

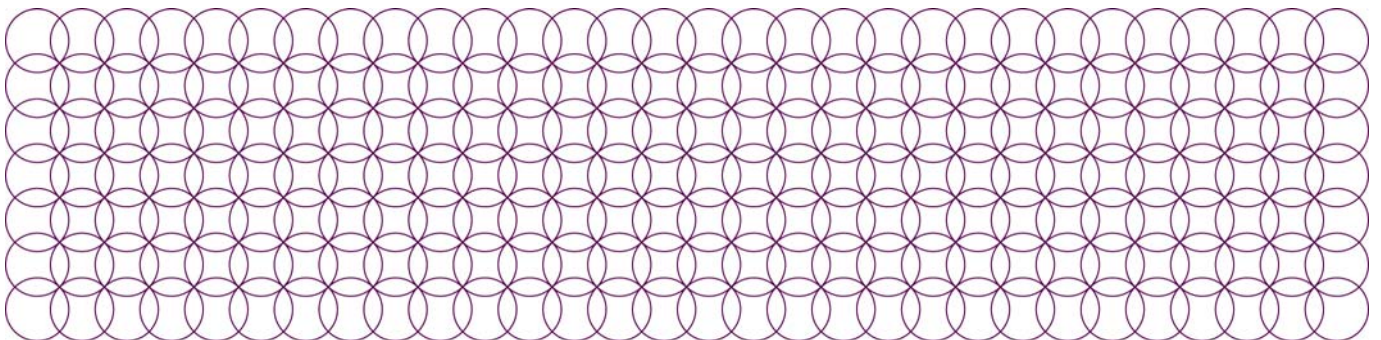


Ministry of
JUSTICE

Abolition of the Legal Services Commission (a Non-Department Public Body) and the establishment of a new Executive Agency within the Ministry of Justice

Privacy Impact Assessment Report

June 2011





Ministry of
JUSTICE

Abolition of the Legal Services Commission (a Non-Department Public Body) and the establishment of a new Executive Agency within the Ministry of Justice

Privacy Impact Assessment Report

This information is also available on the Ministry of Justice website: www.justice.gov.uk

**Abolition of the Legal Services Commission (a Non-Department Public Body) and the
establishment of a new Executive Agency within the Ministry of Justice: Privacy Impact
Assessment Report**

Contents

Section 1 – Executive Summary	3
Section 2 – Introduction	4
Section 3 – Legal Aid Reform details	6
Section 4 – Data flow analysis	16
Section 5 – Data protection analysis and risk management plan	20
Section 6 – Communication/publication strategy	21
Section 7 – Approval of report	22

Abolition of the Legal Services Commission (a Non-Department Public Body) and the establishment of a new Executive Agency within the Ministry of Justice: Privacy Impact Assessment Report

Section 1 – Executive Summary

Background

The Legal Services Commission (LSC) is currently responsible for the operational administration of the legal aid scheme in England and Wales. It was established under the Access to Justice Act 1999 and is currently a non-departmental public body sponsored by the Ministry of Justice (MoJ).

As part of the MoJ Legal Aid Reform Programme, it was announced that the LSC would be replaced by a new Executive Agency of the MoJ to strengthen ministerial accountability, provide clarity around roles and to improve financial management and performance. The new agency will handle much the same data as that presently processed by the LSC, however, given the increased oversight of the department, a Privacy Impact Assessment (PIA) has been conducted in line with best practice to help inform the new agency's approach to data handling.

The replacement of the LSC with a new Executive Agency is subject to primary legislation. This PIA will therefore remain in draft until after Royal Assent in order that it can be updated regularly to reflect any legislative changes at which point the Executive Summary will be finalised.

Findings

This PIA sets out that the new executive agency will see the Secretary of State for Justice become the data controller for personal data processed for the administration of the legal aid scheme, as he is for other agencies such as HM Courts and Tribunals Service and the National Offender Management Service. However, the majority of the processes and systems used in the handling of personal data will replicate the well-established and robust practices already used by the LSC.

Recommendation

It is recommended that, as the new Executive Agency is established, clear guidance is produced on the handling of data, which builds on the existing practices of the Legal Services Commission.

Review Process

The data handling practices of the new Executive Agency will be reviewed internally after the first full year of its operation to ensure that they remain fit for purpose.

Section 2 – Introduction

Background

A Privacy Impact Assessment (PIA) is a process that helps assess privacy risks to individuals in the collection, use and disclosure of information. PIAs help identify privacy risks, foresee problems and bring forward solutions. The primary purpose of a PIA is to visibly demonstrate that an organisation acts responsibly in relation to privacy. The deliverables and benefits of undertaking a PIA can be summarised as follows:

- The identification and management of risk;
- Avoidance of unnecessary costs;
- Prevention of inadequate solutions;
- Avoiding loss of trust and reputation;
- Informing citizens and partners of the organisation's communications strategy;
- Meeting and exceeding legal requirements.

Objective

The objective of conducting this PIA is to identify any data protection issues with the proposed system used by the new Executive Agency tasked with making legal aid payments. It is important to remember that ultimately the focus of a PIA is compliance with the Data Protection Act (DPA). However, compliance with any other relevant legislation has also been considered.

Underlying principle

Data sharing and testing must be undertaken within a clear legal framework with any intrusion upon an individuals' privacy to be kept to a minimum. By undertaking a PIA we ensure this principle is met.

HMG requirement

The Data Handling Review, published in June 2008, states that all Departments will "introduce Privacy Impact Assessments, which ensure that privacy issues are factored into plans from the start, and those planning services are clear about their aims. Similarly, information risk management will be considered as part of the Government's "Gateway" reviews that monitor progress of the most important projects". The Data Handling Review has now been subsumed into HMG Information Assurance Standard No 6 – Protecting Personal Information and Managing Information Risk. Accordingly, PIAs are to be carried out on MoJ projects and policies that involve the processing of personal data.

PIA Process

The process for conducting a PIA is described by the ICO as follows:

1. Initial assessment (i.e. the Screening Process) – Examines the project at an early stage, makes an initial assessment of privacy risk and decides which level of assessment¹ is necessary. Given the scale of change to the handling of data currently processed by the LSC, for which the Lord Chancellor will now take responsibility as a Data Controller, it was concerned necessary from the outset that a full PIA would be necessary, without formal completion of the Screening Process.
2. Where necessary, conduct, either:
 - Full-scale PIA – a more in-depth internal assessment of privacy risks and liabilities. It includes the need to identify stakeholders, analyse privacy risks, consults widely with stakeholders on privacy concerns and brings forward solutions to accept, mitigate or avoid them; or
 - Small-scale PIA – Similar to a full-scale PIA, but is less formalised. Requires less exhaustive information gathering and analysis. More likely to be used when focusing on specific aspects of a project; and
 - Review – Sets out a timetable for reviewing actions taken as a result of a PIA and examines their effectiveness. Looks at new aspects of the project and assesses whether they should result in an updated PIA.

This report deals with the PIA for the creation of a new Executive Agency of the MoJ to replace the LSC.

¹ Full Scale PIA, Small Scale PIA or no PIA.

Section 3 –Abolition of the Legal Services Commission (a Non-Department Public Body) and establishment of a new Executive Agency within the Ministry of Justice details

Overview

The MoJ consulted in early 2011 on a wide range of reforms to Legal Aid to meet the coalition commitment to conduct a fundamental review of legal aid. The subsequent policy proposals flowing from this Review also contribute significantly to MoJ's Spending Review commitments.

Included within the MoJ's Legal Aid Reform consultation document is confirmation of the previously agreed intention to create a new Executive Agency to replace the LSC and manage the processing of legal aid applications and payments. It is this element of the reform programme, which is subject to primary legislation that is the subject of this PIA.

As the LSC is currently a non-departmental public body, it is a separate data controller under the Data Protection Act 1998. The LSC works in partnership with solicitors, barristers and not-for-profit organisations to help over 2 million people each year to access legal advice, information and help. The LSC is required to hold personal data relating to citizens and information relating to their legal cases, including details of criminal offences, civil case material that can be subject to legal professional privilege and personal financial information. The LSC has a duty of care to ensure that the privacy concerns of its stakeholders are dealt with appropriately.

The new agency will be an executive agency of the MOJ making the Secretary of State for Justice the data controller for personal data processed for the administration of the legal aid scheme as he is for other agencies such as HM Courts and Tribunals Service (HMCTS) and the National Offender Management Service (NOMS). Despite this change, it is anticipated that data processing in the new agency will largely remain consistent with existing practices of the LSC. However, it has been agreed with Information Policy officials within MoJ that, given the scale of organisational change, a full PIA is proportionate to properly inform this work. A formal screening process has therefore not been conducted.

There are no pre-existing PIAs relating to this proposal.

The new Executive Agency will be required to process personal data on a similar basis to that currently managed by the LSC.

Definitions

The following definitions are used throughout the PIA:

- a. Client – an individual member of the public making an application for, is in receipt of, or has previously received, legal aid.

- b. Provider – a legal professional, or group of legal professionals, providing legal services to clients, whose costs will be paid by legal aid. This includes both firms and sole traders.

System users

The vast majority of data collected by the new Executive Agency will be identical to that collected currently by the LSC, using similar IT systems and processes to those used now and already planned for the future.

Guidance will be drafted for officials to outline the data handling processes to be followed by the MoJ and the new Agency, including any restrictions and obligations flowing from this new relationship. It is anticipated that civil servants, employed by the MoJ to work for the new Executive Agency, will have the same access to the data collected, as LSC staff have now.

Certain third parties also make use of our systems and/or share the same data. The controls in place to manage these relationships are set out in detail later in this Privacy Impact Assessment.

Business case

It is essential to the proper administration of legal aid that the new agency is able to scrutinise data relating to the means of applicants and the merits of their cases to ensure the proper provision of legal aid. To help manage legal aid contracts and properly monitor payments to providers of legal aid services, the new agency will also need to hold financial information relating to those with whom the Lord Chancellor contracts services. This is essential for the Chief Accounting Officer to assure themselves that the new agency is properly discharging its functions in line with the guidelines set out by HM Treasury for managing public money.²

There is already an established and successful approach to data collection and protection within the LSC, which it is anticipated will largely be replicated by the new agency. This PIA therefore reflects these existing, well-established, processes for background purposes, but it is not anticipated that significant consultation is required to ensure the correct data is being collected. Similar principles will be used to inform the development of any new systems required for any future reforms, for instance with regard to the competing of legal services.

This same information will be collected by the new agency for the same purpose as outlined below.

Personal data

Purpose

Personal data is currently held by the LSC, and will be held by the new agency, to enable the effective administration of legal aid. The LSC is currently registered as a data controller with the ICO and its register on the ICO website³ shows all

² See http://www.hm-treasury.gov.uk/psr_mpm_index.htm

³ See <http://www.ico.gov.uk/ESDWebPages/DoSearch.asp?reg=5036660>

the uses of personal data. Once the new agency is established, the MoJ will update its own entry on the ICO's register⁴ to reflect the change in its functions as a data controller for the new agency.

Data held

Personal data collected includes name, date of birth, address, national insurance number, personal financial information (benefits, employment, expenditure, dependencies, child maintenance etc). Sensitive personal data collected includes details related to the commission or alleged commission of an offence, the details of ongoing and completed judicial proceedings, and statements, details and/or opinion used to assist with the determination of legal aid against merits criteria and often also subject to legal professional privilege (LPP) as well as information about a client's ethnicity.

Data held for specific purposes

Specific types of personal data are required for the following purposes:

- a. Data such as name, date of birth, address are required to uniquely identify an individual
- b. Financial information such as benefits entitlements, employment details, dependencies, child maintenance payments are required in order to assess eligibility for legal aid using means testing
- c. Information relating to the commission or alleged commission of an offence, and the proceedings of judicial processes against an individual or statements, details and/or opinion in support of a proposed action (used in the determination of legal aid merits criteria and often also subject to LLP) are required to support the work of the LSC in the administration of legal aid
- d. Information relating to disability, gender or ethnicity is collected to ensure that the legal aid scheme's compliance with relevant equality legislation is monitored as effectively as possible.

Data Protection

The LSC has established processes for handling information requests with protocols defined for both DPA and FOI requests, that are centrally managed by a team based in London. Specific training is provided to staff in other offices who can then process routine requests. However, non-standard requests are handled by the central team in collaboration with the devolved teams. Similar processes are anticipated in the new agency, which will be expected to handle the majority of its own information requests, with input from the MoJ's central team on any particularly complex requests that require more detailed guidance.

⁴ See <http://www.ico.gov.uk/ESDWebPages/DoSearch.asp>

Before information is released under a DPA request under the right of an individual to view his or her personal records, the identity of the data subject is positively identified using a Government approved ID mechanism, such as a passport or driving license. The LSC currently processes around five requests for personal data a month, which in the future will be processed by the MoJ via the new Executive Agency. Such requests often lead people to ask for their personal data to be corrected, which is done where appropriate.

Records management

The LSC has a Corporate Records Manager who is responsible, amongst other items, for the Corporate Retention Schedule (CRS). The CRS sets out the LSC's generic guidelines in relation to the management of records. Records are retained for three purposes: compliance; information and evidential purposes.

The retention period for the information relating to a case is determined from the completion of a case, either through the judicial process or if required the recovery of all charges etc relating to the case. So a complex case which may take several years to transit the judicial systems or a case with a statutory charge against the individual may be 'open' for many years after the case was first opened.

The CRS defines when, for all types of information, it may be destroyed, archived or transferred to the National Archives. The requirements of the CRS apply equally to paper based records as they do to electronic records.

The Public Records Act 1958 provides that Government Departments' Departmental Records Officers (DROs) have authority devolved from the Lord Chancellor, in respect of all records management processes within their Department.

In MOJ the DRO is Head of Records (and information) Management Services (RMS). RMS is responsible for managing paper and electronic records in accordance with the law and best practice. Services include registering, storing, retrieving, reviewing and disposing of records held by the MoJ as well as providing advice to staff. This team, under the authority of the DRO, will ensure that the records of the new agency are managed in line with the Public Records Act.

Data sharing

In the case of a need to share data with other parties, a Memorandum of Understand or Data Sharing Agreement is established between LSC and the other party, which applies to the specific datasets and provides terms and conditions on the use and processing of the data supplied under that agreement.

As at end 2010, the LSC has data sharing agreements with the DWP, HMRC and HMCTS for the elements of the datasets associated with means testing and benefit claims. Similar arrangements will be in place for the new agency.

Legal aid providers are bound by the standard terms of their contracts to comply with the DPA. This will not change following the LSC's abolition and subsequent change of status to an executive agency.

Data collection and privacy notices

All forms used by the LSC in relation to the grant of legal aid are produced by a central team, which is responsible for ensuring that the requirements of the DPA are included, such as an appropriate privacy notice and ensuring that the only the information actually required is captured.

Privacy notices are provided by the LSC at the point at which data is collected, for example, on legal aid application forms. Individuals can only decline to provide data where it is collected for voluntary reasons (e.g. equality monitoring), rather than where data collection is reasonable with reference to the purpose for which it is collected (e.g. if it is needed to assess whether they are eligible for legal aid). Data is collected by electronic means and on paper using secure mechanisms and is stored and transferred securely. Again, no change is anticipated in this area for the new agency.

Arrangements in the new Executive Agency

As noted, the handling of sensitive personal data will be much the same in the Agency as it is in the LSC currently. The most significant change being that MoJ will be the overall data controller for the Agency.

Data controller status

Once MoJ becomes the overarching controller for legal aid data, guidance will be available for staff in the new agency and relevant parts of the MoJ reflecting their obligations under the Data Protection Act to properly protect personal data relating to particularly sensitive areas of legal aid. In addition, the Legal Aid, Sentencing and Punishment of Offenders Bill will outline specific protections for the appropriate handling of personal data and information, in line with similar provisions in place under s.20 of the Access to Justice Act.

Organisational relationships

Systems interfaces with all third parties are shown on the flowcharts provided to support Section 4. The LSC has in place access controls and other data security arrangements to ensure that it is compliant with the DPA. Such controls extend to third parties providing services under contracts and would be replicated by the agency. The main third party data sharing arrangements operated currently by the LSC which, subject to any contractual or operational changes in the interim period, we anticipate being replicated by the new agency, are as follows:

- Legal aid providers – Data is shared between the LSC and providers which is governed by provisions within the standard terms of the legal aid contracts to ensure DPA and FOI compliance.
- HMCTS – SLAs cover the arrangements between the three parties with regard to work done by HMCTS on behalf of LSC. This includes the processing of applications for legal aid in the magistrates' court, and in the

Crown Court the redetermination of any claims, the assessment of certain Proceeds of Crime Act (POCA) cases, and ex post facto assessments of fixed fees. LSC also has an arrangement with HMCTS who are the biggest source of third party referrals into Community Legal Advice. The SLA aims to improve access to legal services for both the customers of HMCTS and the wider CLA client group. Although the new agency and HMCTS will both be part of the MoJ in data controller terms in the future, we anticipate similar SLAs being in place.

- DWP - A Memorandum of Understanding (MoU), which is essentially an SLA, is in place. Since 1997, the LSC has interfaced with the DWP regarding new applications for civil legal aid by means of a link between the regional offices and Job Centre Plus (JCP) in Glasgow. A fax listing those applicants who have declared themselves to be in receipt of passporting benefits is sent to JCP in Glasgow daily from each of the LSC regional offices. The lists are manually validated against JCP records and returned to the LSC offices within 24 hours of submission. The DWP Customer Information Service provides a business-to-business web service to the LSC for the purpose of validating receipt of passporting benefits in Criminal Legal Aid. The link is from the LSC Means Assessment Administration Tool (MAAT) and CIS. There is no direct access to DWP Customer Information Service by LSC staff. The MoU is dated October 2009 and will be updated once the new agency is created to reflect this change. LSC also has an arrangement with DWP for the validation of client benefits, as part of its counter fraud work.
- Ventura - The Defence Solicitor Call Centre is outsourced to Ventura. The police call Ventura to arrange for legal advice for people detained at the police station. The information transferred includes a person's name (first and surname), the nature of the alleged offence and the police station at which they are being detained. Ventura uses this information to deploy the case to a duty solicitor or to the client's own solicitor via the telephone. They retain the data on their case management system. Ventura's obligations with regards the DPA, storage of data, information security, etc. are all included in their contract with the LSC.
- First Assist – The Community Legal Advice (CLA) operator service makes referrals to specialist providers. First Assist collect all personal data that legal aid providers are required to collect (name, address, date of birth, ethnicity, gender, disability etc). As the triage service for CLA, they collect data for every caller who is eligible for specialist advice. Data is collected on the Case Handling System (CHS), a bespoke case management system used by First Assist and specialists for the transfer of data. CHS is on a secure site requiring specific log-ins to view data. Only data relating to clients of a specific provider are available to view (i.e. they cannot see data for clients from other providers). CLA also have referral agreements in place with other organisations such as Consumer Direct and the Tribunals Service, but these do not involve the sharing of personal data.
- Devon Investigations – The LSC has a contract with Devon Investigations who trace the whereabouts of debtors to assist the LSC's Recovery Services in enforcing debt owed to the LSC. The third party details are

referred to Devon Investigations in a letter sent via Special Delivery. Upon completion of the enquiry, Devon Investigations provides a full status report via the post.

- Rossendales – The LSC has a contract with Rosendale’s to collect delinquent debt owed to the LSC relating to Crown Court Means Testing. Data containing third party details (personal information about the defendant, including their name, address, contact detail, the value of their income contribution and details about their capital and equity position) are transferred to Rossendales in an encrypted file via a file transfer protocol. The data is transferred securely (server to server) and is loaded into Rossendales’ own case management system (One Step). LSC has access and audit rights to One Step to ensure that the data are being held appropriately, and can make notes logged in real time by an individual with secure login via the internet. Following the completion of the debt collection cycle, a similar file is transferred to the LSC.
- Equifax – This is a consumer credit reporting agency that provides the LSC with access to their secure database, via the internet. Members of staff have individual logins, which provide them with access to third party credit reports; this information is used to vet the recoverability of a debt and update LSC database current details e.g. address and date of birth. LSC staff do not have the ability to change any information on Equifax’s database.
- Corporate 192 – This is an ID search technology solution, where the LSC is charged, based on a ‘per check’ system, to help locate hard-to-find people for debt recovery and enforcement needs. Access is via an individual secure login to the providers’ database.
- CCS Collect – This was the LSC’s previous debt collection providers, however, they lost the tender to Rossendales Ltd. Over 1000 cases still remain with CCS, namely accounts where instalment arrangements are being collected. LSC staff has “read only” access to CCS database via an individual secure login; the database provides information on CCS activities to recover against the referred debts.
- Land Registry – LSC has registered with the Land Registry for the Business e-service, where LSC has direct access to Land Registry’s system to register statutory charges, instead of sending them paperwork. This facility is accessed via the intranet through the Land Registry portal (each member of staff has an individual password). The LSC also uses this same access to confirm ownership of properties, which could be used for debt recovery or enforcement purposes. For the latter, the LSC is charged the standard amount. This facility is used by staff in various offices throughout the LSC, but one central “account” is maintained for invoicing etc.
- Crowns Records Management – Crowns RM provide an image hosting/scanning facility to Recovery Services (and some other LSC offices) and a file storage facility. Online paperwork is viewed by LSC staff through the intranet using individual passwords, with files being made sent to the relevant Office by Crowns upon request. The physical paperwork is collected weekly for subsequent cataloguing and scanning by Crowns.

- Michelmores Solicitors – The LSC has a contract with Michelmores who are responsible for the enforcement of delinquent debt owed to the LSC. Michelmores will shortly provide access to their “Partner View” case file system for members of the Enforcement Team in Recovery Services. Once the system becomes operational, electronic data will be able to be transferred between our two offices via a secure link.
- CKFT Solicitors – They were responsible for the old LSC Enforcement Contract and have now been replaced by Michelmores Solicitors, however there are still a large number of cases which have not been concluded and where litigation is ongoing. The Enforcement Team have access to CKFT’s “Partner View” case system. Data can be transferred between our two offices through the secure link. Access is password protected and limited to key individuals.
- CWX (Debt recovery) – This is the third party company that are used to recover client legal aid contributions. The LSC’s Corporate Information System sends debt information to CWX for individuals. Access is password protected and limited to key individuals. Users have restrictions pertinent to their status and access rights and authorities are reviewed quarterly.
- DSI (central print) – The LSC send files to be printed (centrally) to a third party company (DSI). These files are correspondence letters, which will contain personal information.
- TopLevel – In 2010 the LSC launched eForms, which is a way for providers to submit forms to the LSC electronically. This service is hosted by a third party company (TopLevel). The forms can contain personal information.

Technology employed

IT systems

At present there are around nine million personal records in the LSC’s four main IT systems: the Corporate Information System (CIS); Means Assessment Administration Tool (MAAT); Supplier Management System (SMS) and Crown Court Litigator Fee system (CCLF). This data will pass to the new agency once created.

Each IT system only holds a subset of personal data depending on the requirements of that system and are used to ensure the proper administration of the legal aid scheme. Systems used currently, which again we anticipate transferring to the new agency subject to any contractual or operational changes/upgrades are:

- SMS – The SMS/CWA system is the primary system through which legal professionals charge the LSC for civil case work that does not go to court. The system is a modified version of Oracle’s E-Business Suite and is accessed by professionals via the Portal, known as LSC Online, which allows legal aid providers to access and submit claims using a specific user name and password. As at late 2010, it had around 13,000 users from 4,500 contacted legal aid providers, and 300 users from within the LSC who use the data from within the system. Within SMS, ‘roles’ allow users to

manage specific tasks and checks are in place to validate those roles.

- MAAT – The MAAT system enables Crown Court staff to manage means testing arrangements for the magistrates' court cases, including bills. Information captured includes name, address, date of birth, national insurance number and financial status information. MAAT is a completely bespoke web enabled system. MAAT assigns 'roles' to users, applying different roles according to task and applying a different set of roles to users in HMCTS from those in the National Taxing Team (NTT). Roles also allow for different access to allow supervision of casework and for reporting purposes.
- CCLF – The CCLF system handles incoming bills from the legal profession for work undertaken in Courts. The payment associated with a case is based on a number of factors including the length of the trial and quality of evidence. The data is reconciled against Court data provided from HMCTS. CCLF/CCR is a completely bespoke web enabled system that can be accessed through the Portal (LSC Online). Here 'roles' are based on payment levels and the CCR roles are assigned according to staff grade. Additional roles allow specific privileges, such as for quality control and reporting.
- CIS – The Corporate Information System is a completely bespoke client/server system and the core system for the management of cases including the handling of personal case and financial data. It handles all of the information not handled by SMS and covers criminal and civil legal aid. The dataset held within CIS consists of personal data relating to the citizen for whom the legal work was undertaken, details of the decisions made surrounding the decision to provide legal aid and any restrictions or recover made of these costs, details of the case, details of the legal provider and details of the payments made against the case. Within CIS 'roles' are assigned to all users to restrict access to certain screens and each user has an authority role that applies a specific payment limit. Some roles will additionally allow privileges, for example to add new screen roles and to allow printing of BACS statements.

Other systems - There are further systems currently owned by the LSC that will transfer to the new agency. However, these do not directly process or store personal information, and are therefore considered out of scope for this report. These include:

- Oracle Financials – Oracle Financial provides the general ledger functionality for the LSC's financial reporting and accounting. The financial data within Oracle is aggregated (from other systems, particularly CIS) but the personal data and case details have been removed.
- SMS MI – The SMS Management Information system provides a mechanism for legal professionals to view financial statements relating to the work they have undertaken and submitted via SMS. It represents the financial situation of the cases that are being processed within SMS aggregated per firm.

- In addition, the LSC has a number of systems (data warehouses and reporting tools) that are used by key LSC staff to provide MI report for LSC senior managers and LSC operational staff.

IT retention of records

The result of the technical design of the four IT systems above is such that there is no technical facility to delete or archive records, so the databases containing personal data are growing year on year. This is a more pressing matter for paper records as storage of records requires physical space whereas IT data storage can be procured relatively cheaply.

Legislation and policies

As noted, the approach taken to data processing by the new agency will largely replicate the existing practices and systems followed by the LSC. We have considered, however, whether the change to an Executive Agency is compliant with other key legislation such as the Human Rights Act and have concluded that there are no issues that arise from this change. MoJ is committed to ensuring that its data handling processes are compliant with all relevant legislation, including the Data Protection Act and the Human Rights Act.

Alternative solutions

Given that the new Agency will be utilising systems already used by the LSC, no alternative technological solutions are considered necessary at this time.

Solution adopted

The new Agency will transfer across the exiting LSC IT systems to handle data.

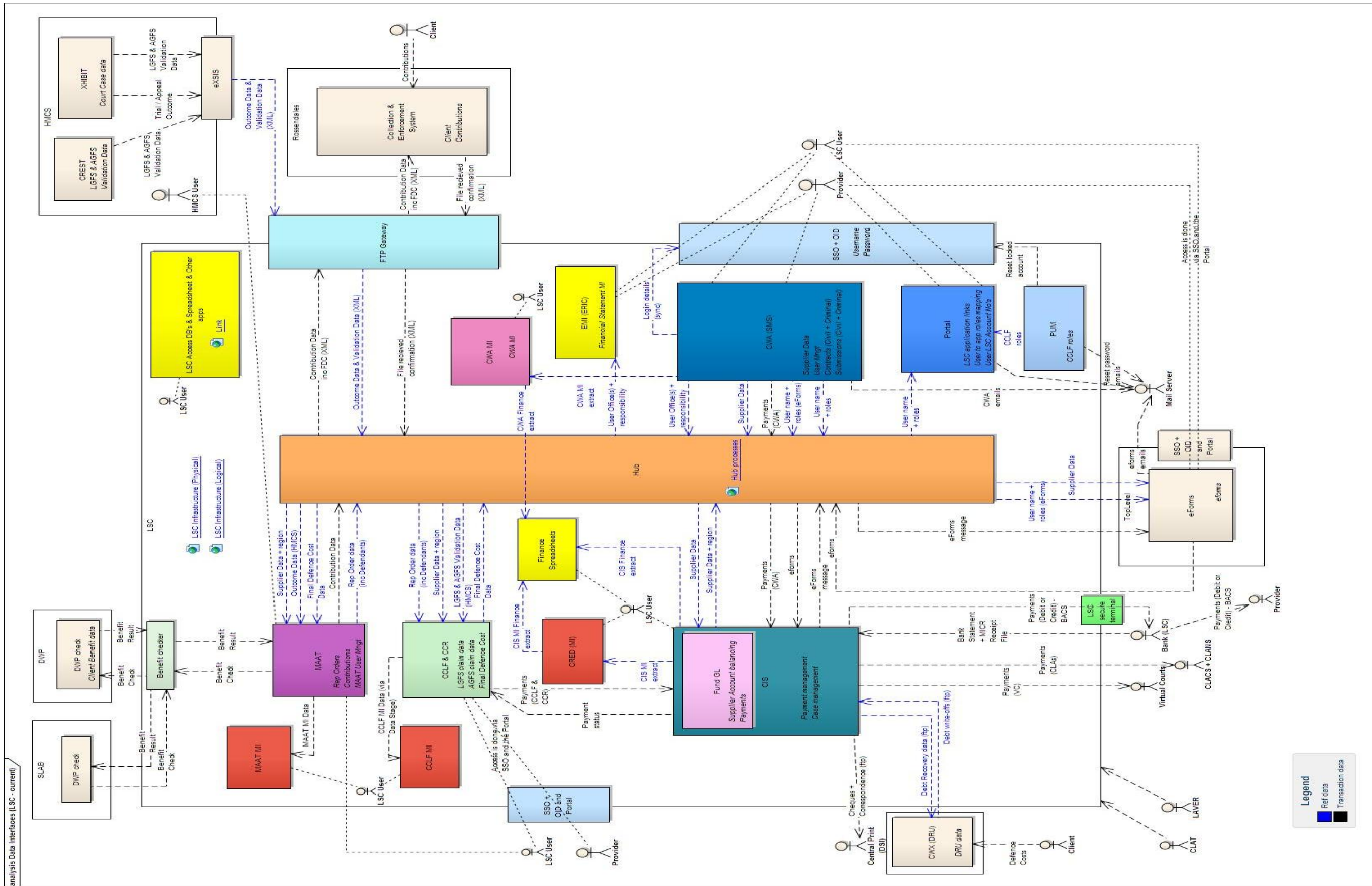
Data protection/risk reducing designs

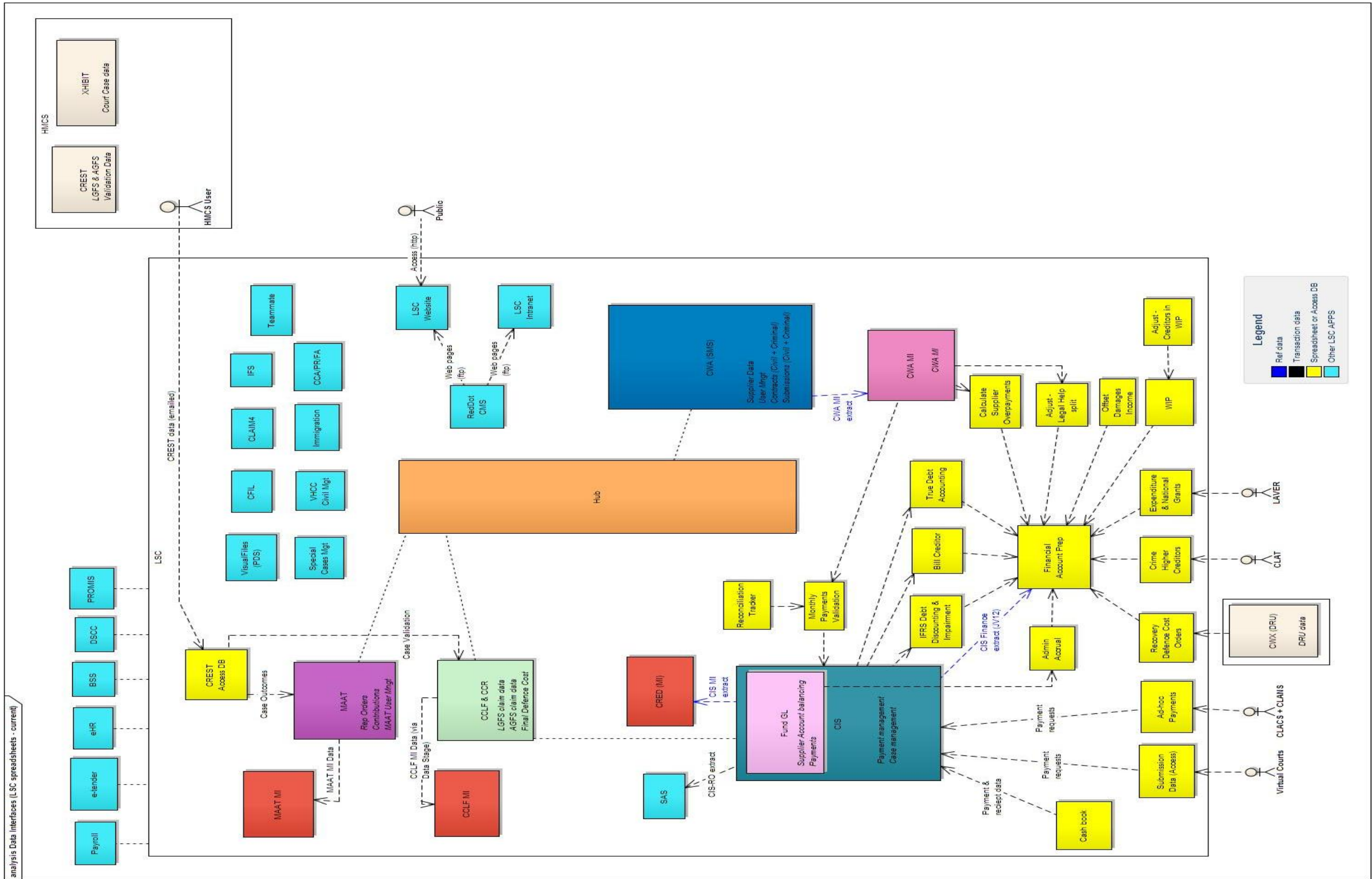
By utilising existing and proven LSC IT solutions for the purpose of information handling, the new Agency will minimise the risks associated with data handling through the creation of a new agency by building on existing systems and practices.

Section 4 – Data flow analysis

Business data flow diagram and description

An outline of the LSC's existing data flow arrangements can be found below.





Abolition of the Legal Services Commission (a Non-Department Public Body) and the establishment of a new Executive Agency within the Ministry of Justice: Privacy Impact Assessment Report

Issues

The systems and processes outlined are all based on pre-existing practices, no issues have been identified.

Section 5 – Data protection analysis and risk management plan

Stakeholders & participants, Analysis process & summary and Risk management & mitigation

With regard to data collection and processing, the new Agency will operate on a similar basis to the LSC, who have contributed to the drafting of this PIA. Given the well established processes utilised by the LSC, we do not therefore consider it necessary for the PIA to be subject to wide consultation. Guidelines on data handling will be produced by the new agency for its staff, building on the existing processes used by the LSC.

Section 6 – Communication

This PIA is also available on the Ministry of Justice website:
www.justice.gov.uk.

Section 7 – Approval of report

Approval of: Mark Taylor

Project / Policy / Initiative: Abolition of the Legal Services Commission (a Non-Department Public Body) and establishment of a new Executive Agency within the Ministry of Justice.

Policy lead/Business Sponsor/Project Manager: Darren Tierney

Information Asset Owner: MoJ

Date of approval: 13 May 2011

© Crown copyright
Produced by the Ministry of Justice

Alternative format versions of this report are available on
request from LASPOBill@justice.gsi.gov.uk.