

Solicitors Disciplinary Tribunal – Respondent’s Data Privacy Notice

The purpose of this data privacy notice (“**Notice**”) is to provide you with the relevant information regarding how The Solicitors Disciplinary Tribunal (the “**Tribunal**”) collects, uses, stores and transfers personally identifiable information about individuals who are the subject of complaints made to us (“**Personal Data**”).

The scope of this Notice extends to the Personal Data of all solicitors who are the subject of a complaint to the Tribunal, including those who are the subjects of complaints submitted before this notice was issued (“**Respondents**”). The Tribunal is the controller responsible for the Personal Data that is collected and processed as described in this Notice.

The Tribunal is committed to ensuring that all Personal Data are:

- Processed lawfully, fairly and transparently
- Processed for specific, explicit and legitimate purposes only, and not in any manner incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Accurate and, where necessary, kept up to date
- Not kept in an identifiable form for longer than is necessary for the purposes for which the personal data are processed
- Processed in a manner that ensures appropriate security of the personal data below.

1 Who is the controller?

The Tribunal is an independent statutory tribunal appointed by the President of the High Court, under the Solicitors Acts 1954 to 2011, to consider complaints of misconduct against solicitors. In this Privacy Notice, “**we**”, “**us**”, “**our**” means the Tribunal.

The Tribunal collects, uses and shares Personal Data primarily in the exercise of its regulatory functions. Those functions – and our duties and powers – are chiefly found in the Solicitors Acts 1954 to 2011 and in the rules and regulations made by the Tribunal.

2 What information do we process?

When the Tribunal receives a complaint about a solicitor, a file is created. Usually, the file will contain your identity and that of other people involved in the complaint, including the applicant (the “**Applicant**”).

In investigating the complaint against you, the Tribunal processes your Personal Data including, but not limited to, the following categories of Personal Data:

- **Personal details and contact information:** We will process your name and contact details, which may include your address, telephone number and email address.
- **Details relating to the complaint:** We will process personal data relating to the complaint against you, which may include details of your interaction with the Applicant and details of your professional practice, including your financial information, your professional history and your relationships with third parties. In this regard, your attention is directed to the procedures for the processing/hearing of applications, which are available on the Tribunal’s website (www.distrib.ie).
- **Special categories of personal data:** In certain circumstances, where it is necessary to process the complaint, the Tribunal will collect and process certain special categories of Personal Data (“**Special Category Personal Data**”) about Respondents. Special Category Personal Data includes information which reveals an

individual's race or ethnic origin, political opinions or religious or philosophical beliefs, membership of a trade union, physical or mental health, genetic or biometric information, sexual life or sexual orientation or their criminal convictions and offences.

3 How do we use your information?

The Tribunal uses your Personal Data for the purposes outlined below, except where restricted by law. In doing so, the Tribunal relies on a number of separate and overlapping legal bases to lawfully process your personal data. As a professional regulator, most of the Personal Data we process is data relating to our regulatory functions, powers and duties. We generally process data on the basis that it is necessary for the performance of a task carried out in the public interest and/or in the exercise of our statutory functions. When we process Special Category Personal Data, we do so either in the substantial public interest to achieve regulatory objectives or because we are exercising our protective functions designed to protect the public from misconduct.

There may be occasions where we process Personal Data to comply with legal obligations, particularly in the context of legal proceedings and/or compliance with requests by law enforcement agencies, for example; although, even in these cases, our regulatory functions will also generally be engaged.

We will not generally rely on consent as a basis for processing Personal Data. In the limited circumstances where we may rely upon consent, we will specifically obtain this in the course of collecting the data.

In particular, the Tribunal uses your Personal Data (which will include Special Category Personal Data) for the following purposes to comply with its legal obligations and to perform its functions, conferred on it by the Solicitors Acts 1954 to 2011:

- **Processing the application:** managing all aspects of the application, including, but not limited to, contacting you and your legal advisor (if applicable) and providing your personal data to the Applicant and their legal advisor (where appropriate). Your Personal Data obtained through the disciplinary process may be used to inform our regulatory work, which may include using information to process an application to its conclusion up to and including any appeal to the High Court (or other court proceedings), at inquiries which are generally held in public and in assessing sanction. Your details may be shared with relevant third parties including the Law Society of Ireland (“**Law Society**”) and the High Court (and the Courts Service), where this is required, including to explain our decisions and ensure transparency in our processes, for example, where a *prima facie* case/no *prima facie* case has been found by the Tribunal.
- **Holding of Inquiries:** managing all aspects of Tribunal Inquiries, including, but not limited to, publishing your surname on the Tribunal website and sharing your personal data with Tribunal members. Inquiries are generally held in public, save in circumstances where the Tribunal is obliged to hold inquiries in camera or it is permitted to use its discretion, for example, cases arising from family law matters.
- **Administering Sanctions:** managing all aspects of the administration of sanctions ordered by the Tribunal. This may include disclosing your Personal Data, which may include previous disciplinary history, to an applicant (where the Law Society is not the Applicant), the Courts Service and the President of the High Court. The Law Society may then publish your name and details of any sanction in the Law Society Gazette.

- **Legal process:** The Tribunal will use your Personal Data when it is necessary to preserve to defend its rights in court, to respond to law enforcement requests or discovery procedures, or where required or permitted by applicable laws, court orders, government regulations, or government authorities, which may include lawful access by courts or governmental authorities outside your country of residence.
- **Administrative duties:** The Tribunal may use your Personal Data for the purpose of producing the Chairperson's Annual Report. The published report will not include your name or the name of your firm; however, it may include details relating to the complaint made against you and your Personal Data may be processed for the purpose of compiling statistics relating to complaints processed during the period under review.

4 Do we share your information?

In general, the Tribunal treats personal data received by it in a confidential manner.

However, where necessary, in order for the Tribunal to perform its functions, conferred on it by the Solicitors Acts 1954 to 2011, your Personal Data will be shared with third parties. These will include, for example, disclosure to:

- The Applicant and his/her legal advisors
- The Law Society
- The Tribunal's legal advisers
- The President of the High Court
- The Courts Service
- Witnesses
- The Director of Corporate Enforcement

In relation to special category personal data, the Tribunal may receive medical certificates and reports in certain instances; for example, to support an application for an adjournment or an application that a Respondent is not fit to proceed due to his or her health.

In such circumstances, it may be necessary to share the Respondent's health data with the Applicant, so that the Applicant may make submissions in relation to the application concerned. Depending on the sensitivity of the information concerned, the Tribunal can make directions regarding the disclosure of the information; for example, the Tribunal can direct that the Applicant may read the relevant certificate or report, but not retain a copy of same.

The Tribunal also publishes information regarding upcoming Inquiries on its website. This information includes your surname. Where an Inquiry is to take place *in camera*, this information will be limited to your initials.

The Tribunal may decide to report its finding(s) against you to the President of the High Court with a recommendation as to the appropriate sanction. If this occurs, a public hearing may arise, which might result in the disclosure of your Personal Data in a public courtroom.

If a person has appeared before the Tribunal, findings of misconduct made by the Tribunal are usually published by the Law Society in its Gazette.

The Tribunal also uses third-party service providers to provide services to it. Examples include stenographers, summons servers, IT providers, file storage companies and

couriers. When the Tribunal outsources the processing of Personal Data to third parties or provides Personal Data to third party service providers, we require those third parties to protect the Personal Data they receive with appropriate security measures and prohibit them from using the Personal Data for their own purposes or from disclosing the Personal Data to others.

5 How long do we keep your personal information?

The Tribunal will retain Personal Data in accordance with applicable legal requirements, and only for as long as necessary for the purposes described in section 3 or as long as required by law or to defend potential legal claims.

6 How do we keep personal information secure?

The Tribunal treats personal data received by it in a confidential manner, subject to disclosures necessary for it to perform its functions, as set out in section 4 of this Notice. It maintains appropriate technical and organisational measures to protect against accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data (including Special Category Personal Data).

The Tribunal ensures a level of security appropriate to the risks that are presented by the processing, having all due regard to the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing as well as the risk to data subjects. These measures are aimed at ensuring the on-going integrity and confidentiality of Personal Data. The Tribunal evaluates these measures on a regular basis to ensure the security of the processing.

7 What are your rights?

Depending on the information we hold about you, and the reason for us holding it, you have certain rights in relation to your Personal Data. You have a right to:

- access a copy of your personal data held by us;
- request rectification of your personal data if it is inaccurate or incomplete;
- request erasure of your personal data in certain circumstances;
- restrict our use of your personal data in certain circumstances;
- move (or port) personal data which you have given us to process; and
- object to the processing of your data in certain circumstances.

However, these rights may not be exercised in certain circumstances, such as when the processing of your data is necessary to comply with a legal obligation or for the exercise or defence of legal claims.

If you are not satisfied with our use of your Personal Data or our response to any request by you to exercise any of your rights, you have the right to lodge a complaint with the Data Protection Commission. The contact details of the Data Protection Commission are:

Office of the Data Protection Commission
Canal House
Station Road, Portarlinton
Co. Laois, R32 AP23.

Phone +353 (0761) 104 800
LoCall 1890 25 22 31
Email: info@dataprotection.ie
<https://dataprotection.ie>

8 International Transfers

There may be circumstances where the Tribunal is required to send your Personal Data to 'third countries' – these are countries outside the European Economic Area. We will give you further information if it is necessary for us to do this.

9 Contacting Us

If you have any questions regarding this Privacy Notice or our use of your Personal Data, or if you wish to avail of any of your rights as set out in section 7, please contact us using the following information:

Web: <http://www.distrib.ie>
Email: [**dataprivacy@distrib.ie**](mailto:dataprivacy@distrib.ie)
Telephone: **01 – 869 0766**
Postal address The Solicitors Disciplinary Tribunal, The Friary,
Bow Street, Smithfield, Dublin 7.

10 Changes to this Notice

We keep this notice under regular review.

Last updated November 2018