

# Fair Processing Notice



## How Personal Information is used

### Introduction

This document explains how the Avon and Somerset Police & Crime Commissioner (the PCC) obtains, holds, uses and discloses information about people - their personal information<sup>1</sup> -, the steps taken to ensure that it is protected, and also describes the rights individuals have in regard to their personal information handled by the PCC<sup>2</sup>.

The use and disclosure of personal information is governed in the United Kingdom by the Data Protection Act 1998 (the Act). The PCC is registered with the Information Commissioner as a 'data controller' for the purposes of the Act. As such she is obliged to ensure that the Constabulary handles all personal information in accordance with the Act.

The PCC (and Office of the PCC) takes that responsibility very seriously and takes great care to ensure that personal information is handled appropriately in order to secure and maintain individuals' trust and confidence in the PCC and the Office of the PCC.

### 1. Why is personal information handled?

The PCC obtains, holds, uses and discloses personal information for two broad purposes:

1. The remit and power of the PCC – which includes rendering assistance to the public in accordance with PCC policies and procedures; and any duty or responsibility of the PCC arising from common or statute law.
2. The provision of services to support the remit of the PCC – which include:
  - Staff administration, occupational health and welfare;
  - Management of public relations, journalism, advertising and media;
  - Management of finance;
  - Internal review, accounting and auditing;
  - Training;
  - Property management;
  - Insurance management;
  - Vehicle and transport management;
  - Payroll and benefits management;
  - Management of complaints;
  - Vetting;
  - Management of information technology systems;
  - Recruitment
  - HR management

<sup>1</sup> 'Personal Data' is defined under Section 1 of the Data Protection Act 1998. In practical terms it means information handled by The Constabulary that relates to identifiable living individuals. It can include intentions and expressions of opinion about the individual. The information can be held electronically or as part of paper records, and can include CCTV footage and photographs. For ease of readers this document refers to the handling, use, holding etc of personal data – Section 1 of the Act uses the term 'processes' to effectively cover any usage of personal data.

<sup>2</sup> This document is designed to help satisfy the 'Fair Processing Requirements' as required by Schedule 1 Part 2 Paragraphs 1 to 4 of the Data Protection Act 1998 and may be regarded as a generic over-arching 'Fair Processing Notice' for The Constabulary. Additional more specific Fair Processing Notices may appear in other circumstances such as on forms, force policies, email footers, or CCTV signage.

- Legal services;
- Information provision;
- Licensing and registration;
- Pensioner administration;
- Research, including surveys<sup>3</sup>;
- Performance management;
- Sports and recreation;
- Procurement;
- Planning;
- System testing;
- Security;
- Health and safety management

## **2. Whose personal information is handled?**

In order to carry out the purposes described under section 1 above the PCC may obtain, use and disclose (see section 7 below) personal information relating to a wide variety of individuals including the following:

- Staff including volunteers, agents, temporary and casual workers;
- Suppliers;
- Complainants, correspondents and enquirers;
- Relatives, guardians and associates of the individual concerned;
- Advisers, consultants and other professional experts;
- Offenders and suspected offenders;
- Witnesses;
- Victims;
- Former and potential members of staff, pensioners and beneficiaries;
- Members of Parliament;
- Local Authority employees;
- Councillors;
- Other individuals necessarily identified in the course of PCC enquiries and activity.

The PCC will only use appropriate personal information necessary to fulfil a particular purpose or purposes. Personal information could be information which is held on a computer, in a paper record such as a file, as images, but it can also include other types of electronically held information such as CCTV images.

## **3. What types of personal information is handled?**

In order to carry out the purposes described under section 1 above, the PCC may obtain, use and disclose (see section 7 below) personal information relating to or consisting of the following:

- Personal details such as name, address and biographical details;
- Family, lifestyle and social circumstances;

<sup>3</sup> The PCC consults the public and undertakes surveys to inform decision-making. The PCC may contact individuals, such as victims of crime or those reporting incidents, and ask them to give us their opinion of the service provided to the public by the Police or other commissioned service providers. The PCC uses the information given to improve services wherever possible, including that of Avon & Somerset

Constabulary. The PCC may use a private company to undertake such surveys on the PCC's behalf with strict controls to protect the personal data of those involved.

- Education and training details;
- Employment details;
- Financial details;
- Goods or services provided;
- Racial or ethnic origin;
- Political opinions;
- Religious or other beliefs of a similar nature;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Offences (including alleged offences);
- Criminal proceedings, outcomes and sentences;
- Sound and visual images;
- Criminal Intelligence;
- References to manual records or files;
- Information relating to health and safety;
- Complaint, incident and accident details.

#### **4. Where is personal information obtained?**

In order to carry out the purposes described under section 1 above the PCC may obtain personal information from a wide variety of sources, including the following:

- Persons making an enquiry or complaint;
- Individuals themselves;
- Relatives, guardians or other persons associated with the individual;
- Other PCC's;
- Avon & Somerset Constabulary and other law enforcement agencies;
- HM Revenue and Customs;
- International law enforcement agencies and bodies;
- Legal representatives;
- Local Authority and Parliamentary representatives;
- Partner agencies involved in crime and disorder strategies;
- Private sector organisations working with the police in anti-crime strategies;
- Voluntary sector organisations;
- Approved organisations and people working with the police and PCC;
- Independent Police Complaints Commission;
- Her Majesty's Inspectorate of Constabulary;
- Auditors;
- Police & Crime Commissioner;
- Central government, governmental agencies and departments;
- Local government;
- Emergency services;
- Current, past or prospective employers of the individual;
- Healthcare, social and welfare advisers or practitioners;
- Education, training establishments and examining bodies;
- Business associates and other professional advisors;
- Employees and agents of The Constabulary;

Suppliers, providers of goods or services;  
Financial organisations and advisors;  
Credit reference agencies;  
Survey and research organisations;  
Trade, employer associations and professional bodies;  
Voluntary and charitable organisations;  
Ombudsmen and regulatory authorities;  
The media;  
Data Processors working on behalf of the Police and on behalf of the PCC.  
Members of Parliament;  
Commissioned service providers.

The PCC may also obtain personal information from other sources such as internal correspondence.

### **5. How is personal information handled?**

In order to achieve the purposes described under section 1 the PCC will handle personal information in accordance with the Act. In particular personal information will be handled fairly and lawfully with appropriate justification. The PCC will strive to ensure that any personal information used by or on behalf of the PCC is of the highest quality in terms of accuracy, relevance, adequacy and non-excessiveness, is kept as up-to-date as required, is protected appropriately, and is reviewed, retained and securely destroyed when no longer required. Individuals' rights under the Act will also be respected (see section 8 below).

### **6. How is personal information kept safely and securely?**

The PCC takes the security of all personal information very seriously. The PCC will comply with the relevant parts of the Act relating to security.

The PCC will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and inspection, to protect all used manual and electronic information systems from data loss and misuse, and only permit access to them when there is a legitimate reason to do so, and then under strict guidelines as to what use may be made of any personal information contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

### **7. To whom is personal information disclosed?**

In order to carry out the purposes described under section 1 above the PCC may disclose personal information to a wide variety of recipients in any part of the world, including those from whom personal information is obtained (as listed in section 4 above). This may include disclosures to law enforcement agencies, other PCC's, partner agencies working on crime reduction initiatives, partners in the Criminal Justice arena, Victim Support, and to bodies or individuals working on our behalf such as IT contractors or survey organisations. The PCC may also disclose to other bodies or individuals where necessary to prevent harm to individuals.

Where required, or appropriate to do so, personal data may be shared with Avon & Somerset Constabulary (including the Chief Constable, officers, staff, agents or appointed volunteers) to facilitate and support the PCC's role and remit and to deliver applicable statutory functions.

Disclosures of personal information will be made on a case-by-case basis, using the personal information appropriate to a specific purpose and circumstances, and with necessary controls in place.

Some of the bodies or individuals to which the PCC may disclose personal information may be situated outside of the European Union - some of which do not have laws that protect data protection rights as extensively as in the United Kingdom. If the PCC transfers personal information to such territories, proper steps will be taken to ensure that it is adequately protected as required by the Act.

The PCC will also disclose personal information to other bodies or individuals when required to do so by, or under, any act of legislation, by any rule of law, and by court order. This may include disclosures to the IPCC, Police, the National Fraud Initiative and the Home Office.

The PCC may also disclose personal information on a discretionary basis for the purpose of, and in connection with, any legal proceedings or for obtaining legal advice.

## **8. What are the rights of the individuals whose personal information is handled by the PCC?**

Individuals have various rights enshrined in the Act:

### **Subject Access**

The most commonly exercised right is that used by individuals to obtain a copy, subject to exemptions, of their personal information processed by the PCC. Details of the application process, known as 'Subject Access' can be found from the PCC's website at: <http://www.avonandsomerset-pcc.gov.uk/Document-Library/Policies-procedures/Data-Protection--Freedom-of-Information-Policy.pdf>. Alternatively individuals may contact the PCC's office (see section 11 below).

### **Right to prevent processing likely to cause damage or distress**

Under Section 10 of the Act an individual is entitled, in limited circumstances, to write to the PCC requiring that their personal information is not handled in a manner that was causing or would be likely to cause unwarranted substantial damage or substantial distress to themselves or another person.

Requests under Section 10 must describe the personal information involved; describe the handling to which the individual objects; state that the handling was causing or would be likely to cause substantial damage or substantial distress to him/her or another; describe the damage or distress; state that the damage or distress was/would be unwarranted; and give reasons why the handling was causing/would cause such distress and was/would be unwarranted.

All requests of this nature may be sent in writing to the Office of the PCC (see section 11 below). It is worth noting that the Act includes certain provisions which may mean in a particular case that the PCC can continue to handle the personal information as intended despite the objection.

### **Right to Prevent Processing for the Purposes of Direct Marketing**

Although the PCC does not engage in direct-marketing, under Section 11 of the Act and subject to certain exemptions, an individual has the right to request in writing that

the PCC stops within a reasonable time, or does not start, using the individual's personal information for direct marketing purposes. This includes the communication by any means (e.g. mail, email, telephone, door-to-door canvassing) of any advertising or marketing material directed at particular individuals.

Any requests under Section 11 may be sent to the Office of the PCC (see section 11 below).

### **Rights in relation to automated decision-taking**

Although the PCC is unlikely to carry out any automated decision-taking that does not involve some human element, under Section 12 of the Act and subject to certain exemptions, an individual has the right to require that the PCC ensures that no decision that would significantly affect them is taken by the PCC or on its behalf purely using automated decision-making software. The right has to be exercised in writing. If there is a human element involved in the decision-making the right does not apply.

Requests under Section 12 may be sent to the Office of the PCC (see section 11 below).

### **Right to take action for compensation if the individual suffers damage by any contravention of the Act by a Data Controller**

Under Section 13 of the Act any individual who believes they have suffered damage or distress and damage as a result of any contravention of the requirements of the Act maybe entitled to compensation from the PCC where the PCC is unable to prove that such care had been taken as was reasonable in all the circumstances to comply with the relevant requirement. Any claim for compensation arising from this provision may be sent to Avon & Somerset Police & Crime Commissioner, Valley Road, Portishead, Bristol, BS20 8JJ.

### **Right to take action to rectify, block, erase or destroy inaccurate data**

Under Section 14 of the Act an individual has the right to seek a court order for the rectification, blocking, erasure or destruction of their inaccurate personal information handled by the PCC. The right cannot be exercised directly to the PCC or the PCC's office.

### **Right to request the Information Commissioner to assess a Data Controller's Processing**

Under Section 42 of the Act any person can ask the Information Commissioner to make an assessment if the person believes that they are/have been adversely affected by the handling of personal information by the PCC. Such requests should be made direct to the Information Commissioner whose contact details can be found below.

Generally if individuals have any concerns regarding the way their personal information is handled by the PCC or the quality (accuracy, relevance, non-excessiveness etc.) of their personal information they are encouraged to raise them with the Office of the PCC (see section 10 below).

The Information Commissioner is the independent regulator responsible for enforcing the Act and can provide useful information about the Act's requirements. The Information Commissioner's Office may be contacted using the following:

**Post:** The Information Commissioner's Office,  
Wycliffe House,  
Wilmslow,  
Cheshire,  
SK9 5AF

**Telephone:** 0303 123 1113 (local-rate) or 01625 545 745 if you prefer to use a national-rate number.

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)

## **9. How long does The PCC retain personal information?**

The PCC keeps personal information as long as is necessary for the particular purpose or purposes for which it is held. Personal information is retained, reviewed and deleted in accordance with agreed national retention periods which are subject to periodic change.

This can also be found on the PCC's website, Record Retention Policy:

<http://www.avonandsomerset-pcc.gov.uk/Openness/Our-policies-and-procedures.aspx>. For all other records not covered by the foregoing, the Force Record Retention Schedule applies.

## **10. Monitoring**

The PCC may monitor or record and retain telephone calls, texts, emails and other electronic communications to and from the PCC's office in order to assist the purposes described under section 1 above.

## **11. Contact Us**

Any individual with concerns over the way the PCC handles their personal information may contact the PCC's office as below:

**Telephone:** 01275 816377

**Email:** [pcc@avonandsomerset.pnn.police.uk](mailto:pcc@avonandsomerset.pnn.police.uk)

**Mail:** Data Protection Officer, Avon & Somerset Police and Crime Commissioner, Valley Road, Portishead, Bristol, BS20 8JJ

**Website:** [www.avonandsomerset-pcc.gov.uk](http://www.avonandsomerset-pcc.gov.uk)