



## Short Public Report

1. Name and version of the IT product or IT-based service:

ICAM Legal Aid Solution

2. Manufacturer of the IT product / Provider of the IT-based service:

Company name: Ilustre Colegio de Abogados de Madrid (hereinafter "ICAM")

Address: Serrano, nº 9, 28001 - Madrid

Contact person: Mr. Javier Rivera y Sar

3. Time frame of evaluation:

Finalization date: July 2009

The Evaluation (including the drafting of the evaluation report) has been performed from May 2008 to July 2009.

4. EuroPriSe Experts who evaluated the IT product or IT-based service:

Name of the legal and technical expert: Paloma LLaneza González

Address of the legal and technical expert: Hermanos Bécquer, nº 7, 5ª, 28006 – Madrid

5. Certification Body:

Name: Unabhaengiges Landeszentrum fuer Datenschutz Schleswig-Holstein (ULD) /  
Independent Centre for Privacy Protection Schleswig-Holstein

Address: Holstenstraße 98, 24103 Kiel, Germany

6. General description of the IT product or IT-based service:

ICAM is the bar association of the community of Madrid. It is legally obliged to provide public legal aid services. More precisely, ICAM's task is checking whether legal aid requests consist of the appropriate documentation and whether they meet the legal and economic requirements established by Spanish law. If ICAM concludes that a legal aid request meets all requirements, it (provisionally) approves the request and appoints an independent duty solicitor to advise and legally represent people in need or with low income.

Fulfilling the task described above, ICAM makes use of ICAM Legal Aid Solution encompassing IT supported, combining information systems and communications, internal processes and a software developed by ICAM that manages the Legal Aid Services database.

Furthermore, ICAM's solution facilitates providing information about pending fees and payments to independent duty solicitors performing legal aid services. At this, ICAM uses a web interface that is made available to independent duty solicitors and that allows them to access information about pending legal fees and payment dates.

## 7. Specification of Target of Evaluation (ToE):

The TOE consists of ICAM Legal Aid Solution facilitating ICAM's work on legal aid requests filed by citizens and providing the possibility for independent duty solicitors to access information about pending fees and payment dates via a web interface.

In detail, the TOE includes:

- ICAM Legal Aid Application, version 9.0.215, and its operation.
- Interface with lawyers (payment, confirming);
- Transmission until third-party interfaces (network of General Council of the Judiciary; ftp server operated by the community of Madrid; secure solicitors access).  
The responsibility of ICAM ends at the respective web- or network interface.
- Server hosting;

It does not include:

- Transmission of payment data to banks;
- Third-party networks as such, as they are not under ICAM's control;
- Solicitors' hardware and software configurations (including browser configuration), as they are not under ICAM's control;
- Other legal aid related services (such as: "servicio de orientacion juridica", or "asistencia letrada al detenido"), as they use a different software.

## 8. Transnational issues:

ICAM Legal Aid Solution is used by ICAM only. Therefore, it is geographically limited to Spain.

9. Tools used by the manufacturer of the IT product / provider of the IT-based service: IBM AIX; Web Server Web (IIS 5.0); Application Server Tomcat 5.0; Visual Basic 6.0, Crystal Report and Power Builder 8.0. Data Base browser: SYBASE ASE 12.5.
- Legal Aid Software is installed in ICAM's employees' client PC (Windows XP, Vista, 2000).
- SYBASE is installed in an IBM p610 Server with SO AIX 5.3. Web applications are installed in a COMPAQ server running Windows Server 2003. The Web Application Server is a TOMCAT 5.0. The web architecture also has a separate Web server, consisting of another COMPAQ with Windows Server 2003 and IIS.
10. Version of EuroPriSe Criteria for Experts used for the evaluation:
- Version 0.3
11. Evaluation results:
- The ICAM Legal Aid Solution is compliant with the requirements of data protection and data security.

### **Processing Operations and Purposes**

Main operations are the collection and processing of clients' and independent duty solicitors' data in order to perform the legal aid services described above at No. 6.

Processing of personal data relating to clients and independent duty solicitors serves the following purposes:

- Appointment of independent duty solicitors,

- payment of solicitors' fees,
- notifications of solicitors' appointment to courts ,
- and justification of cases assignment vis-a-vis the competent authorities, in order to obtain their payment from the public budget.

Additionally, ICAM performs two different kinds of logging activities:

1. If solicitors access the internal section of ICAM's website in order to inform themselves about pending payments, this activity is logged for a period of 12 months. Purpose of this logging is to ensure that solicitors are informed of the state of pending payments. Hereby, ICAM prepares for the case that a solicitor files a complaint for lack of information concerning her/his payment.
2. If Internet users access the public section of ICAM's website, log files including the IP addresses of users are created and stored. At this, IP addresses are stored for a maximum period of seven days. This second kind of logging is performed for IT security reasons.

### **Personal Data Processed**

ICAM Legal Aid Solution involves the processing of contact data relating to clients and independent duty solicitors. Furthermore, economic data about the clients are processed. However, at the time of certification the economic data are available in hard copy only.

If solicitors access the restricted section of ICAM's website, their login data as well as the time of access to the payment information is logged. Furthermore, IP addresses of users accessing the public section of ICAM's website are stored for a maximum period of seven days.

Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, or data concerning health or sex life are not needed for providing legal aid services and, therefore, are not processed at all. Moreover, ICAM neither processes court sentences (offences, criminal convictions, sanctions or administrative judgements in civil cases).

### **Data Minimisation**

Data may only be collected in identifiable form to the extent strictly necessary in relation to the purpose for which they are collected. In respect of both, data collected from clients as well as data relating to independent duty solicitors, it can be stated that all data are strictly necessary for performing legal aid services.

### **Transparency**

Although ICAM Legal Aid Service is not a service for public sale, information on the service, the data flow and the details of processing is provided in an extensive manner.

ICAM has a privacy statement in place on its website. This privacy statement is up-to-date and provides information about the legal terms of use of the web site, including information on the IP retention period. The privacy statement is informative and understandable for any common user. It complies with the information right established in the EU Data Protection Directive and the Spanish Data Protection Act.

### **Legitimacy**

Contact data of clients applying for legal aid services are collected via an application form in hard copy. Legal basis for the processing of these personal data is Article 7(e)

of Directive 95/46/EC (“processing for the performance of a public task”). Lawyers are free to choose whether they want to be listed as independent duty solicitor. If a lawyer decides to participate in the providing of legal aid services, s/he is free to further opt-in to the use of the web interface allowing her/him to access information about pending payments. Consequently, legal basis for the processing of solicitors’ contact data in either instance is Article 7(a) of Directive 95/46/EC (“consent”). Consent clauses and formats are fully compliant with the EU Data Protection Directive and Spanish data protection law.

Legal basis for the logging of solicitors’ login data when accessing the internal section of ICAM’s website is Article 7(f) of Directive 95/46/EC (“balancing of interests”). The same holds true for the logging of IP addresses of Internet users visiting the public area of ICAM’s website.

Data are internally disclosed only to those who need access. This is ensured through an adequate segregation of function techniques and the implementation of a single sign-on (SSO) tool. Externally, data are only disclosed to public authorities for the performance and payment of legal aid services, such as judicial bodies or regional authorities. All the authorities involved are legally entitled to access data subjects’ data and security measures have been implemented to ensure secure transmission of personal data.

Data are not further processed for other purposes than the purposes for which they were originally obtained. In particular, no other uses such as profiling of clients or solicitors or marketing have been detected. This means that all communications with clients, courts, public administrations and solicitors are related to the provision of legal aid services.

## **Technical-organisational Measures**

In respect of ICAM Legal Aid Solution, encryption has been applied where it makes sense from a security point of view in a technically strong way, such as:

- Transmission over public networks (e.g., communication with General Council of the Judiciary interface is encrypted; personal data concerning clients, solicitors and cases are uploaded to the competent authority of the community of Madrid via ftp (file transfer protocol) using a web access through the public Internet with a Secure Sockets Layer (SSL) protocol to ensure confidentiality and data integrity of data transferred;
- Solicitors identification via web uses digital signatures - Class 2CA - issued by the Spanish National Royal Mint (FNMT);
- The password file stored in ICAM's servers is encrypted using seeding cryptographic random number generators;
- the transmission of authorisation data (e.g. username/passwords) is secured (solicitors' passwords are transmitted encrypted)

It is also to be noted that the IP addresses' retention period for visitors of the public website has been dramatically reduced to 7 days within the EuroPriSe certification procedure.

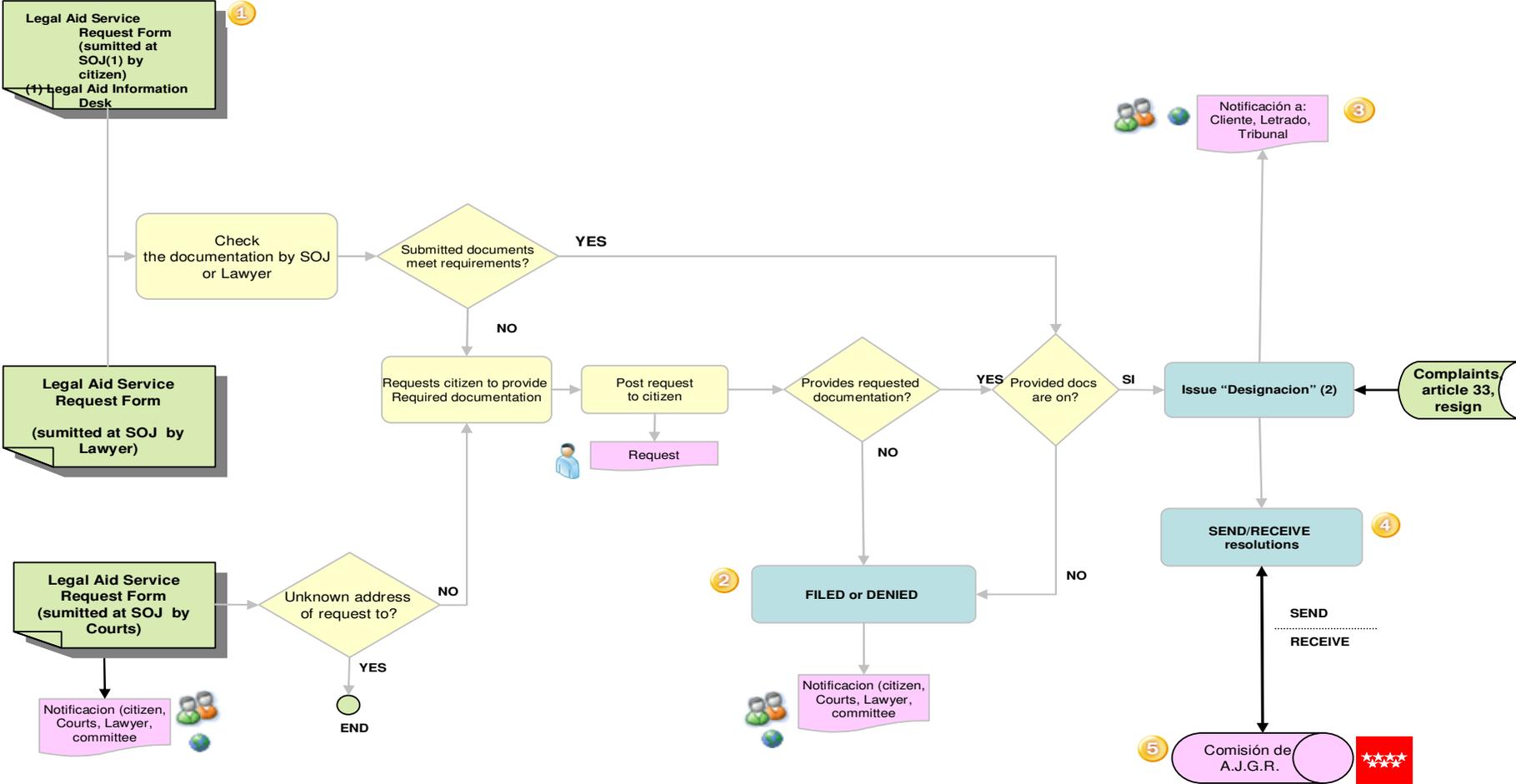
## **Data Subjects' Rights**

ICAM is compliant with the requirements of the EU Data Protection Directive relating to data subjects' rights (such as the right to be informed, the right of access and the right of erasure of personal data).

## 12. Data flow:

The following figures describe the processing of clients' and solicitors' personal data: The figure "data flow 1" provides an overview on the process implemented by ICAM for dealing with legal aid requests. It ranges from the collection of completed request forms to the provisional decision about the request and the transmission of relevant data to the competent authority of the community of Madrid. The figure "data flow 2" describes the appointment notification process and ICAM's internal accountancy process to provide solicitors fees justification to the Madrid Autonomous Region.

Data flow 1:



## Description of data flow 1:

① Legal Aid forms are completed by clients/citizens and delivered at ICAM premises by the client her/himself or by the solicitor that assisted her/him in case of police arrest. Less frequently, the process starts when courts request legal aid for a citizen directly to ICAM.

Legal Aid Forms are always in paper, being all the economic and legal documentation attached also in paper. This documentation is maintained in paper and kept in ICAM's premises during the provisional evaluation. Afterwards, the documentation is submitted to CAJG in its entirety.

② Legal Aid request is denied and, therefore, filed, when the client doesn't provide the appropriate documentation or doesn't meet the legal and economic requirements established by Spanish Law.

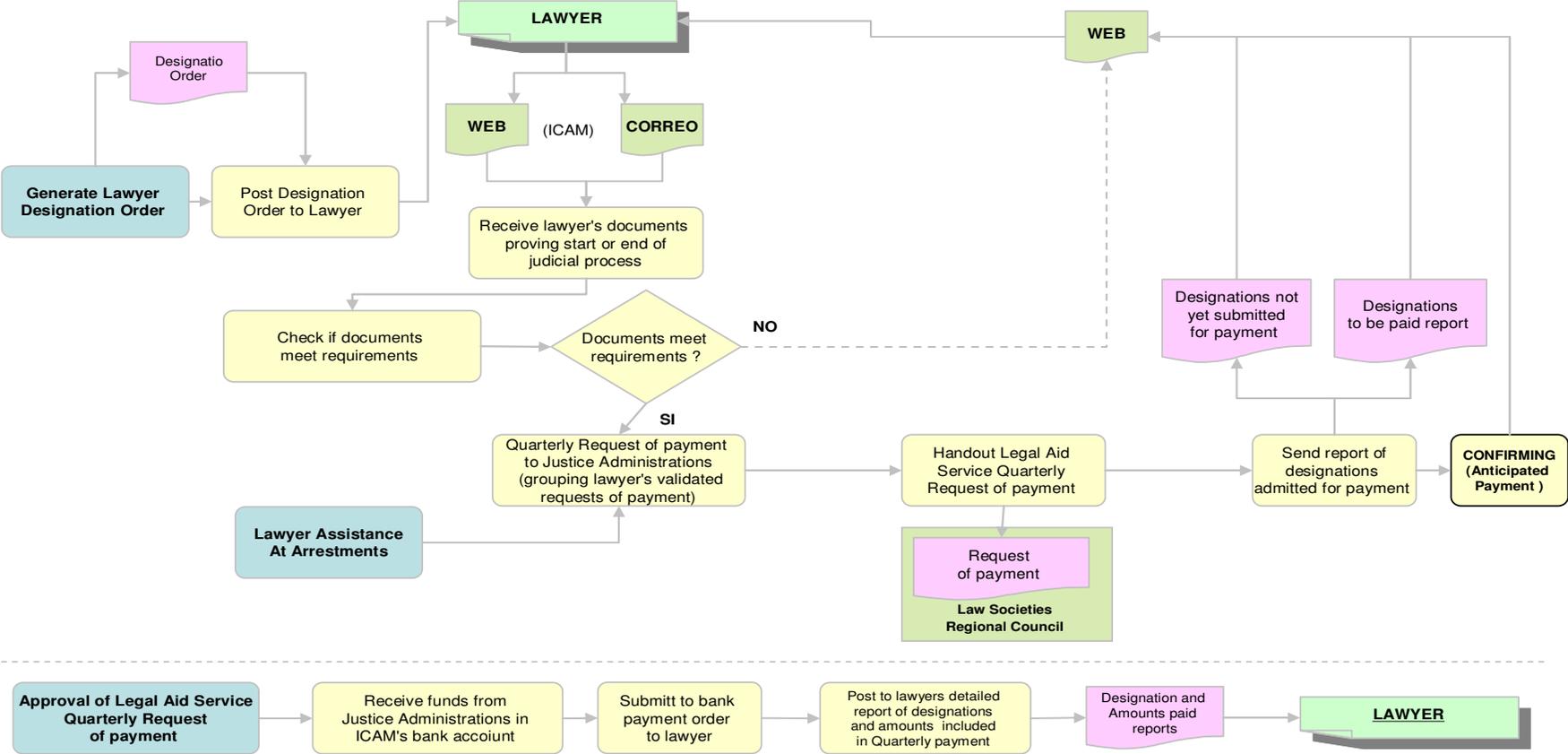
③ Independent duty solicitor's appointment is notified to:

- clients (by surface mail, if the address is known),
- the independent duty solicitor her/himself, by email or surface mail,
- Courts ("Punto neutro judicial").

④ Clients' and solicitors' primary data as described above are processed and recorded by ICAM's management system. Only primary data described above are recorded electronically. Legal Aid requests are subject to provisional resolution approved or denied by ICAM. Then data are uploaded into the CAJG through its ftp site.

⑤ Legal aid service forms and documents attached are evaluated by the CAJG (Comunidad de Madrid). Once CAJG approves or denies the request, the decision is recorded in its own IT-System and, thus, ready to be downloaded.

Data Flow 2



13. Privacy-enhancing functionalities:

ICAM Legal Aid Solution was not intended, when designed, to encourage privacy, as it implements, covers and helps putting in place a public service that has to be provided by law. However, ICAM Legal Aid Solution takes very much into account the importance of a proper data protection implementation policy, processes and controls, as a public service is at stake.

14. Issues demanding special user attention:

N/A

15. Compensation of weaknesses:

N/A

16. Decision table on relevant requirements:

Please fill in a decision on all high level requirements listed below and provide some remarks on the main reasons for each decision. The decisions shall cover the processing of primary as well as of secondary data. Making your decisions, you should consider all applicable low level requirements (e.g., high level requirement = 1.2.2 Transparency; low level requirements = 1.2.2.1 and 1.2.2.2).

EuroPriSe Requirement	Decision	Remarks
Data Avoidance and Minimisation	Adequate	Data are only collected in identifiable form to the extent strictly necessary in relation to the purpose for which they are collected

<p>Transparency</p>	<p>Adequate</p>	<p>Documentation and privacy statement are informative, up-to date and understandable. Information on the service, data flow and details of processing is provided in an extensive manner.</p> <p>The service and its database are properly documented and their processes are audited and certified against ISO 9001 standard.</p>
<p>Technical-Organisational Measures</p>	<p>Adequate</p>	<p>A written security policy is available and security objectives are pursued by the management. All the technical and organizational measures are duly documented, implemented and reviewed periodically</p>
<p>Data Subjects' Rights</p>	<p>Adequate</p>	<p>Data subjects' rights are ensured, processes to warrant them are in place. The consent and information clauses have been carefully reviewed and are fully compliant with legal requirements and reviewed by the data protection authority.</p>

Experts' Statement

I affirm that the above-named IT product / IT-based service has been evaluated according to the EuroPriSe Criteria, Rules and Principles and that the findings as described above are the result of this evaluation.

Paloma LLaneza

Name of Legal Expert

Signature of Legal Expert

Place, Date

Paloma LLaneza

Name of Technical Expert

Signature of Technical Expert

Place, Date

Certification Result

The above-named IT product / IT-based service passed the EuroPriSe evaluation.

It is certified that the above-named IT product / IT-based service facilitates the use of that product or service in a way compliant with European regulations on privacy and data security.

Unabhängiges Landeszentrum für  
Datenschutz Schleswig-Holstein (ULD)

Name of Certification Body

Signature

Place, Date