



Privacy Notice

Introduction

This Privacy Notice explains what information we collect about you, why we collect it, how we process it, share it, retain it and dispose of it. We take your privacy seriously and have prepared this Privacy Notice to comply with our obligations under the General Data Protection Regulation (GDPR) which takes effect across the European Union from the 25 May 2018. The GDPR is a regulation in EU law on data protection and privacy for all individuals with the European Union. It also addresses the export of personal data outside the EU. The GDPR aims primarily to give control to citizens and residents over their personal data and ensures greater transparency and accountability in the way organisations handle personal data. The UK Data Protection Act 2018 is due to come into force at the same time.

This document explains how the Office of the Police and Crime Commissioner for Lincolnshire (which includes 'Victim Lincs') handles your personal information (personal data [1]), the steps we take to ensure that it is protected, and also describes the rights you have in regard to any personal data we already hold about you and any further personal information we might collect about you, either from you or from a third party.

The use and disclosure of personal data is governed in the United Kingdom by the Data Protection Act 2018 ('the Act') together with the GDPR. The Police and Crime Commissioner for Lincolnshire ('the PCC') is the 'data controller' for the purposes of the Act. You can contact the PCC by email at lincs-pcc@lincs.pnn.police.uk or by post at Police and Crime Commissioner, Police Headquarters, Deepdale Lane, Nettleham, Lincoln LN2 2LT. A 'data controller' is obliged to ensure that the PCC handles all personal data in accordance with the Act.

The PCC is registered with the Information Commissioner's Office (ICO) who is the supervisory authority in the UK who enforces and monitors compliance with the data protection legislation. Our ICO *Registration Number is* **ZA001651**

We have appointed a Data Protection Officer (DPO) who provides help and guidance to make sure we apply the best standards to protecting your personal information. Our DPO can be reached by email at DPO@lincs.pnn.police.uk or by post at Data Protection Officer, Information Management Unit, Police Headquarters, Deepdale Lane, Nettleham, Lincoln LN2 2LT if you have any questions about how we use your personal information.

This Privacy Notice provides up to date information about how we use your personal information and updates any previous information we have given you about using your personal data. We will review and update this Privacy Notice from time to time to reflect our processes and make any changes available on our website. See section 1 Your Privacy Rights for more information about your rights and how our DPO can help you.

*[1] Definition of personal data. Any information relating to an identified or identifiable **living** individual. An identifying characteristic could include a name, ID number or location data. Such information is treated as personal data even if it can only be potentially linked to a living individual.*

1. Your privacy rights

1.1 You have the right to see what personal information we hold about you and also have the right to object to how we use your personal information. In addition, you can ask us to correct inaccuracies, delete or restrict the processing of your personal information in certain circumstances or to ask for some of your personal information to be provided to someone else (data portability). To make enquires for further information about exercising any of your rights in this Privacy Notice, please contact the Office of the Police and Crime Commissioner ('OPCC') by post addressing your letter to the Corporate Administration Officer, Office of the Police and Crime Commissioner, Police Headquarters, Deepdale Lane, Nettleham, Lincoln LN2 2LT or by emailing lincolnshire-pcc@lincs.pnn.police.uk

2. Why do we handle personal data?

2.1 The OPCC obtains, holds, uses, discloses etc. personal data for General Data Protection Processing purposes.

2.2 The provision of services to support the General Data Protection Processing purposes includes:

- 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
- complaint management
- integrity monitoring
- legal services
- information provision
- research, including surveys which may be carried out by an external agent
- performance management
- procurement
- planning
- security
- health and safety management
- victim of crime support
- complaint review management

3. Whose personal data do we handle?

3.1 In order to carry out the purposes described under why we handle personal data, the OPCC may obtain, use, disclose, handle etc. personal data relating to a wide variety of individuals including the following:

- staff including volunteers, agency workers and temporary workers
- suppliers and contractors
- complainants, correspondents and enquirers
- advisers, consultants and other professional experts

- other providers of information
- former and potential members of staff
- victims

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

4. What types of personal data do we handle?

4.1 In order to carry out the purposes described in why do we handle personal data above, the OPCC may obtain, use, disclose, handle etc. personal data 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, including performance and development
- 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
- references to manual records or files
- information relating to health and safety
- complaint, incident and accident details

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

5. Where do we obtain personal data from?

5.1 In order to carry out the purposes described under why we handle personal data above, the OPCC may obtain personal data from a wide variety of sources, including the following:

- legal representatives
- partner agencies
- voluntary sector organisations
- approved organisations and people working with the OPCC
- Independent Office for Police Conduct
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue
- auditors
- Lincolnshire Police
- central government, governmental agencies and departments
- 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 OPCC
- suppliers, providers of goods or services
- persons making an enquiry or complaint
- persons making complaint review applications
- financial organisations and advisors
- 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 OPCC
- information openly available on the internet
- victims of crime

The OPCC may also obtain personal data from other sources, such as correspondence.

6. How do we handle personal data?

6.1 In order to achieve the purposes described under why do we handle personal data, the OPCC will handle personal data in accordance with the principles [2] of the Act and the GDPR. In particular, we will ensure that personal data is handled fairly and lawfully with appropriate justification. We will strive to ensure that any personal data used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and proportionality, 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.

[2] Data protection principles:

Principles relating to processing of personal data (Article 5 GDPR):

1. *Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject*
2. *Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes*
3. *Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed*
4. *Personal data shall be accurate and, where necessary, kept up to date*
5. *Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed*
6. *Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

7. How do we ensure the security of personal data?

7.1 The OPCC takes the security of all personal data under our control very seriously. We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and integrity monitoring, 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 data contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

8. Who do we disclose personal data to?

8.1 In order to carry out the purposes described under why do we handle personal data above, the OPCC may disclose personal data to a wide variety of recipients in any part of the world, including those from whom personal data is obtained (as listed where we obtain personal data above). This may include:-

- Partner agencies
- Partners in the Criminal Justice arena
- Local government
- Central government
- Ombudsmen and regulatory authorities
- The Media

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

8.3 The OPCC will also disclose personal data 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. We may also disclose personal data on a discretionary basis for the purpose of, and in connection with, any legal proceedings or for obtaining legal advice.

9. Our legal basis for using your personal information

9.1 We only use your personal information where we have an appropriate lawful basis for doing so. For example, we use your personal data where:

- we need to use the information to comply with our legal obligations;
- we need to use the information for the performance of a task in the public interest;
- we need to use the information to perform a contract with you;
- we need to use the information to comply with law enforcement; and/or
- we have your consent (where relevant).

9.2 Where we rely on consent as our lawful basis for processing, you have the right to withdraw your consent at any time. To withdraw your consent, please use the instructions on the form used to gain your consent or by contacting the relevant department to whom the consent was given. However, we won't always need consent to process your personal information – for example - if we need it to meet regulatory requirements or perform a contract with you.

9.3 Where the provision of personal data is part of a statutory or contractual requirement or obligation, we may be unable to progress with that process should the personal data not be made available to us.

9.4 Special protection is given to certain kinds of personal information that is particularly sensitive. This is information about your health status, racial or ethnic origin, political views, religious or similar beliefs, sex life or sexual orientation, genetic or biometric identifiers, trade union membership or criminal convictions or allegations. Processing sensitive data (including 'special category data') may include cases where:

- we have a legal obligation to do so;

- it is necessary for us to do so to protect your vital interests (for example if you have a severe and immediate medical need whilst on our premises);
- it is in the substantial public interest;
- it is necessary for the prevention or detection of crime;
- for legal proceedings.

10. How long does the OPCC retain personal data?

10.2 The OPCC keeps personal data only as long as is necessary for the particular purpose or purposes for which it is being processed.

10.2 The OPCC will adhere to its Review, Retention & Disposal Policy:-

Policy: <https://lincolnshire-pcc.gov.uk/media/1779/retention-and-disposal-policy-v21-feb-2018.pdf>

Schedules: <https://lincolnshire-pcc.gov.uk/media/1778/schedules-v21-feb-2018.pdf>

11. Monitoring

11.1 The OPCC may monitor or record and retain telephone calls, text, emails and other electronic communications in order to deter, prevent and detect inappropriate or criminal activity.

12. Privacy Rights

12.1 You can contact us at the below contact details to exercise any of the following privacy rights.

(a) The right to be informed:

This area is covered by this privacy notice.

(b) The right of access – also known as a Subject Access Request (SAR):

You can request access to a copy of your personal information that we hold, along with information on what personal information we use, why we use it, who we share it with, how long we keep it for and whether it has been used for any automated decision making. You can usually make a request for access free of charge by contacting the OPCC, Police Headquarters, Deepdale Lane, Nettleham, Lincoln LN2 2LT or by emailing: lincolnshire-pcc@lincs.pnn.police.uk We may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Please make all requests for access in writing, *where possible*, and provide us with evidence of your identity. Please see our website for further information on how to request personal information (also known as a 'subject access' request): <https://www.lincolnshire-pcc.gov.uk>

(c) The right to rectification:

Under Article 16 of the GDPR, individuals have the right to have inaccurate or incomplete personal data rectified. The OPCC can refuse this request where it is

necessary and proportionate or relates to 'relevant personal data', i.e. to avoid obstructing an official or legal inquiry, investigation or procedure.

(d) The right to erasure:

Under Article 17 of the GDPR, individuals have the right to have personal data erased and to prevent processing in specific circumstances, for example if there is no compelling reason for its continued processing. The OPCC can refuse this request where it is necessary and proportionate or relates to 'relevant personal data', i.e. to avoid obstructing an official or legal inquiry, investigation or procedure or to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties.

(e) The right to restrict processing:

Under Article 18 of the GDPR, individuals have the right to restrict the processing of personal data, for example, if an individual believes that the data is incorrect, is processed unlawfully or is no longer required by the Data Controller. The OPCC can refuse this request where it is necessary and proportionate or relates to 'relevant personal data', i.e. to avoid obstructing an official or legal inquiry, investigation or procedure or to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties.

(f) Rights in relation to automated decision making including profiling:

Article 22 of the GDPR has rules to protect individuals if solely automated decision [3] making (making a decision without any human involvement) has taken place and in relation to profiling.

The OPCC do not currently employ automated decision making and therefore currently do not make any decisions solely using automated means. However we will notify you if this position changes.

[3] Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- 1. Where we have notified you of the decision and given you 21 days to request a reconsideration.*
- 2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.*
- 3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.*

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

(g) Right to withdraw consent:

If you have given us your consent to use your personal information, you can withdraw your consent at any time by using the above contact methods or as specified on the relevant consent form(s). However, we won't always need consent to process your personal information – for example - if we need the data to meet regulatory requirements or perform a contract with you.

(h) Right to object:

You can object to our processing of your personal information. Please contact us as noted above, providing details of your objection.

(i) Portability:

You can ask us to provide you or a third party with some of the personal information that we hold about you in a structured, commonly used, electronic form, so it can be easily transferred.

(j) Make a complaint:

You can make a complaint about how we have used your personal information to us, by emailing the OPCC at lincolnshire-pcc@lincs.pnn.police.uk or by writing to the Office of the Police and Crime Commissioner, Police Headquarters, Deepdale Lane, Nettleham, Lincoln LN5 7PH.

If you are not satisfied with our response, you can further contact the Information Commissioner's Office at <https://ico.org.uk/>

13. Contact Us

Any individual with concerns over the way the OPCC handles its personal data may contact the Data Protection Officer as below:

Data Protection Officer
Information Management Unit
Police Headquarters
PO Box 999
Lincoln
LN5 7PH

Tel: 01522 947125 / 947122 / 947120
Email: dataprotection@lincs.pnn.police.uk