

Data Protection Policy

Introduction

The Data Protection legislation consists of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The General Data Protection Regulation provides provisions for general processing and the Data Protection Act 2018 provides provisions for general processing, law enforcement processing and intelligence service processing.

It provides a framework to ensure that the Office of the Police and Crime Commissioner for Norfolk (OPCCN) and other bodies properly handle personal information they hold about them.

The Data Protection legislation affords individuals with rights in relation to their personal data, which are:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right to data portability
- Right to object
- Rights related to automated decision making including profiling

The Data Protection legislation sets out principles that Controllers must comply with when processing personal data. They state personal data should be:

- Processed lawfully and fairly
- Collected for specified, explicit and legitimate purposes and must not be processed in a manner that is incompatible with the purpose it was originally collected
- Adequate, relevant and limited to what is necessary
- Accurate and where necessary kept up to date, any inaccuracies should be erased or rectified without delay
- Kept no longer than necessary with appropriate time limits established to enable review of retention periods.
- Must be processed in a manner that ensures appropriate security to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

The Act provides individuals with rights, including the right to find out what personal information is held about them, on computer and most paper records.

The Act does not guarantee personal privacy at all costs, but aims to strike a balance between the rights of individuals and the competing interests of those with legitimate reasons for using personal information. It applies to some paper records as well as computer records.

In handling personal information, the OPCCN considers the following matters to ensure it complies with the Data Protection Act:

- Information about individuals is only retained for a business reason
- People whose information the OPCCN holds have consented to the use of that information, and should understand what it will be used for
- The OPCCN will only pass on personal information with the express permission of the individual and only for OPCCN related purposes
- Information is held securely and is only accessed by OPCCN staff
- The use of personal information is limited to those with a strict need to know
- Personal information is accurate and up to date
- Information is destroyed if there is no further need for it
- The OPCCN's Notification to the Information Commissioner (Ref No: Z344509X) is up to date and reviewed annually.

Notifying the Information Commissioners Office

A Data Protection Notification is the process by which the OPCCN informs the Information Commissioner of certain details about its processing of personal information. These details are used by the Information Commissioner to make an entry describing the processing in the register of data controllers that is available to the public for inspection.

A basic principle of data protection is that the public should know (or should be able to find out) who is carrying out the processing of personal information as well as other details about the processing (such as for what reason it is being carried out). The register of data controllers assists individuals in understanding how personal information is being processed. The aim of the register is to keep its contents at a general level, with sufficient detail to give an overall picture of processing, and it is not intended to contain very detailed information about a data controllers processing. More detail is only necessary to satisfy specific statutory requirements or where there is particular sensitivity.

The Data Protection Act 2018 requires the OPCCN (as 'Data Controller' – i.e. the holder of information) who is processing personal information to notify the Information Commissioners Office of the types of information they hold and how it is processed. Failure to notify is a criminal offence.

Subject Access

Information where the OPCCN is the data controller:

Where the OPCCN is the data controller, individuals are entitled to be told whether the OPCCN holds data about them and if it does:

- to be given a description of the data in question
- to be told for what purpose the data is processed
- to be told the recipients, or classes of recipients, to whom the data is or may be disclosed.

Subject Access applies to all information that meets the definition of personal data of the applicant. This will include correspondence, reports, and emails. Any information held about an individual may be disclosed on receipt of a Subject Access application, and individuals are entitled to a copy of the information with any unintelligible terms, acronyms or codes explained. They will also be given any information available on the source of the data. The data will be in its latest form.

Anyone wishing to make a Subject Access Request should complete the application form (at Appendix A) and send it to:

Mark Stokes
Data Protection Officer
OPCCN
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW

All applications **MUST** be accompanied by two documents providing proof of the identity of the applicant. These documents must show between them:

- Full name
- Date of Birth
- Signature
- Current postal address

Examples of acceptable documents are:

- Driving Licence
- Passport
- NHS medical card
- Birth Certificate
- Bank Statement
- Utility Bill

NB – Photocopies are acceptable

If you receive an application form from a member of the public, you must do the following:

- Check that all fields on the form have been completed
- Check that 2 documents are provided as proof of identity

- Check that the 4 pieces of information above match those details on the documents provided
- Return any application forms that are incomplete, do not have proper proof of identity to the applicant.

A request for access to personal data will be dealt with promptly and in any event within one calendar month of receipt of the completed form and satisfactory proof of your identity.

You will be entitled to your information only and not to information relating to or which can identify another person. If you think that information might be held about you that may identify or have been provided by another person, you may want to obtain their written consent to enable the information to be provided to you. They will also need to provide satisfactory proof of identity.

The legislation allows us to extend the response period by a further two months where requests are complex or numerous. If this is the case, we will inform you within one month of receipt of your request and explain why the extension is necessary.

If an individual considers that a request for access to personal data has not been dealt with properly, they should:

- a) Write in the first instance to:

Chief Executive
OPCCN
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 0WW

seeking resolution of their complaint, or if an individual is still not content with the information provided;

- b) Write to the Information Commissioner, who is appointed to consider such complaints at:

Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Chelmsford
SK9 5AF
Tel: 01625 545745
ICO Website: www.ico.gov.uk

The Information Commissioner is empowered to assess whether there has been a failure to comply with the Act. The Information Commissioner can issue enforcement proceedings if satisfied that there has been a contravention of the

data protection principles. The Information Commissioner can also recommend that an individual apply to court alleging a failure to comply with the subject access provisions of the Act. The court may make an order requiring compliance with those provisions and may also award compensation for any damages the individual has suffered as well as any associated distress.

Information where the OPCCN is not the Data Controller:

In many cases, it is the Constabulary and not the OPCCN who hold personal information. For example, the Police National Computer includes information on prosecutions, convictions and cautions. Chief Constables are the data controllers for this information and not the OPCCN.

An individual has the right to be told by a Chief Constable whether any information is held on the Police National Computer and a right to a copy of that information. A similar process applies for making a subject access request to the Chief Constable. Police Forces provide a form to simplify the exercise of an individual's right to information.

To obtain a Subject Access Request application form from Norfolk Constabulary, please contact:

Data Protection Officer
Norfolk Constabulary
Jubilee House
Falconers Chase
Wymondham,
Norfolk
NR18 0WW