

## **Privacy Notice (Statement)**

### **Why do we have a Privacy Notice?**

The Northern Ireland Judicial Appointments Commission (NIJAC) as a public authority is required to have a Privacy Notice which is compliant with the Data Protection Act 2018 (the 'Act') and with the Information Commissioner's Office (ICO) guidance on Privacy Notices. NIJAC is the Data Controller for the purposes of the Act.

The ICO guidance on Privacy Notices can be accessed by clicking [here](#).

### **What is NIJAC's approach to privacy?**

NIJAC has adopted the ICO recommended approach of 'Privacy by Design'. Privacy by design is an approach to projects that promotes privacy and data protection compliance from the start.

Although this approach is not a requirement of the Data Protection legislation, it helps NIJAC comply with our obligations under the legislation.

Through this approach we ensure that privacy and data protection is a key consideration in the early stages of any project, and then throughout its lifecycle.

For example when:

- building new IT systems for storing or accessing personal data;
- embarking on a data sharing initiative; or
- using data for new purposes.

### **What do we do with your information?**

We collect personal information from:

- Applicants to judicial office;
- Current and former employees;
- Commissioners;
- Complainants; and
- People who use our services, e.g. visit our website, request application forms or who subscribe to our news updates.

Generally, we use information collected from people to:

- Administer the Assessment, Selection and Appointment of individuals to Judicial Office
- Identify recruitment trends
- Ensure that our communications and advertising are reaching all members of the community
- Help us identify any issues relating to diversity, inequality, unfairness, discrimination or disadvantage

- Help us improve our approaches to engaging with people and encouraging them to apply for judicial office
- To report on our activities and the achievement of our objectives in our annual reports.

These six purposes of data processing are pursued in line with NIJACs legislative duties as set out in Part 4 of Schedule 3 to the Justice (Northern Ireland) Act 2002, namely;

1. To select and appoint and recommend for appointment, in respect of all listed judicial offices up to and including High Court Judge.
2. To recommend applicants solely on the basis of merit.
3. To engage in a Programme of Action to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding such offices are reflective of the community in Northern Ireland.
4. To engage in a Programme of Action to secure, so far as it is reasonably practicable to do so, that a range of persons reflective of the community in Northern Ireland is available for consideration by NIJAC whenever it is required to select a person to be appointed, or recommended for appointment, to a listed judicial office.
5. To publish an annual report setting out the activities and accounts for the past year.

Your data will only be used for the purposes specified above. Selected data may be shared with other agencies involved in the process of appointment for the purpose of progressing that appointment. Those agencies may include:

- Northern Ireland Courts and Tribunals Service
- Department for Communities
- Department for the Economy
- Department of Justice
- Office of the Lady Chief Justice for Northern Ireland
- Enforcement of Judgements Office
- HM Revenue and Customs
- Access NI
- An Occupational Health Provider
- A Professional Body (e.g. Bar Council for Northern Ireland, Law Society for Northern Ireland, General Medical Council, Royal Colleges etc...)
- Office of the Lord Chancellor
- Crown Office

Additional data in respect of applicants for judicial office may be gathered from other government agencies for the purposes of determining the suitability of individual applicants for appointment. Other data may also be gathered and processed in relation to the determination of reasonable adjustments.

Information will also be provided by third parties in the process of determining an applicant's suitability for appointment to judicial office. Such information will include sensitive personal data. Those third parties may include;

- Northern Ireland Courts and Tribunals Service
- Office of the Lady Chief Justice for Northern Ireland
- Enforcement of Judgements Office
- HM Revenue and Customs
- Access NI
- A Professional Body (e.g. Bar Council for Northern Ireland, Law Society for Northern Ireland, General Medical Council, Royal Colleges (etc...))
- An unsolicited source providing information which may have a bearing on an applicant's suitability for appointment to judicial office

## **Retention**

NIJAC will retain personal data for no longer than is necessary for the purposes of assessment and selection to judicial office, maintaining a record of its decisions and compliance with its statutory objectives.

Applicants can expect that their personal data will be disposed of after one year from the conclusion of a scheme. Some personal data will be retained permanently, namely; official appointment documentation, equity monitoring information (anonymised) and decisions in relation to eligibility and integrity (pseudonymised).

## **Confidentiality**

Section 9I of the Justice (Northern Ireland) Act 2002 (as amended), as inserted by section 132 of the Constitutional Reform Act 2005, provides the statutory framework on confidentiality in relation to judicial appointments. It is provided that –

*“(1) A person who obtains confidential information, or to whom confidential information is provided, under or for the purposes of a relevant provision must not disclose it except with lawful authority.”*

Section 9I(4) provides when and to what extent the disclosure of confidential information can lawfully be made: this can happen (a) when the disclosure is with the consent of each person who is the subject of the information; (b) when the disclosure is for (and is necessary for) the exercise by any person of functions under a relevant provision or a decision whether to exercise them; (c) when the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description.

Disclosure outside of these provisions is unlawful.

We are committed to ensuring that personal information provided to us is processed fairly – in terms of obtaining, using or disclosing it - and in accordance with best practice. Our website and online recruitment system (eRecruit) and internal databases are designed to ensure your personal information is protected, safe and secure.

When individuals apply for judicial office – whether online or in paper based method - we will only use the information you supply to us to process your application and to monitor recruitment patterns.

## **Accessing your personal information**

We shall try to be as open as possible in terms of giving you access to your personal information.

You can find out if we hold any personal information about you by making a 'subject access request' under the relevant Data Protection Act legislation.

If we do hold information about you we will:

- give you a description of it;
- tell you why we are holding it;
- tell you who it could be disclosed to; and
- let you have a copy of the information in an intelligible form.

If you want to request details of the personal information we hold about you, please put the request in writing to the address provided at the end of this document.

If you agree, we will try to deal with your request informally, e.g. by providing you with the information over the telephone.

If the information we hold is inaccurate, you can ask us to correct it by, once again, writing to the address provided.

The Data Protection Act 2018 contains exemptions in respect of personal data processed for the purposes of assessing a person's suitability for judicial office, from Articles 13-21 and 34 of the General Data protection Regulations. For further information of the scope of this exemption you should refer to NIJAC's Freedom of Information Publication Scheme which is available through the following link, click [here](#).

## **Processing of personal data**

NIJAC will process data only for the purposes set out in our statutory obligations. Any data subject has the right to request that their personal data is not processed by NIJAC and any such request should be made to the address given at the end of this Privacy Notice.

## **Disclosure of other peoples' personal information**

There are circumstances where we are required to provide an individual's personal data to third parties.

For example, we disclose personal information when we undertake Pre-Appointments and Pre-Renewal Checks (or for the purposes of making an appointment).

We often share information with the Northern Ireland Courts and Tribunals Service and the Office of the Lady Chief Justice (e.g. for the purposes of arranging 'swearing in' ceremonies or in respect of administering a judicial office holder's pay and pension).

Likewise, this is only done with the consent of the individual concerned.

In terms of holding onto personal data, please note that we retain such information (e.g. applicants to judicial office) for 12 months after the recruitment exercise has been completed. The information is then safely and securely destroyed or deleted from our electronic databases.

We also retain de-personalised information about applicants to help inform our recruitment activities, but no individuals are identifiable from that data. We also retain pseudonymised information for the purposes of checking applicants' suitability for appointment to judicial office and the archiving of decisions in respect of eligibility and integrity.

### **Visitors to our website**

When someone visits [www.nijac.gov.uk/](http://www.nijac.gov.uk/) we collect standard internet log information and details of visitor behaviour patterns.

We do this to find out things such as the number of visitors to the various parts of our website. We collect this information in a way which does not identify anyone and we do not make any attempt to find out the identities of people visiting our website.

We will not associate any data gathered from this site with any personally identifying information from any source.

If we do want to collect personally identifiable information through our website, we will be up front about this.

We will make it clear when we collect personal information and will explain what we intend to do with it.

### **Links to other websites**

This Privacy Notice does not cover hyperlinks to other websites.

We strongly encourage you to read the Privacy Notice on websites you visit and make yourself aware of their content.

### **Changes to this Privacy Notice**

We will review our Privacy Notice regularly and endeavour to ensure that we are as transparent as possible according to the established Information Commissioner's Offices Codes of Practice. If we change our Privacy Notice, we will post any updated changes on our homepage ([www.nijac.gov.uk/](http://www.nijac.gov.uk/)) so that you are kept informed.

### **Complaints**

We keep personal information contained in complaint files in line with our Retention Policy. This means that information relating to a complaint will be retained for ten years from closure or resolution of the complaint.

Similarly, where enquiries are submitted to us we will only use the information supplied to us to deal with the enquiry and any subsequent issues and to check on the level of service we provide.

### **Further information**

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously.

Please bring it to our attention if you think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

This Privacy Notice was drafted with brevity and clarity in mind. It does not provide exhaustive detail of all aspects of our collection and use of personal information. However, we are happy to provide any additional information or explanation needed.

Any requests for this should be sent to the address provided.

### **Information Commissioner's Office**

All data subjects have the right to contact the Information Commissioner's Office in respect of NIJAC's handling or processing of personal data.

The Northern Ireland Information Commissioners Office can be contacted as follows;

c/o The Information Commissioner's Office – Northern Ireland  
3rd Floor  
14 Cromac Place,  
Belfast  
BT7 2JB

Telephone: 028 9027 8757 / 0303 123 1114

Email: [ni@ico.org.uk](mailto:ni@ico.org.uk)

### **Contact us**

For further information please contact us by emailing [finance@nijac.gov.uk](mailto:finance@nijac.gov.uk) or by writing to us at:

Mr Duncan Greer  
NIJAC Data Protection Officer  
c/o Corporate Finance  
NIJAC  
Headline Building  
10-14 Victoria Street  
Belfast , BT1 3GG

Copies of this document and all key documents are available in other formats and can

be ordered upon request.

***Date last reviewed: November 2018.***