



How we use Personal Information

Introduction

This document explains how the Avon and Somerset Constabulary ('the Constabulary') obtains, holds, uses and discloses information about people - their personal information¹ -, the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal information handled by the Constabulary².

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

The Constabulary 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 force.

1. Why do we handle personal information?

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

1. The Policing Purpose – which includes the prevention and detection of crime; apprehension and prosecution of offenders; protecting life and property; preserving order; maintenance of law and order; rendering assistance to the public in accordance with force policies and procedures; and any duty or responsibility of the police arising from common or statute law.
2. The provision of services to support the Policing Purpose – which include:
 - Staff administration, occupational health and welfare;
 - Management of public relations, journalism, advertising and media;
 - Management of finance;
 - Internal review, accounting and auditing;

¹ '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.

² 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.

Training;
Property management;
Insurance management;
Vehicle and transport management;
Payroll and benefits management;
Management of complaints;
Vetting;
Management of information technology systems;
Legal services;
Information provision;
Licensing and registration;
Pensioner administration;
Research, including surveys³;
Performance management;
Sports and recreation;
Procurement;
Planning;
System testing;
Security;
Health and safety management

2. Whose personal information do we handle?

In order to carry out the purposes described under section 1 above the Constabulary 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;
Other individuals necessarily identified in the course of police enquiries and activity.

The Constabulary 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 The Constabulary is required to conduct Customer Satisfaction Surveys to evaluate our performance and effectiveness. We may contact individuals, such as victims of crime or those reporting incidents, and ask them to give us their opinion of the service we are providing to the public. We use the information given to improve our service wherever we can. The Constabulary, like many police forces uses a private company to undertake such surveys on our behalf with strict controls to protect the personal data of those involved.

3. What types of personal information do we handle?

In order to carry out the purposes described under section 1 above, the Constabulary 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;
- 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;
- Physical identifiers including DNA, fingerprints and other genetic samples;
- Sound and visual images;
- Licenses or permits held;
- Criminal Intelligence;
- References to manual records or files;
- Information relating to health and safety;
- Complaint, incident and accident details.

4. Where do we obtain personal information from?

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

- Other law enforcement agencies;
- HM Revenue and Customs;
- International law enforcement agencies and bodies;
- Licensing authorities;
- Legal representatives;
- Prosecuting authorities;
- Defence solicitors;
- Courts;
- Prisons;
- Security companies;
- 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;

Independent Police Complaints Commission;
Her Majesty's Inspectorate of Constabulary;
Auditors;
Police Authority;
Central government, governmental agencies and departments;
Emergency services;
Individuals themselves;
Relatives, guardians or other persons associated with the individual;
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;
Persons making an enquiry or complaint;
Financial organisations and advisors;
Credit reference agencies;
Survey and research organisations;
Trade, employer associations and professional bodies;
Local government;
Voluntary and charitable organisations;
Ombudsmen and regulatory authorities;
The media;
Data Processors working on behalf of The Constabulary.

The Constabulary may also obtain personal information from other sources such as its own CCTV systems, or correspondence.

5. How do we handle personal information?

In order to achieve the purposes described under section 1 the Constabulary will handle personal information in accordance with the Act. In particular we will ensure that personal information is handled fairly and lawfully with appropriate justification. We will strive to ensure that any personal information used by us or on our behalf 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. We will also respect individuals' rights under the Act (see section 8 below).

6. How do we ensure the security of personal information?

The Constabulary takes the security of all personal information under our control very seriously. We will comply with the relevant parts of the Act relating to security, and seek to comply with the Association of Chief Police Officers' Community Security Policy and relevant parts of the ISO27001/2 Information Security Standard.

We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and inspection, to protect our 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. Who do we disclose personal information to?

In order to carry out the purposes described under section 1 above the Constabulary 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 above). This may include disclosures to other law enforcement agencies, 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. We 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 the office of the Police and Crime Commissioner (including the Commissioner, its staff, agents or appointed volunteers) to facilitate and support policing 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 we may disclose personal information are 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 we do transfer personal information to such territories, we will take proper steps to ensure that it is adequately protected as required by the Act.

The Constabulary 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 Child Support Agency, the National Fraud Initiative, the Home Office and to the Courts.

The Constabulary 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 Constabulary?

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 Constabulary. Details of the application process, known as 'Subject Access' can be found from the force internet at: http://www.avonandsomerset.police.uk/information/data_protection/subject_access.aspx Alternatively individuals may contact the Constabulary Data Protection Officer (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 Constabulary requiring that we do not handle their personal information 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 Force Data Protection Officer (see section 11 below). It is worth noting that the Act includes certain provisions which may mean in a particular case that the Constabulary can continue to handle the personal information as intended despite the objection.

Right to Prevent Processing for the Purposes of Direct Marketing

Although the Constabulary 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 Constabulary stops within a reasonable time, or does not start, using their 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 Constabulary Data Protection Officer (see section 11 below).

Rights in relation to automated decision-taking

Although the Constabulary 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 Constabulary ensures that no decision that would significantly affect them is taken by the Constabulary 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 Constabulary Data Protection Officer (see section 11 below).

Right to take action for compensation if the individual suffers damage by any contravention of the Act by data controllers

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 may be entitled to compensation from the Constabulary where the force is unable to prove that

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it had taken such care 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 the Legal Department, Avon and Somerset Constabulary, Police Head Quarters, PO Box 37, Valley Road, Portishead, Nr Bristol, BS20 8QJ.

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 Constabulary. The right cannot be exercised directly to the Constabulary.

Right to request the Information Commissioner to assess a data controller's Processing

Under Section 42 of the Act any person can request the Information Commissioner to make an assessment if they believe that they are/have been adversely affected by the handling of personal information by the Constabulary. 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 Constabulary or the quality (accuracy, relevance, non-excessiveness etc.) of their personal information they are encouraged to raise them with the Constabulary Data Protection Officer (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:

Mail: The Information Commissioner's Office,
Wycliffe House,
Wilmslow,
Cheshire,
SK9 5AF
Telephone: 01625 545700
Website: www.ico.gov.uk

9. How long does The Constabulary retain personal information?

The Constabulary keeps personal information as long as is necessary for the particular purpose or purposes for which it is held. In respect of the Police National Computer (PNC), personal information is retained, reviewed and deleted in accordance with agreed national retention periods which are subject to periodic change. Records containing personal information relating to intelligence, custody, crime, firearms, conviction history, child abuse investigations, and domestic violence will be retained in accordance with National Policy. The main one being the Guidance on the Management of Police Information (MoPI) 2010. This can

also be found on the National Policing Improvement Agency (NPIA) website -
<http://www.npia.police.uk/en/15088.htm>

For all other records not covered by the foregoing, the Force Record Retention Schedule applies.

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10. Monitoring

The Constabulary may monitor or record and retain telephone calls, texts, emails and other electronic communications to and from the force in order to deter, prevent and detect inappropriate or criminal activity, to ensure security, and to assist the purposes described under section 1 above.

11. Contact Us

Any individual with concerns over the way the Constabulary handles their personal information may contact our Data Protection Officer as below:

Telephone: 0845 4567000

Email: CIMREPLIES@avonandsomerset.police.uk

Mail: Data Protection Officer, Corporate Information Management Department, Avon and Somerset Constabulary, Police Head Quarters, PO Box 37, Valley Road, Portishead, Nr Bristol, BS20 8QJ

Website: www.avonandsomerset.police.uk

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