**Use and Retention Schedule**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Please refer to the Notes below for a glossary of terms** | | | | |  |  | | |  | | |
| **Why are you providing information?** | **What does that include?** | | **Who will get to see the information?** | | **What is the lawful basis for processing my information?** | **Will information be gathered from other sources?** | | | **How long will you keep my information?** | | |
| Applications | Applications for recognition, renewal or status under the Society's Rules, or statutes. | | Staff and committees | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: Disclosure Scotland, academic institutions, the SQA,SLCC,SLAB, SSDT, referees and other regulators | | | Application documentation will generally be kept for 5 years. Where it relates to a member's status/record, information will be kept indefinitely | | |
|  | Applications for committee membership | | Staff and committees | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: Disclosure Scotland, academic institutions, the SQA,SLCC,SLAB, SSDT, referees and other regulators | | | Application documentation will generally be kept for 5 years. Where it relates to a member's status/record, information will be kept indefinitely | | |
|  | For reimbursement from the Client Protection Fund/Guarantee Fund | | Staff and committees | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: firm files, client files and accounting records of the relevant practice unit, Members, SLCC, SLAB, SSDT and other regulators | | | Application documentation will generally be kept for 5 years. Where it relates to a member's status/record, information will be kept indefinitely | | |
|  | Applications for recognition, renewal or status outside the Society's Rules, or statutes.For example: Student Associates | | Staff and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: Disclosure Scotland, academic institutions, the SQA and other regulators | | | Application documentation will generally be kept for 5 years. Where it relates to a member's status/record, information will be kept indefinitely | | |
| CCTV | In the Society premises at Atria One Edinburgh | | Authorised Staff and where appropriate law enforcement agencies such as the Police | | Primarily the Society will rely on its legitimate interest and obligation to protect members of the public and its Staff, and to act in the public interest in assisting the detection and prevention of crime. | Information will not generally be gathered from other sources although note that Atria One is also subject to CCTV not in the Society's control and for which the Society is not responsible | | | CCTV records are retained for 30 days but may be held longer in the event of an incident or or at the request of the police or other authority. | | |
| Complaints and submissions related to complaints | Complaints relating to Scottish solicitors. | | Staff, committees and the SSDT | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: the SLCC, firm files, client files and accounting records of the relevant practice unit, Disclosure Scotland, and other regulators | | | Information will generally be kept for 5 years. Information related to formal decisions affecting a member's status/record will be kept indefinitely | | |
|  | Complaints relating to Society Staff | | Appropriate managers and Staff, and the HR Team and where appropriate supporters and advisors | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as the complainer | | | Information will generally be kept for 5 years. Information related to formal decisions affecting a member's status/record will be kept indefinitely | | |
| CPD and training | In relation to the Society's CPD/TCPD training events, registration (which may include sensitive information related to health such as accessibility), attendance and marketing consent. | | Staff and committees as well as venues and Suppliers involved in the preparation and delivery of such events | | Primarily the Society will be relying on its legitimate interest in offering and providing training to its members as well as the benefit to the public in ensuring a competent profession. Where appropriate (and in particular in relation to non-members of the Society) the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records. Information will not generally be gathered from other sources. | | | Information will generally be kept for 5 years. Where it relates to non-compliance with Rules, information will be kept for 10 years | | |
|  | In relation to the Society's CPD/TCPD online recording tool which allows the capture of training provided by training suppliers. | | Staff | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public in ensuring compliance with its Rules and the competence of the profession | If you record on our online system your CPD/TCPD training record (including from other suppliers) you will be sharing that information with us | | | Information will generally be kept for 5 years. | | |
|  | In relation to the Society's monitoring of membership compliance with their CPD/TCPD obligations | | Staff, committees and the SSDT | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public in ensuring compliance with its Rules and the competence of the profession | Information may be sourced/checked by reference to the Society's records or third parties such as: CPD/TCPD providers | | | Information will generally be kept for 5 years. Where it relates to non-compliance with Rules, information will be kept for 10 years | | |
| Qualifications and Examinations | Including traineeships, Society exams, accredited specialisms, solicitor advocate qualifications etc | | Staff, examiners, assessors and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public in ensuring compliance with its Rules and the competence of the profession | Information may be sourced/checked by reference to the Society's records or third parties such as: the SLCC, Disclosure Scotland, academic institutions, other training providers, referees, the SQA and other regulators | | | Information will generally be kept for 5 years. Where it relates to a member's status/record, information will be kept indefinitely. | | |
|  | Participation in our Streetlaw programme, Donald Dewar Debating competition and other outreach work | | Staff, committees, Suppliers and Advisors where appropriate | | Primarily the Society will rely on the schools managing consent and pupil/participant data | Information will not generally be gathered from other sources beyond the participating Schools. | | | Information will generally be kept for 1 year | | |
| General enquiries | By e-mail, on-line services, telephone, interview or other means | | Staff, committees, Suppliers and Advisors where appropriate | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information will not generally be gathered from other sources beyond Society's records, and Suppliers and Advisors. | | | Information will generally be kept for 1 year unless regulatory action is taken in which case it will be retained for 5 years. Where it relates to a member's status/record, information may be kept indefinitely. | | |
| Governance | Council and committees supporting the work of the Society - agendas and minutes | | Staff and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public in ensuring compliance with its Rules and the competence of the profession. Committee members shall not record meetings, but Society Staff may for the purpose of producing an accurate Minute. | Information may be sourced/checked by reference to the Society's records or third parties such as Disclosure Scotland, academic institutions, the SQA,SLCC,SLAB, SSDT, referees and other regulators | | | Information will generally be kept for 5 years. Committee minutes will generally be kept indefinitely. Any recording of a meeting will be destroyed within 21 days | | |
| Human resources | Employment and all related processes such as recruitment, grievance and disciplinary processes | | HR and Finance team Staff, Senior management and Board/Council where appropriate and Advisors where appropriate | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: HMRC, DWP, former employers, other referees, academic institutions, the SQA and other regulators | | | Information will generally be kept for 7 years. Where it relates to Staff status/record, information may be kept indefinitely | | |
| Finance | Payments and receipts including Staff payments, taxation and pensions. Bank details (though we do not retain credit or debit card numbers) | | Finance team Staff, Senior management and Board/Council where appropriate | | Primarily the Society will rely on the legal obligation flowing from the relevant statutory provisions. Additionally, the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as: Companies House, credit referencing agencies, Suppliers, members of the Society, HMRC, DWP and debt agencies such as the Student Loans Company. | | | Information will generally be kept for 7 years. Where it relates to Staff status/record, information may be kept indefinitely | | |
| Inspections | In the course of inspections personal data relating to individual solicitors and their clients may be subject to compliance review | | Staff, committees, relevant authorities , regulators and the SSDT | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. Additionally, the Society may rely on the legal obligation flowing from the relevant statutory provisions or from its obligations to comply with the terms of any court order or authority granted to it in respect of an intervention. | Information may be sourced/checked by reference to the Society's records, the practice unit's records, or third parties such as: banks, courts and other practice units. | | | Information will generally be kept for 5 years or (if later) until the next full inspection. Where it relates to non-compliance with Rules or to a member's status/record, information may be kept indefinitely. | | |
| Interventions | In the course of interventions personal data relating to individual solicitors and their clients may be subject to review | | Staff, committees, relevant authorities , regulators and the SSDT | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. Additionally, the Society may rely on the legal obligation flowing from the relevant statutory provisions. | Information may be sourced/checked by reference to the Society's records, the practice unit's records, or third parties such as: banks, courts and other practice units. | | | Information will generally be kept for 5 years or for the period specified in the Society's guidance on the retention of client files. Client papers such as wills and titles will be kept until they can be transferred appropriately. | | |
| Marketing | Including the Society's member benefits scheme, certain non-core research, training for non-members and charitable activity | | Staff and committees | | Primarily the Society will rely on specific consent and/or contractual obligations. | Information will not generally be gathered from other sources beyond Society's records. | | | Information will generally be kept for 5 years or (if consent is relied upon as the lawful basis for processing) until consent is withdrawn | | |
|  | Member news such as the Journal, fraud alerts, information relating to practice legislation and Rules, as well as career development, CPD and training events. | | Staff and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public in ensuring compliance with its Rules and the competence of the profession | Information will not generally be gathered from other sources beyond Society's records. | | | Information will generally be kept for 5 years or (if consent is relied upon as the lawful basis for processing) until consent is withdrawn | | |
|  | Video and photography for communication, training, archive and other purposes | | Staff, Members, committees and the public depending on the nature and purpose | | Primarily the Society will rely on specific consent and/or contractual obligations. | Information will not generally be gathered from other sources beyond Society's records. | | | Information will generally be kept for 5 years or (if consent is relied upon as the lawful basis for processing) until consent is withdrawn. Archive material providing a record of the Society's business may be kept indefinitely | | |
| Membership | All those matters subject to the Society's regulation either in terms of statute, regulation, Rules or otherwise and information around tasks such as status, renewal, elections, Smartcards, general meetings etc | | Staff and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. Additionally, the Society may rely on the legal obligation flowing from the relevant statutory provisions. | Information may be sourced/checked by reference to the Society's records or third parties such as other regulators | | | Information will generally be kept for 5 years. Where it relates to a member's status/record, information will be kept indefinitely. | | |
| Professional support |  | | Staff and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information will not generally be gathered from other sources beyond Society's records. | | | Information will generally not be kept except where it relates to a member's status/record where it may be kept indefinitely. | | |
| Research | Deemed to be core to the society's Statutory and/or legitimate obligations | | Staff and committees | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be gathered by third parties acting on behalf of the Society. | | | Information will generally be anonymised but identifiable information may be kept for 5 years or (if consent is relied upon as the lawful basis for processing) until consent is withdrawn | | |
| System access and system security, support and Maintenance | Including monitoring, compliance reporting, remote working/access and member self-service etc. | | Staff, primarily the IT team | | Primarily the Society will rely on its legitimate interest and obligation to fulfil a task or perform a function in the public interest or protect members of the public. Where appropriate the Society may also rely on specific consent and/or contractual obligations. | Information may be sourced/checked by reference to the Society's records or third parties such as other regulators | | | Information will generally be kept for 5 years and information provided where it relates to a member's status/record will be kept indefinitely. | | |
|  |  | |  | |  |  | | |  | | |
| **Notes and glossary** | | |  | |  |  | | |  | | |
| **Advisors** includes system providers, contractors, agents and others engaged to support the work of the Society. | | | | | | | | |  | | |
| **Automated decision-making** the Society does not currently use automated decision-making systems | | | | | | |  |  |  | | |
| **CCBE** Council of Bars and Law Societies of Europe | | | |  | | |  |  |  | | |
| **Children** If you are aged under 14, we will need consent from your parent or guardian in order for you to use our services. | | | | | | | | |  | | |
| **Committees,** includes Office Bearers, committees, subcommittees, working parties, council and board as well as assessors, CCBE markers and ad hoc bodies and appointees. | | | | | | | | | | | |
| **DWP** the Department for Work and Pensions, and any other similar government department or body | | | | | | |  | | |  |  | |
| **HMRC** HM Revenue & Customs | |  | |  | | |  | | |  |  | |
| **International transfers** information will not be processed outside the EEA/countries offering adequate data protection standards in unencrypted form | | | | | | | | | | | | |
| **Rules** includes all of the rules and regulations of the Society as well as those of the Scottish Solicitors Discipline Tribunal | | | | | | | | | |  |  | |
| **Society** the Law Society of Scotland | | | |  | | |  | | |  |  | |
| **Staff** includes Law Society of Scotland employees, contractors and temporary staff | | | | | | |  | | |  |  | |
| **Statute** includes all legislation, statutory instruments and regulations relating to the governance of solicitors as generally detailed in the Solicitors Professional Handbook | | | | | | | | | | | |
| **SLAB** Scottish Legal Aid Board | |  | |  | | |  | | |  |  | |
| **SLCC** Scottish Legal Complaints Commission | | | |  | | |  | | |  |  | |
| **SQA** Scottish Qualifications Authority | | | |  | | |  | | |  |  | |
| **SSDT** Scottish Solicitors Discipline Tribunal | | | |  | | |  | | |  |  | |
| **Suppliers**  includes system providers, contractors, agents and others engaged to support the work of the Society. | | | | | | | | | |  |  | |
| **Time limits for retention** the Society aim to destroy material within 12 months of target retention periods | | | | | | |  | | |  |  | |
| **Lawful basis for Processing** | |  | |  | | |  | | |  |  | |
| **Consent:** the individual has given clear and informed consent for the Society to process their personal data for a specific purpose. | | | | | | | | | |  |  | |
| **Contract:** the processing is necessary for a contract the Society has with the individual, or because they have asked the Society to take specific steps before entering into a contract. | | | | | | | | |  | | |
| **Legal obligation:** the processing is necessary for the Society to comply with the law (not including contractual obligations). | | | | | | | | | |  |  | |
| **Vital interests:** the processing is necessary to protect someone’s life. | | | | | | |  | | |  |  | |
| **Public task:** the processing is necessary for the Society to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law. | | | | | | | | |  | | |
| **Legitimate interests:** the processing is necessary for the legitimate interests of the Society 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. | | | | | | | | |  | | |
| As a Statutory body with legal and regulatory obligations much of the Society's processing relies on more than one of the above | | | | | | | | | |  |  | |
| **More information or requests to change or delete information** contact us at informationofficer@lawscot.org.uk | | | | | | | | | |  |  | |