

Privacy Notice for Scottish National Standards for Information and Advice Providers (SNSIAP) Peer Review process

SNSIAP is a framework established by the Scottish Government to enable not-for-profit agencies providing advice to the public (in housing, welfare benefits or money/debt) to check that they are providing accurate advice and managing their advice service well. Agencies can apply to be accredited under the Standards. The purpose of accreditation is to reassure the public that the advice they get from an accredited agency is accurate and reliable. The accreditation process is managed by SLAB in pursuance of its statutory functions under the Legal Aid (Scotland) Act 1986.

For more information about the accreditation process, go to:

<https://www.slab.org.uk/advice-agencies/scottish-national-standards-for-information-and-advice-partners/>

This privacy statement only covers SLAB's work in managing this accreditation process; for more information about SLAB's other work, go to: www.slab.org.uk.

Giving advice in Scotland in housing, welfare benefits or money/debt

For the purposes of SNSIAP, there are three Types of advice provided by advice agencies in Scotland. Type I covers active information, signposting and explanation by an agency. Type II covers casework and Type III covers representation in a court or tribunal. Further details of the work covered by Types I, II and III are provided in the Definitions section at the end of this Privacy Notice.

SNSIAP peer review for Type II/III agencies

Agencies wishing to be accredited under SNSIAP at Type II and/or III level in housing, welfare benefits or money/debt must first be successfully peer reviewed before they can apply for accreditation and audit. Only after the successful peer review, can a Type II/III agency apply for accreditation. They will then be audited and if successful, they will be awarded accreditation under Type II and/or III in housing, welfare benefits or money/debt.

SNSIAP process for Type I agencies

A Type I agency wishing to be accredited under the SNSIAP Organisational Standards does not have to apply for peer review but must apply to Scottish Government, who will notify SLAB of their application.

What does this Privacy Notice cover?

This Privacy Notice explains how we process personal data held in the client case-files of agencies who are being peer reviewed under the SNSIAP. It does not cover Type I audits.

Data processing and peer review

The agency seeking to be peer reviewed must allow the peer reviewer (see Definition section) to see the contents of their client case-files so that the peer reviewer can carry out a peer review. Much of the data contained in those case-files is personal data and some of it will be classed as special category data as defined by the General Data Protection Regulation (GDPR) (see definition section for further details).

This Privacy notice explains how client personal data will be protected throughout the peer review process.

Lawful basis for processing data

Data processing will take place when an advice agency shares client case-files with SLAB for the purposes of peer review. Client case-files from advice agencies will contain data including special category data and other information provided by the client or third parties. Personal data can only be processed if there is a lawful basis for doing this. SLAB manages the SNSIAP accreditation scheme as part of its statutory functions under the Legal Aid (Scotland) Act 1986 so its lawful basis for processing data is that it is carrying out a public task (see Definitions section for the definition of Public Task). The agency can only process client data including special category data in this way if they have a valid lawful basis for doing so. In many cases the lawful basis that the agency will rely on for sharing client data with SLAB will be the client's consent (although this may not always be the case).

If an agency is relying on client consent as the lawful basis for sharing client personal data including special category data with SLAB, advice agencies must ensure that all client case-files that are shared with SLAB have the clients' explicit consent to do this. If an agency is relying on client consent as the lawful basis for sharing client data they should only send the client's case-file to SLAB if a client has given their permission to do this.

If an agency is relying on client consent as the lawful basis for sharing client data and a client has **not** given their permission for a case-file to be shared for this reason, the case-file must **not** be shared with SLAB for the purposes of peer review.

If an agency relies on another lawful basis for sharing client data with SLAB for peer review, they may be able to share client case-files with SLAB without seeking client consent.

What information will we collect?

Information held in case-files of clients who have given their permission for that information to be shared or information held in case-files of clients of agencies who are relying on another lawful basis for sharing client data and who wish to apply to be peer reviewed.

Who is collecting it?

SLAB, in pursuance of its statutory functions under the Legal Aid (Scotland) Act 1986.

Why are we collecting it?

To carry out peer reviews of Type II and III agencies' case-files and to check whether the advice they give to the public is accurate.

How will the information be collected?

Case-files will be collected in one of two ways:

1. Many agencies will share their case-files with SLAB by using a secure file-sharing platform. SLAB will then facilitate access to these files for peer reviewers.
2. Most advice agencies will hold some or all of their client information on a case management system. Some of these agencies (such as Citizens Advice Bureaux) will be able to give a peer reviewer direct access to those case-files in order to carry out their peer review. If some parts of their clients' case-files are also held on paper or other systems this information will be collected using the method set out in 1. above

How will the information be used?

After reading the case-files and checking the accuracy of the advice given to the client, the peer reviewer will write a report recording their assessment of the agency's advice. That report will be shared with a Moderation committee who will sign off the report and decide whether an agency can go forward and apply for accreditation. The report will not contain any personal data about the clients whose case-files were reviewed. The Moderation committee will therefore not see any client personal data.

Who are we sharing the data with?

Option 1 - File-sharing using a secure file-sharing platform

Personal data will be seen by:

- The peer reviewers who are checking the accuracy of the advice
- Designated SLAB staff, who are responsible for allocating peer reviewers to a peer review and for allowing peer reviewers access to the case files being held on the secure file-sharing platform

Option 2- access via case management system

Personal data will be seen by:

- The peer reviewers who are checking the accuracy of the advice
- Staff of the advice agency, other agency or umbrella organisation that always holds or has access to the data as part of their day-to-day agreements with the advice agency. SLAB staff will not have access to the data held on the case management system but they will have access to any parts of the clients' case-files that are provided using Option 1.

What are the implications of this?

Personal information about advice agency clients will be read by people other than the staff of that advice agency.

If an agency is relying on client consent as the lawful basis for sharing client data the agency should only send SLAB the case-files of those people who have given their permission for them to do this. If a client does not wish to have their case-file shared in this way they should be given the opportunity to say so when the agency asks them for their consent.

If an agency relies on another lawful basis for sharing client data with SLAB for peer review, they may be able to share client case files with SLAB without seeking client consent.

How will we protect your data?

Option 1 - File-sharing using a secure file-sharing platform

SLAB will provide the advice agency with log-in details and a password for the file-sharing platform. The advice agency will upload the case-files onto the platform and peer reviewers will be provided with an account so they can access the case-files in a designated folder. SLAB will transfer the case-files into the designated folder for the peer reviewer to access; access to this folder will be strictly limited to the SNSIAP team and SLAB's Information Systems department. The file-sharing platform uses industry-standard SSL/TLS encryption for data in transfer, so all data sent from the browser on the client PC

is fully encrypted as it is transported via the internet to the platform servers which are based at and secured by SLAB.

Option 2 - access via case management system

If the case-files are to be accessed directly via the case management system, the advice agency will provide the peer reviewer with a password that will allow the peer reviewer to go into the files and read them or the agency will allow the umbrella organisation (who administers their case management system) to grant access to their system.

If other parts of the case-file are held in a different format, for example in paper files, the advice agency will either reformat and attach these to the case management system if possible or transfer those other parts of the files using the same method explained in Option 1. These case-files will then be made available to the peer reviewer in the same way as in Option 1 or via the case management system. If the agency has paper files and cannot provide remote access to their case management system or remote access cannot be supported by the SNSIAP team, these will be scanned and uploaded onto the file-sharing platform.

The peer reviewer will be able to view the full case records on the case management system and on the secure database. The reviewer will not be able to download any information from the case management system and secure database to any electronic device.

The report

Whichever option is used, the peer reviewer will assess the case-files and write a report that will be sent to SLAB who will send it to the members of the Moderation Committee for consideration at their next meeting. The peer review report will not contain any client personal data. The Moderation Committee will not see any client data, only the data relating to the agency that is in the peer review reports.

Once the Moderation Committee has come to a decision, all client case-files will be deleted from the peer reviewer's designated folder so the peer reviewer will no longer have access to those case-files. The client case-files will be held by SLAB on the secure server in line with their retention schedules. Some of these case-files will then be reviewed again as part of the Quality Assurance process (see below). After 30 weeks the client case-files will be deleted from the SLAB server.

Peer reviewers will have to declare to SLAB that they have no client data in their possession once they have written their peer review report.

Double-marking process if an agency does not meet the required standard

If the peer reviewer decides that the agency's case-files do not meet the required standard, they will send the report to SLAB as above and (depending on the mark awarded) a second peer reviewer will be asked to review the same case-files to produce a further report. Their report will be sent to SLAB. SLAB will send all peer review reports to the Moderation Committee.

Quality Assurance

A selection of case-files will be double-marked as a matter of course every quarter to provide SLAB with information about the quality of the reports that the peer reviewers are writing. The selected case-files will be uploaded onto the secure file-sharing platform for the peer reviewers to read and write up in reports. SLAB will use the reports to identify whether the peer reviewers need any further training. Once SLAB has reviewed the reports and made their recommendations, all electronic records will be securely destroyed.

How long will we keep your information?

The client data will be held on the SLAB server for 30 weeks to allow the Quality Assurance process to be completed.

What will happen if an advice agency cannot share client case-files with SLAB or the peer reviewer?

If an agency cannot share any case-files with SLAB or the peer reviewer they cannot go through the peer review process and apply for accreditation under SNSIAP. This will make it more difficult for an agency to reassure people that the advice they give them is accurate.

Will the information be transferred overseas (within the EU or outside the EU)?

No.

What rights do you have over the use of your personal information by SLAB for peer review?

Under the General Data Protection Regulation (GDPR) you have the right:

- **To be informed** about how we collect and use your personal information through privacy notices such as this.
- **To request information we hold about you.** This is known as a subject access request and is free of charge. We must respond within one month, although this can be extended by a further two months if the information is complex.
- **To rectification.** You are entitled to have your information rectified if it is factually inaccurate or incomplete. We must respond to your request within one month. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- **To erasure.** You have the right to ask us to delete your information or stop using it. It will not always be possible for us to comply with your request, for example if we have a legal obligation to keep the information. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- **To restrict processing.** You have the right to restrict how your data is processed in certain circumstances, for example if the information is not accurate. If a restriction is applied, we can retain just enough information to ensure that the restriction is respected in future. If we decide to lift a restriction on processing we must tell you.
- **To data portability.** If we are processing your personal data with your consent, and it is held in a structured, commonly used, machine readable form, you have a right to ask us to transmit it to another data controller so they can use it. This right does not apply if we process your personal data as part of our public task.
- **To object.** You can object to your information being used for profiling, direct marketing or research purposes.
- **To be informed about any automated individual decision making, including profiling,** with legal or similarly significant effects and be given an opportunity to request human intervention or challenge a decision.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, request that we transfer a copy of your personal information to another party or request the reconsideration of an automated decision, please contact our Data Protection Officer at DPO@slab.org.uk.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Where you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our DPO. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to.

If you are unhappy with the response you get from us, you can ask us to look again at your request; you can write to our Data Protection Officer at SAR@slab.org.uk or using our postal address. At any time, you are entitled to ask the Information Commissioner to review our decision or to go to court to enforce your rights.

Changes to this privacy notice

We keep this privacy notice under regular review. This privacy notice was last updated on 28/10/2020.

Contact Information

Data Protection Officer
Scottish Legal Aid Board
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

Telephone: 0131 226 7061

Email: DPO@slab.org.uk

To find out more about your rights under data protection legislation and Freedom of Information (Scotland) Act 2002 please see our Access to Information leaflet (available on the SLAB website): www.slab.org.uk/public/leaflets/

The Information Commissioner

You can find information about how to report a concern to the Information Commissioner on her website at: www.ico.org.uk/for-the-public/

Alternatively you can call them on 0303 123 1113 or write to:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Or contact the [Scottish Regional Office for the ICO](http://www.slab.org.uk/public/leaflets/) on 0303 123 115 or write to:

Information Commissioner's Office, Queen Elizabeth House, Sibbald Walk, Edinburgh, EH8 8FT

Definitions

Type I advice

If someone rings up an agency to ask about a housing issue, a money/debt issue or a welfare benefits issue, a **Type I agency** would provide them with information about their problem.

Type II advice

If the person then said that they had a problem with their housing, welfare benefits or money/debt issue, they would need to go to another agency that would be able to deal with their problem. By 'dealing with the problem' we mean asking the person for more details about the problem, asking them for information about their circumstances and then working with the person or on their behalf to sort the problem out. This could involve contacting the DWP or a landlord or a creditor by writing letters, making phone calls or sending emails. This is called 'casework' and agencies that do casework are described as **Type II agencies**.

Type III advice

If the person's problem required a court or a tribunal to sort it out, the person might require someone to represent them at the tribunal. The agency that represented the person at the tribunal hearing would be a **Type III agency**.

Some agencies will do Types I, II and III work but some will only do Type I work or Type I and II. Many agencies in Scotland will provide advice on all three of the SNSIAP areas (housing, welfare benefits or money/debt) but others will only give advice on one area or two of the areas.

Peer review

By 'peer review' we mean the process whereby an experienced and knowledgeable adviser (the peer reviewer) is asked to read a selection of client case-files submitted by an agency to check whether the advice given to those clients is accurate. The peer reviewer then produces a report giving their findings on the accuracy of the advice.

Personal data

Personal data means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier such as name or identification number.

Special category data

Special category data means personal data consisting of information as to -

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

Public task

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.