

PRIVACY POLICY

About us

Family Matters Mediation's full company name is Family Matters Mediate Limited. You can find more information about us at our website www.familymattersmediate.co.uk. We are registered with the Information Commissioner's Office, Registration number ZA237481.

You can contact us at Suite 9D Cavendish Court, South Parade, Doncaster, DN1 2DJ Tel: 01302 369688 or 03300 881440, Fax: 01302 363649, Email: admin@familymattersmediate.co.uk

We are committed to protecting and respecting the privacy of anyone's data we handle. We will only use your data in a manner that is appropriate considering the basis on which that data was collected. We do not use automated processing or profiling. All our employees are responsible for maintaining client confidentiality.

This policy describes how we use information about individuals in our practice, why it is lawful for us to process personal data, and the reasons why it sometimes needs to be shared with others. It also explains your rights if you have concerns about the use of your information.

OUR STATUS UNDER DATA PROTECTION LAWS

In most instances we are the 'data controller' for information we hold about you as our client or a professional contact. For work performed under the Legal Aid scheme we are joint data controllers with the Legal Aid Agency in respect of personal data which must be transferred by us to the Legal Aid Agency or which the Legal Aid Agency is entitled to request from us according to their contractual requirements.

When personal data is supplied to us by the Legal Aid Agency we are a 'data processor for them.

INFORMATION WE COLLECT FROM YOU AND WHY

Your contact details

We collect name, date of birth, address and other contact details from the information you give us when you arrange an appointment for a Mediation Information and Assessment Meeting ('MIAM') or mediation services or fill in a referral form through our website, or by the phone, letter or email, or when a communication from your solicitors or another organisation you already know (such as Cafcass) asks us to contact you about a meeting.

We also keep name and contact details of people we deal with on behalf of our suppliers or contractors to our business. We do this so that we can provide our services efficiently and communicate appropriately with them, which is in our legitimate business interests.

Other personal data

In order to provide our MIAM or mediation services we normally need to ask you to provide us with a lot of information about your family situation, your finances, your relationship, and the circumstances in which it has broken down. More specifically:

- We need to establish the identities of your partner or former partner, and any children you may have together or children you have brought up as part of your family together.

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- Under the rules of financial mediation you will need to disclose financial and other information relevant to your situation to the other party, and we will need to include a record of this in our case file.
- In addition, in the course of a mediation, some clients might sometimes need to reveal information of a kind that is classed as ‘special categories’ of sensitive personal data such as information about your physical or mental health, sexual matters, religious beliefs, racial or ethnic origin, or criminal offences.
- If we conduct a child consultation at your request the child consultant may take notes for the feedback meeting with your child/children. These are destroyed once the feedback meeting has taken place with the parents.
- If you are eligible for Legal Aid we must retain records of your proof of earnings and assets.
- When you are responsible for payment of our fees we may need to use some of your personal details to invoice you. If you are in receipt of Legal Aid we will need to share your details with the Legal Aid Agency to obtain payment of our fees from them.

Information you may give to a mediator in a MIAM or mediation is not shared with the other party unless you consent to this, or a court orders its disclosure, or where the law imposes an overriding obligation of disclosure on mediator to do so.

It is necessary for us to collect all these types of information so that we can conduct and record our services properly under the rules that apply to Legal Aid or to family mediation, or the codes of conduct which govern our mediators. We process the information to record our discussions with you, to write up summaries of meetings with you, or a parenting plan, and to prepare what is called ‘memorandum of understanding’ and an ‘open financial statement’ which can form the basis for a separation agreement or a consent order to be made by the Family Court.

For MIAM and mediation clients the legal basis for processing your personal data is normally that it is necessary for the performance of our contract with you (or at your request prior to entering into a contract with us).

The legal basis for processing special categories of data is that this is necessary for legal or prospective legal proceedings. Information on racial/ethnic origin may be collected to monitor and review equality in the provision of services.

Even though you might not have contacted us yourself about our MIAM and mediation services we might need to use your contact details to contact you directly by letter or email after your partner or former partner has attended a MIAM with us. The reason for this (and the legal basis for us processing your personal data for this purpose) is we are obliged under Practice Direction 3A of the Family Procedure Rules to contact you to discuss your willingness to attend a MIAM as well.

If we have obtained your specific consent to use information in certain ways you have the right to withdraw this consent at any time, without that affecting the lawfulness of processing based on the consent before its withdrawal. (However the withdrawal of your consent will not override any continuing duty we may have in the public interest to notify the authorities for the protection of a child or vulnerable person in accordance with our Safeguarding Policy). Please be aware however that normally the legal bases for us processing your data do not rely on your specific consent.

Family Matters Mediation is a training practice for people who in the process of qualifying as mediators. Our trainee mediators under are a duty of strict confidentiality. They may only read

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information in our files for learning and development purposes. Any information they use to record their training experience must be anonymised so that the information cannot be associated with any named people. The legal basis of processing data here is that it is in our legitimate business interests to do so.

For operational reasons in running our office we may need to share or store your data with other organisations in the UK, eg our case management database which is on a hosted dedicated secure server. There may also be legal or contractual reasons we have to pass on some of your information. These are summarised at the end of this policy. The legal basis for this is that it is in our legitimate business interests.

We may combine some data from services provided to clients to monitor our performance, eg through customer satisfaction survey, but if we do so we anonymise the results. Data privacy laws allow this as part of our legitimate interest in understanding our clients and providing the highest levels of service.

For direct marketing of our professional training events we hold a database with contact details and attendance records of people who have attended or expressed an interest in attending our events, or who we believe might wish to receive invitations to them. The legal basis for this data processing is that it is in our legitimate business interest, and we only maintain their professional contact details for these purposes. Our invitations to events come with reminders that people can opt-out at any time and we will then delete their details from our database.

ONLINE MEETINGS

Where you agree to take part in an online meeting instead of a meeting in person we will need to use a third-party service provider such as Zoom or Microsoft teams. Family Matters has no control over or responsibility for the way any such service provider may use your data. You should refer to the websites of the relevant service provider for their privacy policies.

HOW LONG WE KEEP YOUR INFORMATION FOR

Our MIAM and mediation files will be archived after the case is closed. We will normally retain our records for six and a half years after that, at which point they are destroyed.

Contact details on our database for professional training events are retained until such time as an individual informs us that they wish to opt out of receiving our invitations. Contact details of our suppliers and contractors are maintained for the duration of their engagement and afterwards for as long as necessary to comply with Inland Revenue rules for tax records.

YOUR RIGHT TO ACCESS INFORMATION

The law gives you the right to access information held about you (a 'data subject access request') and you ask us for this in writing via the contact details above. We may require further information from you in order to verify your identity before disclosing any personal information to you.

YOUR RIGHT TO CORRECT DATA WE HOLD

You also have the right to have any inaccurate information about you corrected. We want to make sure that your information is accurate and up to date or to have incomplete data completed. You

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may ask us to correct our records or remove any information that you think is no longer up to date. Please contact us using the contact details above if you would like any changes made to your information we hold.

YOUR RIGHT TO REQUEST US TO RESTRICT OR STOP USING YOUR INFORMATION OR TO ERASE DATA WE HOLD

If you have concerns about how we deal with your information we hope these can be dealt with swiftly under our Complaints Policy – see below. However you do have certain rights to ask us formally to erase your personal data or restrict its processing in certain circumstances, and we must then either do as you ask or explain why we consider our actions are justified. For more details please refer to the website of the Information Commissioner’s Office at <http://www.ico.org.uk> or call their helpline on 0303 123 1113).

COMPLAINTS

We will listen carefully to any concerns that our collection or use of information is unfair, misleading or inappropriate. If you do not already have a copy of our Complaints Policy this is available to clients upon request. If we are unable to resolve your complaint internally you can take the matter up to the Information Commissioner’s office - see <https://ico.org.uk/for-the-public/i-m-worried-about-how-an-organisation-has-handled-my-information/> or call their helpline on 0303 123 1113.

REASONS WE MAY NEED TO SHARE YOUR DATA WITH OTHERS (AND WE ONLY DO SO IN CONFIDENCE)

(We never share your information with advertisers or with other businesses seeking to supply you with goods and services).

- As with most organisations, when you make payments to us with a debit or credit card your identity and card details are shared with a provider of secure payment services. (We use WorldPay). When you pay this way via our website or over the phone to us we do not retain your card details.
- It is necessary for us to share your information with mediators who we engage to provide mediation services for you.
- When we need to communicate with and send documents to your solicitors about your mediation outcomes.
- It may be necessary for us to give access to or store certain information about you to organisations which provide us with business support or professional services, on the understanding that they keep your information secure and confidential.
- When the law, regulatory bodies or the public interest permits or requires it. (This may include any disclosures to the authorities for the protection vulnerable people under our Safeguarding Policy).
- When the Legal Aid Agency is funding our fees for you, or a public body which has referred you to us under scheme for services we are contracted to provide for them, they impose contractual terms on us which oblige us to send them information about you or to allow them to audit your file. (Please refer to the [privacy policy of the Legal Aid Agency](#) or other relevant public body for how and why they process your personal data).
- If (under our Complaints Policy) you make a complaint about a mediator to a supervisory body, your mediation file will be shared with them, provided you have given us your consent to do so.
- When we need to exchange information with other organisations for the purposes of fraud protection, credit risk reduction, or civil proceedings for the recovery of our unpaid fees.
- If Family Matters Mediate Ltd or substantially all of its assets are acquired by a third party, in which case personal data held by it about its clients and other will be one of the transferred assets.