



Lincolnshire  
**POLICE & CRIME COMMISSIONER**  
SAFER TOGETHER

# **DATA PROTECTION ACT**

## **SUBJECT ACCESS REQUESTS**

**February 2018**

## Data Protection Act Subject Access Requests

### **1. Introduction**

- 1.1 The Data Protection Act 1998 gives you the right to know what information is held about you. It provides a framework to ensure that personal information held by the Police and Crime Commissioner (“the PCC”) for Lincolnshire, and other bodies, is handled properly.
- 1.2 The Office of the Police and Crime Commissioner (“the OPCC”) undertakes to handle information it holds about individuals in the appropriate and sensitive manner and that procedures for the handling of such information are compliant with legislation. The OPCC will make sure that it adheres to the following principles, which make sure that personal information is:
  - Fairly and lawfully processed
  - Processed for limited purposes
  - Adequate, relevant and not excessive
  - Accurate and up to date
  - Not kept for longer than is necessary
  - Processed in line with your rights
  - Secure
  - Not transferred to other countries without adequate protection
- 1.3 The Act also provides you with rights, including the right to find out what personal information is held on computer and most paper records.
- 1.4 The Data Protection Act does not guarantee personal privacy at all costs, but aims to strike a balance between the rights of the individuals and the competing interests of those with legitimate reasons for using personal information. This applies to paper records as well as computer records.
- 1.5 In handling personal information, the OPCC 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 OPCC holds have consented to the use of that information, and should understand what it will be used for.
  - The OPCC will only pass on personal information with the express permission of the individual, and only for OPCC related purposes.
  - Information is held securely and is only accessed by OPCC 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.
- Staff are trained in their duties and responsibilities under the Data Protection Act, and put into practice when handling information.
- The PCC's notification to the Information Commissioner is up to date and reviewed annually.

## **2. Notification**

- 2.1 The PCC is required to notify the Information Commissioner's Office (ICO). Failure to notify is a criminal offence.
- 2.2 Notification is the process by which the PCC informs the ICO of certain details about processing of personal information. These details are used by the ICO to make an entry describing the processing in the register of data controllers that is available to the public for inspection.
- 2.3 It is a basic principle of data protection 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). Notification serves the interests of individuals in assisting them to understand how personal information is being processed by data controllers.
- 2.4 It is not, however, intended (nor is it practicable) that the register should contain very detailed information about a data controller's processing. The aim is to keep the content at a general level, with sufficient details to give an overall picture of the processing. More detail is only necessary to satisfy specific statutory requirements or where there is particular sensitivity.

## **3. Information where the PCC is the Data Controller**

- 3.1 Where the PCC is the data controller, you are entitled to be told whether the OPCC holds data about you, and if it does:
- to be given a description of the data in question;
  - to be told for what purposes the data is processed;
  - to be told the recipients, or classes of recipients, to whom the data is or may be disclosed.
- 3.2 You are also entitled to a copy of the information with any unintelligible terms, acronyms or codes explained. You will also be given any information available to us on the source of the data. The data will be in its latest form.

- 3.3 If you wish to apply for access to your personal data, known as “a subject access request”, you should write to the Chief Executive at the following address:

OPCC for Lincolnshire  
Deepdale Lane  
Nettleham  
Lincoln  
LN2 2LT

Email [lincolnshire-pcc@lincs.pnn.police.uk](mailto:lincolnshire-pcc@lincs.pnn.police.uk)

- 3.4 A fee of £10 must accompany your request together with proof of your identity (a current passport or photo driving licence). The OPCC will also require the details needed to locate the information you seek. A request for access to personal data will be dealt with promptly and in any event within 40 days of receipt of the request and payment of the fee.

- 3.5 If you consider that a request by you for access to your personal data has not been dealt with properly, you may:

- Write to the Chief Executive at the above address seeking resolution of your complaint; or
- Write to the Information Commissioner, who is appointed to consider such complaints at:

Office of the Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

An online complaints procedure is also available on the Information Commissioner’s website at: <http://www.ico.gov.uk/>

- 3.6 The Information Commissioner is empowered to assess whether there has been a failure to comply with the 1998 Act. The Commissioner can issue enforcement proceedings if satisfied that there has been a contravention of the data protection principles. The Commissioner can also recommend that you apply to court alleging a failure to comply with the subject access provisions of the 1998 Act. The court may make an order requiring compliance with those provisions and may also award compensation for any damages you have suffered as well as any associated distress.

4. Information where the PCC is not the “Data Controller”

4.1 In many cases, it is Lincolnshire Police and not the OPCC who hold personal information. The Police National Computer includes information on prosecutions, convictions and cautions. Chief Officers of Police are the “data controllers” for this information and not PCCs.

4.2 You have the right to be told by a Chief Officer whether any information is held about you on the Police National Computer and a right to a copy of that information. The Chief Officer will give that information if (s)he is satisfied as to your identity and on payment of the required fee. The Chief Officer may deny access to this information where the information is held for the prevention or detection of crime or for the apprehension or prosecution of offenders and where release of the information would be likely to be prejudicial to any of these purposes.

4.3 Police forces provide a form to simplify the exercise of your subject access rights to PNC information. In the case of Lincolnshire Police you should contact:

Force Data Protection Officer  
Police Headquarters  
PO Box 999  
Lincoln  
LN5 7PH

Phone: 01522 947122 or 05122 947120)

Email: [dataprotection@lincs.pnn.police.uk](mailto:dataprotection@lincs.pnn.police.uk).