

# PRIVACY NOTICE OF CASUS OMISSUS

## WHO ARE WE?

1. Casus Omissus is a Company Limited by Guarantee registered in Scotland under company no: SC381494 (“**Casus Omissus**” or “**We**” or “**Us**”). Casus Omissus is the company behind the Aberdeen Law Project, the Highlands and Islands Law Project and the Tayside and Perthshire Law Project.

## PRIVACY NOTICE

2. Casus Omissus is a controller of information which – either directly or indirectly - can be used to personally identify you (“**Personal Information**”). A non-exhaustive list of the type of Personal Information that we may collect about you:
  - ✦ name;
  - ✦ email address;
  - ✦ date of birth;
  - ✦ address (business and/or personal);
  - ✦ landline and mobile telephone numbers (business and/or personal);
  - ✦ marital status;
  - ✦ financial status (including salary, savings and income sources); and
  - ✦ facts or opinion relevant to the problem that you have come to see us about.
3. This Privacy Notice:
  - a) describes how we collect, use and otherwise handle the Personal Information that you provide, make available to us or that we source;
  - b) explains the rights that you have in relation to this Personal Information.
4. Please feel free to contact Jonathan Goodyear (the “**Student Director**”) if you do not understand anything contained in this Privacy Notice. Her contact details are available below at Section I.

## HOW WE COLLECT PERSONAL INFORMATION

5. Personal Information we control and process will typically be collected through direct interaction with you, from publicly available sources, and from third parties in the course of advising and/or representing you:
  - a) **direct interaction:** you may give us Personal Information by filling in forms or by corresponding with us by post, phone, email or otherwise. We might need to ask you for – and use – information which is of a sensitive nature, for example information about your health and finances.
  - b) **public databases:** we may undertake searches in connection with you that reveal Personal Information. For example, we might undertake general searches to collate information in connection with a matter you have brought to us where necessary.
  - c) **third parties:** in some circumstances third parties may give us Personal Information. For example, if we were to contact the local council on your behalf.

## HOW WE USE PERSONAL INFORMATION

5. We will only use your information in connection with your interests and our legitimate interests as a pro bono law project. Much of the Personal information we hold is processed on the basis of legitimate interest. However, we will seek consent in some circumstances and also process Personal Information on the basis of other lawful grounds, including legal obligations and the protection of our vital interests where necessary.
6. When relying on legitimate interest we will conduct balancing tests to ensure that:
  - a) the interest is legitimate;
  - b) that processing of data is necessary to the identified interest; and
  - c) the pursuit of the interest will not negatively impact you.

## HOW WE PROTECT YOUR PERSONAL INFORMATION

7. We employ appropriate security measures to help protect your Personal Information and guard against access by unauthorised persons. Information storage is on secure computers and cloud services and we limit access to your Personal Information to those students, supervisors and Directors (of Casus Omissus) who have a need to know. All students, supervisors and Directors are subject to a duty of confidentiality. We undergo periodic reviews of our security policies and procedures to ensure that our systems are secure and protected.

## YOUR RIGHTS IN CONNECTION WITH YOUR PERSONAL INFORMATION

8. Your various rights, explained below, are not absolute and each is subject to certain exceptions or qualifications. We will grant your request only to the extent that it follows from our assessment of your request that we are allowed and required to do so under data protection laws. Nothing in this Privacy Notice is intended to provide you with rights beyond or in addition to your rights as a data subject under data protection laws. Your rights:

| <b>Right</b>                    | <b>Meaning</b>   |
|---------------------------------|--|
| <b>The right to be informed</b> | You have the right to be provided with clear, transparent and easily understandable information about how we use your Personal Information and your rights. This is why we are providing you with the information in this Privacy Notice.  |
| <b>The right of access</b>      | <p>You have the right to obtain a copy of your Personal Information (if we are processing it), and certain other information about how it is used. This is so you are aware and can check that we are using your information in accordance with data protection law.</p> <p>We can refuse to provide information where to do so may reveal Personal Information about another person or would otherwise negatively impact another person's rights.</p> |

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| <p><b>The right to rectification</b></p>       | <p>You can ask us to take reasonable measures to correct your Personal Information if it is inaccurate or incomplete. For example, if we have the wrong name, date of birth or address for you.</p>  |
| <p><b>The right to erasure</b></p>             | <p>This is also known as ‘the right to be forgotten’. In simple terms this enables you to request the deletion or removal of your Personal Information where there’s no compelling reason for us to keep using it or its use is unlawful. This is not a general right to erasure; there are exceptions. For example one exception is where we need to use your Personal Information in defence of a legal claim.</p>   |
| <p><b>The right to restrict processing</b></p> | <p>You have rights to ‘block’ or suppress further use of your Personal Information when we are assessing a request for rectification or as an alternative to erasure. When processing is restricted, we can</p>  |
|  | <p>still store your Personal Information, but may not use it further. We keep lists of people who have asked for further use of their Personal Information to be ‘blocked’ to make sure the restriction is respected in future.</p>  |
| <p><b>The right to data portability</b></p>    | <p>You have rights to obtain and reuse certain Personal Information for your own purposes across different organisations.</p>  |
| <p><b>The right to object</b></p>              | <p>You have the right to object to certain types of processing, on grounds relating to your particular situation, at any time insofar as that processing takes place for the purposes of legitimate interests pursued by us or by a third party. We will be allowed to continue to process your Personal Information if we can demonstrate “<i>compelling legitimate grounds for the processing which override your interests, rights and freedoms</i>” or we need this for the establishment, exercise or defence of legal claims</p> |
| <p><b>The right to withdraw consent</b></p>    | <p>You can withdraw your consent to our use of your Personal Information at any time.</p>  |
| <p><b>The right to complain</b></p>            | <p>If you are dissatisfied, you have the right to complain to the Information Commissioner’s Office (ICO) about our handling of your personal information. See: <a href="https://ico.org.uk/">https://ico.org.uk/</a></p>  |

## **HOW LONG INFORMATION ABOUT YOU WILL BE RETAINED BY US**

9. We will only keep your personal information for as long as necessary, which will depend on the type of information held and the reason for holding it.
10. Once we decide that it is no longer necessary to keep your information we will either delete it from our records or remove any reference to you.

## **CHANGES TO THIS PRIVACY NOTICE**

11. We may make minor changes to our Privacy Notice. When we make these changes we will publish an updated Privacy Notice on our website ([www.tayperlawproject.com](http://www.tayperlawproject.com)). We will take additional steps to inform you if we make significant changes.

## **SENSITIVE DATA**

11. It might also be that we need to handle data about you which is sensitive, for instance information on your race, ethnic origin, politics, religion, trade union membership status, genetics, health, sex life or sexual orientation. If we form the view that holding such sensitive data is necessary we will seek your explicit written consent to do so (unless the information is manifestly public e.g. has been published in a public court document or similar).

## **SIXTEEN OR UNDER**

12. If you are 16 or under, you must get your parent or guardian's written permission before you provide us with any Personal Information.

## **OUR CONTACT DETAILS**

13. Please contact our Student Director if you wish (a) further information or clarification on this Privacy Notice; (b) to discuss the clinic's use of your information; or (c) to exercise any of the above rights. Her Contact details:

E: [studentdirector@abdnlawproject.com](mailto:studentdirector@abdnlawproject.com);

T: 01224 272 434.

14. We will generally respond to any request within one month of receipt. We can extend this period by an additional two months if this is necessary taking into account the complexity and number of requests that you have submitted.

**CASUS OMISSUS**

February 2019