British and Irish Legal Information Institute (BAILII)
Data Protection Policy

Last updated	July 2026

Definitions

Charity	means the British and Irish Legal Information Institute (BAILII), a registered charity.
GDPR	means the General Data Protection Regulation.
The Acts	means the Data Protection Act 2018 as amended by the Data (Use & Access) Act 2025
Responsible Person	means The Data Protection Officer of BAILII, 17 Russell Square, London WC1B 5DR, privacy@bailii.org
Register of Systems	means a register of all systems or contexts in which personal data is processed by the Charity.

1. Data protection principles

The Charity is committed to processing data in accordance with its responsibilities under the GDPR and the Acts.

Article 5 of the GDPR requires that personal data shall be:

a. processed lawfully, fairly and in a transparent manner in relation to individuals;
b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

2. General provisions

a. This policy applies to all personal data processed by the Charity.
b. The Responsible Person shall take responsibility for the Charity's ongoing compliance with this policy.
c. This policy shall be reviewed at least annually.
d. The Charity shall register with the Information Commissioner's Office as an organisation that processes personal data.

3. Lawful, fair and transparent processing

a. To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain a Register of Systems.
b. The Register of Systems shall be reviewed at least annually.
c. Individuals have the right to access their personal data and any such requests made to the charity shall be dealt with in a timely manner.

4. Lawful purposes

a. All data processed by the charity must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests.
b. The Charity shall note the appropriate lawful basis in the Register of Systems.
c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.
e. The Charity processes personal data which is included in the judgments of courts and tribunals under the legal basis provided in Schedule 1 of the Act, para.26:
    i) consists of the publication of a judgment or other decision of a court or tribunal, or

ii) is necessary for the purposes of publishing such a judgment or decision.

f. On or before 24 June 2022, the Charity received judgments from UK courts under a contract with the Ministry of Justice which provides an indemnity at para.30.3 of the agreement:

The Authority shall indemnify the Contractor and keep the Contractor indemnified and hold the Contractor harmless from and against any claim brought against the Contractor by a third party resulting from the publication by the Contractor of any judgment which contains any confidential matter or private matter or any other matter which should not have been set out in a judgment for publication, but which was transmitted by the Authority to the Contractor for publication including, without limitation, all claims, actions, proceedings, losses, liabilities, damages, costs, expenses (including reasonable legal costs and expenses). For the avoidance of doubt, judgments transmitted to the Contractor by Courts or by or on behalf of a Judge shall be regarded as judgments transmitted to the Contractor by the Authority and are covered by this indemnity.

As of 25 June 2022, the Charity receives court judgments and tribunal decisions from the UK and England & Wales under a transactional license with The National Archives. The license requires the Charity to:

i) Use the current version of the Licensed material;
ii) Comply with any judicial decision that restricts the use of personal data within the Licensed material;
iii) Remove any licensed Material that is subsequently no longer published on The National Archives website, or has been replaced by a revised version from the Courts or Tribunals;
iv) Ensure the licensed material is not used in a way that suggests any official status or that the Licensor endorses the re-user's products or services;
v) Does not mislead others or misrepresent the Licensed Material or its source;
vi) Present the licensed material in a way that has regard to the dignity of the Courts and Tribunals, and to their functions as working bodies;
vii) Does not use the licensed material in any way that jeopardises the proper administration of justice.

The license is not a data sharing agreement for personal data in the Licensed Material; and the license is not a processing agreement for personal data in the licensed material.

5. Data minimisation

a. The Charity shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
b. The Charity in the public interest publishes court and tribunal judgments. The text of these judgments shall be preserved as it was issued by the courts and tribunals.
c. Use of the Charity's website is anonymous. The Charity does not use cookies on its website and does not require any registration process.

6. Accuracy

a. The Charity shall take reasonable steps to ensure personal data is accurate.
b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.
c. The Charity implements corrections to any data or withdraw any data if it is instructed by the issuing Court or Tribunal and/or The National Archives.

When an enquiry is made regarding a judgment, the enquiring person is referred to the Ministry of Justice, court/tribunal, and/or judge to obtain instructions that will be issued to BAILII and other publishers via The National Archives.

7. Archiving / removal

a. To ensure that personal data is kept for no longer than necessary, the Charity has put in place an archiving policy for each area in which personal data is processed and reviews this process annually.
b. The archiving policy considers what data should/must be retained, for how long, and why.
c. The Charity in the public interest publishes court and tribunal judgments. These judgments remain part of the law of the relevant legal systems without a time limit.

8. Security

a. The Charity ensures that personal data is stored securely using modern software that is kept-up-to-date.
b. Access to personal data is limited to personnel who need access and appropriate security is in place to avoid unauthorised sharing of information except for data which is published as part of the Charity's main function to publish court and tribunal judgments.
c. When personal data is deleted this is done safely such that the data is irrecoverable.
d. Appropriate back-up and disaster recovery solutions are in place.

9. Using Data Processors

The Charity may use an external contractor or 'data processor' to store or manage its data. It will process this data only for purposes specified by BAILII and will be bound by agreement to meeting the Charity's obligations under the General Data Protection Regulation and associated legislation. Where data is passed outside the EEA, the Charity will take the relevant steps to ensure there is adequate protection in place.

10. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and, if appropriate, report this breach to the ICO.

11. Data Protection Complaints Procedure

Under the Data (Use & Access) Act 2025, the Information Commissioner's Office (ICO) requires individuals to go through the Charity's internal complaints process before contacting the ICO regarding a data protection complaint.

a. Who can make a complaint?
    i) This procedure applies to complaints to the Charity relating to how the Charity has handled your personal data. You can make a complaint if:
        - The Charity or those acting on its behalf control or process your personal data; and
        - You consider that data protection legislation has been infringed because of the way your personal data has been handled.
            - PLEASE NOTE: If the complaint relates to a judgment or decision of a court/tribunal, please be advised that there is a

public interest exception to the Right to Be Forgotten under the Data Protection Act 2018 (c.12, Schedule 1, Part 2).

ii) A third-party can only complain on behalf of another if they provide suitable evidence of their authority, such as a letter of authority or Power of Attorney.

b. Complaint procedure

i) The complaint **must be in writing** and signed by you or on your behalf (if signed on your behalf, you must provide evidence of the person's authority, such as a letter of authority or Power of Attorney). The complaint should include the following:

- Your full name, address, email address, and date of birth;
- The nature of your complaint;
- The date the issue occurred;
- What outcome are you seeking from the complaint;
- Copies of any evidence to support your complaint, if applicable.

ii) The written complaint should be sent to BAILII:

- by email to privacy@bailii.org; or
- by post to:
  The British and Irish Legal Information Institute (BAILII),
  Institute of Advanced Legal Studies
  Charles Clore House
  17 Russell Square
  London WC1B 5DR
  United Kingdom

iii) The Charity will acknowledge the complaint within 30 calendar days of receipt.

- If no acknowledgment is received within 30 calendar days, please contact the Charity by email to privacy@bailii.org.

iv) Upon receipt of the written complaint, the Charity will ask for written responses to following questions:

- Does the complaint relate to a judgment or decision of a court or tribunal? (YES/NO)
  a. If yes, please explain why the publication of legal judgments exemption to the Right to Be Forgotten does not apply (Data Protection Act 2018, c.12, Schedule 1, Part 2).
  b. Have you contacted the court/tribunal/judge directly to request removal of the judgment or decision of the court or tribunal? (YES/NO).
     - Please provide evidence of the request and the response received from the court/tribunal/judge.

v) If there are any doubt about the identity of the person making the request, the Charity will request proof of the identity, such as a copy of the individual's passport or driving license or passport.

vi) If any information required under 11(b)(ii) above is missing, the Charity will request it.

vii) Once all information is received, the Charity will investigate the complaint. A written decision will be provided within three (3) months. If this timeline is not possible, the person making the complaint will be told why there is a delay and when they can expect a decision.

viii) A written decision will be provided, which includes:

- The outcome of the investigation;
- What has been done to resolve the complaint and, if appropriate, what actions were taken as a result of the

complaint.

c. . Right to complain to the Information Commissioner's Office

i) Anyone unhappy with the outcome of the Charity's complaint procedure has the right to complain to the Information Commissioner's Office (ICO).

END OF POLICY

Register of Systems

Fundraising Data

BAILII has an agreement for fundraising services provided by a contracted external fundraising consultant. The data is held by the consultant and not by BAILII itself. The majority of the data about donors relates to corporate donors but it does include personal data. The data is processed under the University of London's Data Protection Policy. Under that policy the University of London may use an external contractor as a sub-processor to store or manage the data it holds.

To facilitate planning, confidential reports to the Board of Trustees and staff of BAILII include personal names, amount of donations, and approximate dates. Donors are given the opportunity to make anonymous donations, in which case only amounts and dates received are reported.

The BAILII website acknowledges institutional donors and, where permission is granted, individual donors.

BAILII Website of Published Judgments

The BAILII website publishes judgments of courts and tribunals which are passed to it by various courts and tribunals for publication. If reporting restrictions are imposed by the court or tribunal, no judgment is passed to BAILII. If a court or tribunal wishes at a later date to withdraw a judgment or make a correction, BAILII will erase or correct the judgment immediately on receipt of an instruction from the court or tribunal.

If an enquiry regarding a judgment of a court or tribunal in the UK containing personal data is received, the enquiry is passed to a contact provided by the Ministry of Justice for instructions. For courts or tribunals outside the UK the enquirer is directed to approach the court or tribunal.

BAILII does not require personal information by registration or other means in order to use BAILII and does not employ cookies in order to collect personal information. Policy regarding usage of BAILII which does not constitute personal information is here

Trustees and Members of Committees

The names and affiliations of current and former members of the Board of Trustees are listed on the BAILII website with consent and the names are listed on the websites of Companies House and the Charity Commission by legal requirement. Contact details of current Trustees are maintained by staff of BAILII and a Consultant.

The names and affiliations of current members of the BAILII Advisory Council are listed on the BAILII website with consent. Contact details of current members are maintained by staff of BAILII and a Consultant.

The names, affiliations, and contact details of current members of the BAILII Conference Committee are listed on the University of London, Institute of Advanced Legal Studies website and by BAILII staff and a Consultant with consent.

Staff

The Charity's staff are employed by the University of London which holds personal data about them under the University of London Data Protection Policy. BAILII staff hold the names and contact details of current members of staff of the Charity for operational reasons. A Consultant retained on a contract for services and governed by the Data Protection Policy, holds the names and contact details of current members of staff of the Charity.

Archive Policy

Fundraising Data

The data is processed under the University of London's Data Protection Policy.

BAILII Website of Published Judgments

The Charity in the public interest publishes court and tribunal judgments. These judgments remain part of the law of the relevant legal systems without a time limit. They are not removed or archived or edited except as instructed by the court or tribunal.

Trustees and Members of Committees

The names and affiliations are included in tributes to former Trustees of the Charity by consent and would be removed on request. The names are retained in the Minutes of the Charity. Contact details are removed from internal records. The names of former Trustees remain on the websites of Companies House.

The names and affiliations of Advisory Council members are removed from the BAILII website, contact details are removed from internal records. The names are retained in the Notes of the meetings of the Advisory Council.

The names, affiliations, and contact details of current members of the BAILII Event/Conference Committee will be removed on completion of the planned conference unless consent is given to their inclusion on an archived event/conference website.

See also:

University of London Data Protection Policy
https://london.ac.uk/sites/default/files/governance/data-protection-policy.pdf