

Mediation Clinic Privacy Notice

This privacy notice explains how the Mediation Clinic, part of the University of Strathclyde, uses the personal information it collects. This includes information relating to its clients, mediators and observers.

Who we are

The University of Strathclyde is the organisation responsible for your personal data in terms of data protection legislation (the data controller). If you have any queries regarding the handling of your personal data, or your rights, please contact the University's Data Protection Officer at dataprotection@strath.ac.uk.

Information we collect and use about you

Clients - we collect contact information about you that you provide when you make an enquiry, often via an online enquiry form or via telephone. We may require additional information to identify you, supporting documents, notes of calls and conversations relating to the mediation process. This information will be stored in a 'client file'.

External mediators/Observers – we collect relevant information regarding your: contact details; background; formal training; and previous mediation experience with the Mediation Clinic. This information is collected on a Clinic Member Information form.

Why we require this information and our lawful basis

Depending on the services provided, we may use the information we collect about you to:

- gather information relating to your case to enable the Mediation Clinic to decide whether to offer a mediation service;
- undertake investigatory work to progress your enquiry;
- provide mediation;
- ask you to complete an evaluation questionnaire to enable us to monitor and maintain high standards;
- provide information to Sheriff Courts on the following matters
 - The dates of any pre-mediation contact between you and the Mediation Clinic
 - The date of any mediation meeting provided by the Mediation Clinic
 - Whether or not the mediation resulted in settlement; and
- ask you if you wish to participate in relevant academic research relating to the services we provide;
- assess the suitability of mediators/observers; to maintain a contact list of external mediators; to assign cases as most appropriate; and to share relevant information with them.

Under data protection legislation we must identify our 'lawful basis' for processing this information. We may depend on different lawful bases, depending on the circumstances. These include where processing is necessary: for the performance of a contract we have with you; to comply with a legal obligation; to protect the vital interests of you or a third party; to meet our (or a third party's)

legitimate interests; or, you have consented to us processing your personal information. Where you enter into a contract with us for mediation services, we may be unable to provide these services, if you do not provide the information we request from you.

“Special category data” is information which is afforded additional protection under the legislation. This refers to data relating to: racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for ID purposes; health; sex life or sexual orientation. If we process any of this type of information it will be because it is necessary: for the establishment, exercise or defence of legal claims; we have your explicit consent; it is necessary to protect your or someone else’s vital interests; or you have made the information public.

What happens to my data when my case has reaches completion?

Where a case has proceeded to mediation, we will retain only the Agreement to Mediate and Settlement Agreement for 6 years from the closure of the mediation case/settlement. Details on the Settlement Agreement will be anonymised. All other details will be kept on file for 1 year from the closure of the case. For clients who contact us but where the case does not progress to mediation, we will retain the client file for 1 year from the closure of the case. Information relating to external mediators/observers is retained for 6 years after your relationship with the Mediation Clinic ends.

Who we will share your data with?

If we provide mediation services to you, as a client, we will share your data with external volunteer mediators who have been selected to provide mediation in your case. Where your case has been referred by the Sheriff Court, we will provide relevant information on dates/outcomes etc. We will not otherwise share/disclose your data unless: we are legally obligated to do so; it is considered that there is a risk to the ‘vital interests’ or safety of an individual; or if it is required for another University process, e.g. if you make a complaint. As funders, anonymised statistical data is shared with the Scottish Government on a quarterly basis.

Is my data secure?

Information held by the University will be managed securely and held on University servers. Access will be restricted to only those staff or volunteer mediators who require it and on a ‘need to know’ basis. The University will employ any technical and organisational measures necessary to ensure the security of your data. You can find more information about our [Information Security policies](#) on our website.

External mediators may retain their own files and are required to ensure that these are kept safe and secure.



Your Rights

Under data protection legislation, you have a number of rights* including the right to:

- withdraw consent, at any time, where that is the lawful basis of our processing;
- access your personal data and obtain a copy, free of charge;
- rectify inaccuracies in personal data that we hold about you;
- erasure, that is have your details removed from systems that we use to process your personal data;
- restrict the processing in certain ways;
- obtain a portable copy of data you have given to us in a commonly used electronic form; and object to certain processing of your personal data by us.

***Please note that the ability to exercise these rights will vary and depend on the lawful basis under which the processing is being carried out. In some cases, it may affect the service that the Mediation Clinic is able to provide e.g. if we are relying on your consent to process your information and you withdraw consent.**

Please contact dataprotection@strath.ac.uk if you wish to exercise/enquire about any of these rights. If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you also have the right to complain to the Information Commissioner's Office (<https://ico.org.uk/make-a-complaint/>).

You can access this privacy notice via our website:
<https://www.strath.ac.uk/humanities/lawschool/mediationclinic/>