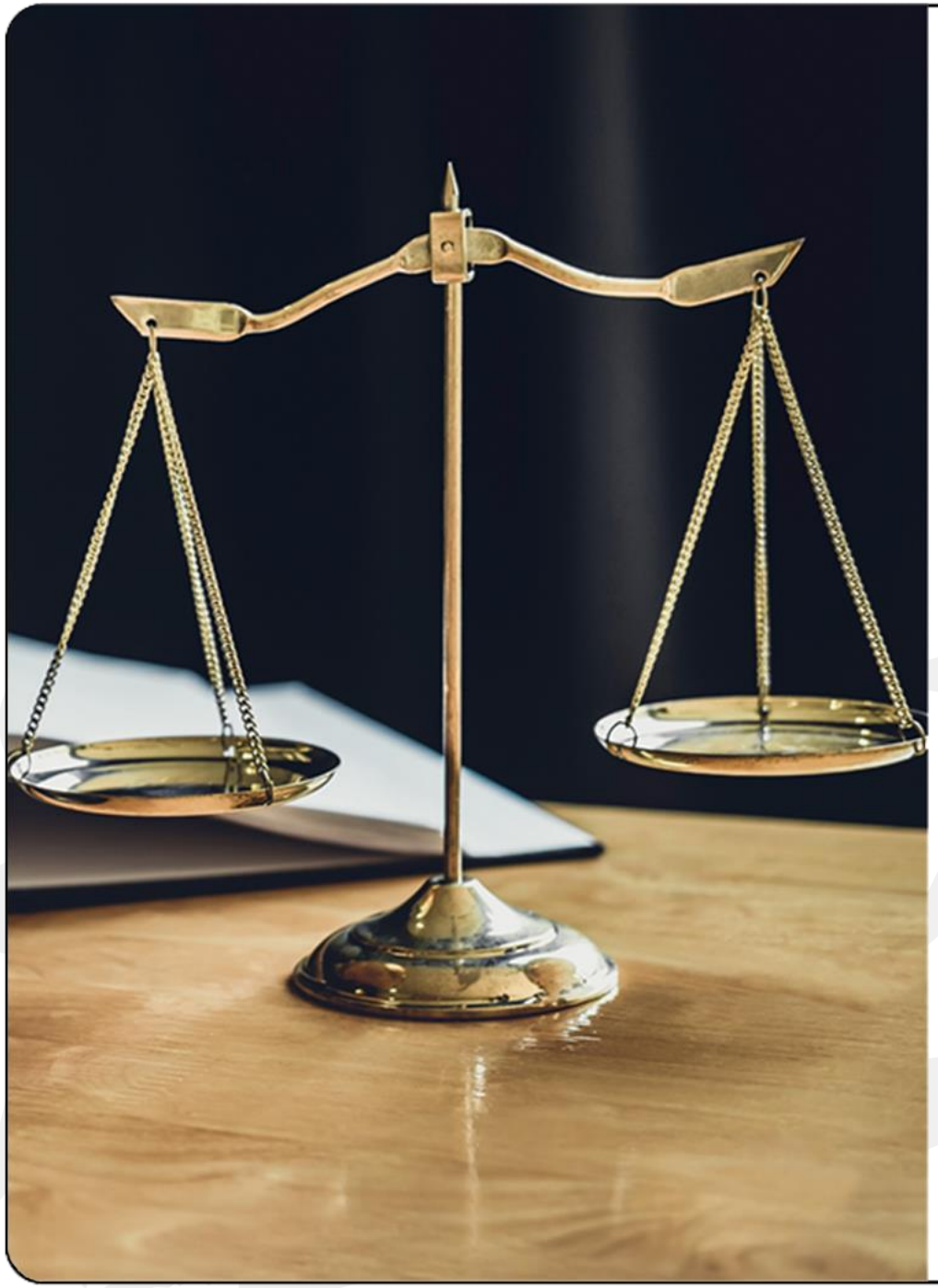
	This means
Legitimate interests	The processing is necessary for a legitimate interest or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data, which overrides those legitimate interests. NCDV uses this lawful basis to process our clients data and this applies to respondents data too.
Consent	The individual has given clear consent for you to process their personal data for a specific purpose. NCDV uses this lawful basis for marketing bases only. We do not use this lawful process with our clients because we do not obtain the respondents consent (we do not call them and ask) to hold their data and it would be impractical to do so.
Contract	The processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract. We enter into contracts with our employees and we enter into a process serving agreement with your yourselves as process servers.
Legal obligation	The processing is necessary for you to comply with the law (not including contractual obligations). NCDV uses this lawful basis when processing our payroll records, or for invoicing.
Vital interests	The processing is necessary to protect someone's life. It is possible we could use this, and whilst our clients are at risk of harm, not everyone's life is at risk, that is why we **do not** use this.
Public task	The processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. This does not apply to NCDV.

National Centre for Domestic Violence
A Community Interest Company

What is Personal data

- There are multiple types of information about you which would be categorised as personal data and there is a noticeably clear description of what might constitute personal data. If one or multiple pieces of information can be used to identify you as an individual then it may be considered personal data.
- Examples of Personal data are:
    - Your name, your address, your telephone number, your mothers maiden name.
    - Your place of work, your IP address or details about how you spent your weekend.
- All of the above either are or could be considered personal data. It is feasible that you could be identified by another individual based on this information.

National Centre for Domestic Violence
A Community Interest Company



Data controllers and data processors

- Data Controller – A data controller can be a business, a public authority, an agency or other body who holds an individual's data and dictates the parameters of how it is processed. In this instance NCDV are a data controller, we are responsible for the keeping, and the use of that data as agreed with the person. There are instances where we are joint data controllers, for example when we send a bundle to one of our solicitors panel, in this instance we share data and are joint controllers.
- Data Processor –A data processer is a third party often hired to process an individual's data for the Data Controller. As an example when an order is served on a respondent, we use a process server, they are data processors. The data controller will dictate what type of processing can be done with that data to comply with the agreement with the data subject.

National Centre for Domestic Violence
A Community Interest Company

Disclosure to the correct person

- In the course of our work It is very important that we only share the personal information we hold with authorised parties.

- Whenever you speak to an applicant, a respondent or a 3rd party, you need to confirm their identity to proceed with their case. If you are unable to do so, do not share personal information with them or serve papers.

- If you receive a call from any individual looking for an update regarding a case you need to be confident it is the right person before you disclose any information. If you are unsure do not disclose.

National Centre for Domestic Violence
A Community Interest Company

What is a data breach and how to report one?

As a process server you will be in possession of sensitive and confidential information.

You will remain responsible at all times in controlling this data in such a way that a data breach will not occur. It is critical you report any personal data breaches immediately to NCDV by email to orders@ncdv.org.uk If you are unsure please report the incident and we can investigate.

Whilst we all have the best intentions in regards to how we protect people's data there may still may be circumstances where this might fall into the incorrect hands either through human error, technical failings or a breakdown of process. Most simply put, a data breach would be any instance that the personal data we hold for someone falls into the hands of any unauthorised party.

Typical Examples could be:

- Sending an email or a text or a WhatsApp message containing data, an order, and a witness statement to the wrong person.
- Copying in someone on an email (containing data) incorrectly or sending an email (containing data) to the wrong person.
- Serving documents to the wrong person

Other less common types would be

- any instance that data is stored or processed without a lawful basis for doing so, or,
- If you or NCDV encounters a cyber-attack and personal data is obtained.
- If you accidentally install a virus on your PC and data of clients is obtained.

We will always investigate immediately and if required to do so, will report to the ICO within 72 hours.

National Centre for Domestic Violence
A Community Interest Company

Privacy Policy

NCDV's privacy policy can be found on our website at the bottom of the main page.
https://www.ncdv.org.uk/privacy-policy/

Confidential Respondent Addresses

From time to time, NCDV will receive information on the whereabouts of a respondent. However, the information may be subject to non-disclosure to the Applicant. In these cases, the service address should not be included in the Affidavit of Service.

If you are not provided with the address when you need to serve please contact the process serving team.

National Centre for Domestic Violence
A Community Interest Company

What is a subject access request (SAR)

Subject access requests can come from absolutely anybody and can come both verbally and in writing. This is where someone asks an organisation what information they hold about you (or them).

Examples include:

- A request to provide any details of a client on our system.
- A request for a copy of a witness statement.
- A request to delete all a clients details.
- A request for all information we hold on the subject.

If anyone makes a request to you it is important that you document the date and time of the request. In the first instance advise the individual to email in their request to orders@ncdv.org.uk .

We will respond (and are obliged) to all SAR's within 30 days.

National Centre for Domestic Violence
A Community Interest Company

Data retention policy

One of the key principles of GDPR is that every piece of data has a data life.

NCDV has a data retention policy and that shows how long a piece of data is held and why it is held for that length of time. This applies to both clients, employees and third parties.

As an example:

- Client data is held for 5 years after which time it is securely erased or anonymised;
- Employee records including performance appraisals are held for 6 years.

- As a process server you should delete all emails and documents within 90 days of them being served. Please ensure you delete your recycle bin too. This will significantly reduce the chances of you making a breach. There is no requirement for you to keep records after this as NCDV will retain a copy.

National Centre for Domestic Violence
A Community Interest Company

Process server responsibilities

To ensure we are both protected in our daily duties please ensure you read and understand both the Process serving agreement and the SLA agreement.

On a more practical basis please ensure:

- Your screen automatically locks when your screen is not in use for 15 minutes.
- Your PC is password protected.
- You regularly install software updates on your PC and run as a minimum windows 10 or MacOS11.
- You maintain anti-virus software on your PC.
- All files provided by NCDV are deleted after 90 days (nb. If you need a copy in the future we can provide one for you).
- If required to print any paperwork, only print one copy that is served on the respondent and one copy to be served on the Police. If any further copies are made in error, these should be shredded or incinerated.

National Centre for Domestic Violence
A Community Interest Company

In Summary

- This session covered the six principles that summarise the requirements of GDPR. These are common sense principles that apply just as much to NCDV as they do to anybody holding any data on yourself.
- There are six lawful bases for processing. No single basis is 'better' or more important than another. NCDV uses 4 of the 6 lawful basis.
- Personal data can cover anything from your name, address and telephone number through to posts people make on social media apps about themselves.
- NCDV is a data controller, a process server is a data processor.
- Ensure you only disclose information to the right person.
- If you breach or there is a breach you must report it immediately to us.
- Our privacy policy is on our website.
- If you receive a subject access request please inform us immediately.
- NCDV has a data retention policy and all process serving documents should be deleted within 90 days at your end.

National Centre for Domestic Violence
A Community Interest Company

Close

National Centre for
Domestic Violence
A Community Interest Company