Lady Chief Justice of England and Wales

Senior President of Tribunals

Judicial Data Protection Panel – Terms of Reference

Preamble

The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018) exclude the processing of personal data by an individual, a court or tribunal acting in a judicial capacity from the jurisdiction of the Information Commission. This exclusion is predicated on the expectation that the judiciary will establish an internal body which will supervise this data processing (**recital 20, UK GDPR, section 117 DPA)**.

The Lord/Lady Chief Justice of England and Wales and The Senior President of Tribunals have agreed to establish a Judicial Data Protection Panel (the Panel) to supervise the data processing activities of courts of England and Wales, the First-tier and Upper Tribunals, The Employment Tribunals and Employment Appeal Tribunal when exercising judicial functions. They have also agreed that the Panel should be responsible for ensuring that effective systems are in place to facilitate compliance with data processing obligations arising under the UK GDPR and DPA 2018.

The Judge Advocate-General and the President of the Investigatory Powers Tribunal have agreed that the Panel should supervise and be responsible for effective data protection compliance systems for Judge Advocates-General and the Investigatory Powers Tribunal, respectively.

The Chief Coroner has agreed that the Panel should supervise and be responsible for effective data protection compliance systems for his office and for those coroners who have indicated to him that they wish to come under the Panel's jurisdiction.

The Panel will consist of; two judges of the Senior Courts and a judge of the Upper Tribunal or Employment Appeal Tribunal.

The current panel members are:

- Lord Justice Lewison (Chair)
- Mr Justice Johnson
- Upper Tribunal Judge Wikeley

Panel Terms of Reference

The Panel will be responsible for:

- promoting awareness of data protection law amongst the courts and tribunals judiciary;

- ensuring effective guidance, including judicial training, is in place to ensure compliance with obligations that arise under data protection law both where courts and tribunals act in a judicial capacity and where judges/panel members otherwise carry out data processing functions in the course of their appointment;

- ensuring an effective system is in place to investigate complaints in relation to data processing both where courts and tribunals act in a judicial capacity and where judges/panel members otherwise carry out data processing functions in the course of their appointment; and

- liaising with the Information Commission, in so far as appropriate, concerning compliance with data protection law.