

Durham Constabulary Safeguards Pledge for Sensitive Processing of Personal Data for Law Enforcement Purpose V1-0

The Chief Constable of Durham Constabulary is determined as a competent authority for the purpose of Part 3 of the Data Protection Act (DPA) 2018 which applies to the processing of personal data for law enforcement purposes.

The Data Protection Act 2018 (the Act), Section 35 (8) defines 'sensitive processing' as:

(a) the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;

(b) the processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual;

(c) the processing of data concerning health;

(d) the processing of data concerning an individual's sex life or sexual orientation.

Section 35 of the Act states that sensitive processing for law enforcement purposes is permitted where there is consent of the data subject or where it is strictly necessary for the law enforcement purposes and it meets one of the Schedule 8 conditions.

In both of these cases we (Durham Constabulary) is required to have an appropriate policy in place which explains our policies and procedures in relation to sensitive processing.

The principles set out in Part 3 of the Data Protection Act 2018 require personal data to be:

1. processed lawfully and fairly (lawfulness and fairness)
2. collected for specified, explicit and legitimate law enforcement purposes, and not further processed in a way which is incompatible with those purposes (purpose limitation)
3. adequate, relevant and not excessive in relation to the purposes for which it is processed (data minimisation)
4. accurate and where necessary kept up to date (accuracy)
5. kept for no longer than is necessary for the purposes for which it is processed (storage limitation)
6. processed in a way that ensures appropriate security, using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage (integrity and confidentiality).

How we will meet the Principles for Part 3 Processing

1. Lawful and Fair

Durham Constabulary will undertake sensitive processing for law enforcement purposes where it has a lawful basis to do. The most common Schedule 8 conditions for processing include:

Condition 1 necessary for judicial and statutory purposes – for reasons of **substantial public interest**;

Condition 2 necessary for the administration of justice;

Condition 3 necessary to protect the vital interests of the data subject or another individual;

Condition 4 necessary for the safeguarding of children and of individuals at risk

We will communicate fair processing information to individuals through the Durham Constabulary website. Wherever possible on request we will also make the same information available to individuals by other methods.

2. Specified purpose

The law enforcement purposes are defined under Part 3 Chapter 1 section 31 of the DPA 2018 as:

The prevention, investigation detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.’

We will only use data collected for a law enforcement purpose for purposes other than law enforcement, where we are authorised by law to do so.

We may share data with another controller this will only take place when authorised by law to do so.

We may undertake joint controller status with other competent authorities.

3. Adequate, relevant and not excessive

Any personal data collected for law enforcement purposes will be limited to that which is necessary for the purposes of processing.

4. Accurate and where necessary up to date

We will ensure as far as possible that the data we hold is accurate and kept up to date. Employees of the Constabulary are trained to ensure that personal data processed under our control is managed in accordance with the law and that amendments or augmentation of personal data is undertaken when it is appropriate to do so.

Where it is identified and verified that any personal data which is held is inaccurate there are processes in place to take action to rectify the inaccuracy as soon as practicable.

5. Kept for no longer than necessary

Durham Constabulary follow the national minimum retention guidance endorsed by the National Police Chiefs Council and seek to comply with the guidance set out within the Authorised Professional Practice for the Management of Police Information.

In cases where it is not possible to delete or dispose in accordance with policies, for example system constraints, we endeavour to identify and apply measures to limit further processing.

6. Appropriate security

Electronic information is processed within our secure network. Physical records containing personal information are subject to handling conditions and security measures are applied when transportation of such documents is required. Employees with access to personal data undergo vetting and vetting reviews during employment and access controls are applied to limit access to those that require it. Systems that record personal data have audit functionality which logs transactions such as creation, view, alteration and deletion.

Where suppliers are required to process data on our behalf appropriate processing agreements are put in place.

This policy – is to be reviewed every 3 years.

Date of Creation: October 2019

Date of Next Review: October 2021