

## Privacy Notice

### How we process your personal data for the purposes of investigations, appeals and our other core functions

#### Who we are

The Independent Office for Police Conduct (IOPC)<sup>1</sup> was established to oversee the police complaints system in England and Wales, and maintain public confidence in it.<sup>2</sup> Our powers and duties are principally set out in the Police Reform Act 2002 (PRA) and associated regulations.<sup>3</sup> We:

- independently investigate deaths and serious injuries following police contact and the most serious and sensitive allegations of misconduct against those working for the police. This includes officers, staff, special constables and contractors providing services to the police. Where appropriate this can be a criminal investigation
- oversee investigations carried out by police forces into allegations of misconduct against those working for the police (where we have decided not to investigate them independently.)
- direct police forces to hold misconduct proceedings for a person/s working for the police, where appropriate
- determine appeals from members of the public who are not satisfied with the way the police have dealt with their complaint
- use learning from our work to influence changes in policing and promote best practice. We do this through outreach work with stakeholders, making public statements, making organisational recommendations, carrying out research and collating statistics in order to produce and publish thematic reports

Further information about what we do is available on our [website](#).

This notice explains how and why the IOPC processes personal information about you.

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<sup>1</sup> Formerly the Independent Police Complaints Commission. The IOPC was established on 8 January 2018.

<sup>2</sup> We also oversee the complaints system for other organisations, such as HMRC, the National Crime Agency, and the Gangmasters and Labour Abuse Authority.

<sup>3</sup> The key regulations that govern what we do are the Police (Complaints and Misconduct) Regulations 2012 and Police (Conduct) Regulations 2012.

## Why we process information about you

The IOPC is committed to respecting and protecting your privacy. The IOPC collects, processes and shares personal information in order to carry out our functions. If we process personal information about you, you are a “data subject.” Below is a non-exhaustive list of categories of data subjects who we might process information about:

- complainants
- subjects or suspects (i.e. people whose conduct is under investigation)
- witnesses
- interested persons<sup>4</sup>
- victims or survivors
- members of the public (i.e. who contact us with a general enquiry or who we speak to during an investigation but who are not witnesses)
- an individual acting on behalf of a police force or any other data subject
- experts
- medical professionals
- an academic conducting research
- a police and crime commissioner or equivalent or a member of his/her staff
- Member of Parliament
- a representative of an interest group or charity
- a journalist
- a coroner or a member of his/her staff
- a judge or a member of HM Courts and Tribunals Service
- a representative of another public body or government department

We collect and retain personal data that is relevant to the matters we are investigating, to the determination of an appeal or to any of our functions described above. We will share this data with third parties where necessary (please see the section “Who we share your data with” below).

We use your personal data to communicate with you if you are affected by our investigation as a victim, survivor, witness, subject or suspect, complainant or interested person. This includes communicating with you in connection with legal proceedings that are related to our investigation. We will also process your personal data in order to facilitate and process a complaint you may make or feedback you may give about the contact you have had with us

We use personal data obtained during our investigations and appeal work in our strategic work including research and statistical analysis. We also use it to seek feedback from those affected by our work to help us make improvements. Where possible, we anonymise data. We include personal data in our public statements when it is in the public interest to do so.

We also obtain and process personal data for other statutory and legal obligations, including, but not limited to:

- responding to data subject requests under data protection legislation
- responding to Freedom of Information Act requests
- in connection with our duties under the Equality Act 2010
- in connection with our duties under Environmental Information Regulations

We may also process your personal data if you are not directly involved in a particular

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<sup>4</sup> An “interested person” is usually a family member of a person who has died or been seriously injured following police contact, but may be anyone who the IOPC deems to have a sufficient interest in the matter under investigation.

investigation, but we come into contact with you for another reason that is related to our functions as set out above.

## **The kind of personal information might we collect and process**

### Personal data

Personal data refers to any information by which a living individual can be identified. Individual identification can be by information alone or in conjunction with other information.

The personal data we collect about you may include, but is not limited to: name, address, other contact details (e.g. email and telephone numbers), sex, marital status, date and place of birth, nationality, employer, job title and employment history, family details including their relationship to you, your relationships with others, your car registration details, images of you including photographs and CCTV footage, location data or online identifier, financial details, national insurance numbers.

### Special category data

Certain categories of personal data have additional legal protections when being processed. These categories are: data about your health, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data or data concerning your sex life or sexual orientation.

The special category data we collect about you may include, but is not limited to: medical records, finger prints, DNA, your race or ethnic origin and/or your religious beliefs (where, for example, we are investigating allegations of discrimination).

### Criminal offence data

The processing of criminal offence data also has additional legal safeguards. Criminal offence data includes information about criminal allegations, criminal offences, criminal proceedings and criminal convictions.

The IOPC does not keep a comprehensive register of criminal convictions. However, owing to the nature of our investigations we often generate, or receive from third parties, data about criminal allegations, offences, proceedings and convictions.

## **Our legal basis for processing your data**

As a public body, it is necessary for us to process your personal, special category and criminal offence data in order to fulfil our functions under the PRA. These functions are carried out in the public interest.<sup>5</sup> Where the data is particularly sensitive or relates to criminal offences we will only process it where it is further necessary owing to a substantial public interest arising from maintaining public confidence in the police complaints system.<sup>6</sup>

### Processing for the purposes of law enforcement<sup>7</sup>

When we conduct an investigation for the purposes of law enforcement (for example, a criminal

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<sup>5</sup> Article 6(1)(e) GDPR; section 8 DPA 2018.

<sup>6</sup> Article 9(2)(g) GDPR; s.10 and part 2 (6) schedule 1, DPA 2018.

<sup>7</sup> Law enforcement is defined in Part 3, chapter 1, s.31 Data Protection Act 2018 as: “*the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties including the safeguarding against and prevention of threats to public security.*”

investigation), the IOPC is a “competent authority” under the Data Protection Act 2018. In these situations, we must process your personal data in order to fulfil our statutory functions under the PRA.<sup>8</sup> Where we process particularly sensitive data this will be because:

- it is necessary to do so owing to the substantial public interest that arises from us carrying out our functions under the PRA to maintain confidence in the police complaints system
- there is a wider public interest in securing the prevention, investigation and prosecution of criminal offences
- we are under a duty to provide police or other law enforcement agencies with personal data so that they can investigate a suspected offence

You can find [our appropriate policy document here](#). This provides further details about our approach to the processing of special category and criminal offence data.

### Personal data processed for dual purposes

There may be circumstances when it will be necessary to process all types of personal data for both law enforcement and non-law enforcement purposes. For example, there may be an investigation into several allegations of misconduct only some of which are potentially criminal. Personal data which we obtained for a law enforcement purpose may also be used in disciplinary investigations and proceedings and unsatisfactory performance proceedings. These purposes are authorised by the PRA and the associated regulations.

### **Who we share your data with**

We are required to share your data with third parties where we have a legal obligation to do so. We also share information with other public bodies and government departments in order to facilitate the exercise of their statutory or other public functions. The categories of persons we share your personal data with are:

- the College of Policing
- coroners
- the Crown Prosecution Service
- courts and tribunals
- inquiries
- government bodies
- the Information Commissioners’ Office
- police forces and other law enforcement agencies
- the Criminal Case Review Commission
- regulatory bodies or ombudsmen, including HMICFRS, HMIP, the Health and Safety Executive, the General Medical Council and the Nursing and Midwifery Council
- professional advisers, experts and consultants

We share personal data with complainants, interested persons and subjects/suspects in our investigations and with stakeholders where it is necessary to do so for the proper performance of our functions under the PRA.

### **Automated decision making**

Currently, the IOPC undertakes no automated decision making in relation to your personal data.

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<sup>8</sup> Part 3, chapter 2 (35) (2)(b) DPA 2018.

## **How long we will keep your data**

The IOPC has a retention and disposal schedule, which lists the data we hold and how long we hold it for. To find out how long we keep your data please see our retention and disposal schedule [here](#).

## **Your rights in relation to the data we hold**

Data protection legislation provides you with a number of rights relating to your personal data. These rights are subject to some specific exemptions. Your rights may include:

- the right to access your data
- the right to have your data corrected if it is wrong or incomplete
- the right to request restrictions to the processing of your data
- the right to object to your data being processed
- the right to have your data erased
- the right to be informed about how your data is processed
- rights around automated decision making and data portability

You should keep us informed of any changes to your information so that we can be confident that the data we hold about you is accurate.

To understand more about these rights are and how to exercise them please see our website.

## **Our Data Controller and Data Protection Officer**

Our data controller is the Director General. The data controller has overall control over the purpose for which and the manner in which we obtain and process personal data.

The IOPC has a designated Data Protection Officer and a Freedom of Information and Data Protection Team. If you have any queries or concerns about exercising your data rights or the way in which we collect, handle or process your data, please contact the team either via the contact us page of our website or by emailing [dpo1@policeconduct.gov.uk](mailto:dpo1@policeconduct.gov.uk)

Alternatively you can contact our switchboard on 0300 020 0096 between 9am and 5pm, Monday to Friday.

## **Your right to complain to the Information Commissioner**

If you are unhappy with any aspect of the way in which we have processed your personal data, you have the right to make a complaint to the Information Commissioner's Office:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

[www.ico.org.uk](http://www.ico.org.uk)

Tel: 0303 123 1113

[casework@ico.org.uk](mailto:casework@ico.org.uk)

## **Feedback or complaints about our service or staff**

If you want to give us feedback or make a complaint about our service or staff please contact our Internal Investigation Unit either through the contact us page of our website or by emailing [IIU@policeconduct.gov.uk](mailto:IIU@policeconduct.gov.uk).

Alternatively you can contact our switchboard on 0300 020 0096 between 9am and 5pm, Monday to Friday or leave a voicemail message at any time on 0207 166 3261.

### **Review of this notice**

This privacy notice will be regularly reviewed and may be revised. Please visit our website here to check for any updates.