



PRIVACY NOTICE

March 2022

Policy / Procedure Title	Privacy Notice
Responsible officer	Chief Executive and Monitoring Officer

Security Classification	Public
Disclosable under the Freedom of Information Act 2000	Yes

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Next review date:	Bi annual

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Date:	Nature of revision
March 2022	Section 2 – typing error corrected Section 4 - clearer reference to complaint reviews added Section 7 - legal basis updated Section 11 - OPCC contact email updated

Privacy Notice

1. Introduction

Personal data is information that relates to a living identifiable person.

The person or organisation who controls the purpose and manner in which data is processed is the data controller.

2. Your rights

You have the right to expect the Office of the Police and Crime Commissioner West Mercia (OPCC), as a data controller, to ensure that personal data processed is:

- Processed fairly, lawfully and transparently.
- Obtained for specific, explicit and lawful purposes.
- Adequate, relevant and not excessive.
- Accurate and where necessary kept up to date.
- Not kept for longer than is necessary.
- Processed in accordance with the rights of the data subject.
- Kept secure.
- Not transferred abroad unless to countries or organisations with adequate data protection laws.

As a data controller, the OPCC is also required to inform you:

- Why we process your data, and the legal reasons we use for doing so.
- What categories of personal data we process.
- Who we share your personal data with, including if we share your data with recipients in other countries or international organisations.
- How long we envisage storing your personal data, or if that is not possible, the criteria we use to determine that period.

3. What data do we store?

The Office of the Police and Crime Commissioner (OPCC) maintains a log of all contact that comes into the office. This is primarily to ensure that communities and partners get the right response and best possible service from the Commissioner.

Written correspondence is retained in full. This is to ensure that every person contacting us gets a timely and appropriate response, and also to verify precisely what has been said in correspondence both entering and leaving the OPCC. A summary of a person's query will also typically be noted, along with any pertinent contact data, such as (but not limited to) name, address, telephone number(s), email address and social media profile.

When people call the OPCC for help we will typically take notes, outlining the details of the call, again to ensure that we can follow up on the issues that people wish to raise with the Commissioner.

Along with details of correspondents, the written records we keep may typically include details including victims, witnesses, relatives, guardians, complainants, offenders, survey respondents, grant applicants, suppliers of goods and services, OPCC employees and volunteers and other essential business contacts. This is not an exhaustive list.

4. How do we use your data?

The OPCC will use the personal data you provide to address the specific matters raised in your correspondence. Your data (along with any other person's you may disclose) may be used to log, identify, categorise, research and provide responses to correspondence.

The vast majority of correspondence entering the OPCC relates to operational policing services. It is therefore common and lawful practice for the OPCC to share a person's correspondence, including any necessary personal data contained, with an appropriate contact within West Mercia Police.

This practice is necessary for the Commissioner to fulfil statutory elements of their role. It allows the OPCC to verify details of specific incidents, such as times, locations, people involved, outcomes and any other relevant context or information. It may also be the case that it is more appropriate for a member of the service(s) in question to respond directly to a correspondent.

Staff in the OPCC will also share any pertinent data with the appropriate emergency services when they believe there is an imminent threat, risk of harm, or an offence may have been committed.

Other uses for data held in the OPCC include but are not limited to strategic planning, holding the Chief Constable to account, complaint handling, engagement, finance, appointment and employment of OPCC staff and volunteers.

If you are dissatisfied with the outcome of a police complaint and request the OPCC to carry out a complaint review on your behalf, any relevant review forms and supporting documents will be shared with an independent and qualified external body which assesses reviews on our behalf.

How we will store your data?

The OPCC uses web-based software to store and manage all correspondence. Information is stored in a secure cloud-based system that complies with relevant security legislation and policies.

5. Handling more sensitive information

Correspondence containing more sensitive personal details, for example contact from a victim of a sexual offence or where a child is involved, would not be stored within the cloud based system. In such cases, anonymous logs are entered within the contact management system. All correspondence that includes personal identifiable data is held in isolation by a single point of contact within the Commissioner's office, within secure police ICT systems.

Decisions on when individual cases cross this threshold and should be dealt with in this way are typically taken at Supervisor level or above.

6. How long do we store data?

Personal data is kept in line with our retention policy, which can be viewed or downloaded on the *policies* page on our website.

7. What is the legal basis for you holding data?

The following laws may all apply in different circumstances as legal justification for the storage, retention and processing of data within the OPCC:

Police & Social Responsibility Act 2011

Police Act 1996

The Accounts and Audit Regulations 2011

Local Government & Housing Act 1989 (S155)

Local Government & Finance Act 1988 Sec 112 & 114

Local Authorities (Goods & Services) Act 1970

Elected Local Policing Bodies (Specified Information Order as amended)

Police Pension Fund Regulations 2007

Police Pensions Act 1976

Police (Complaints & Misconduct Regulations) 2020

Freedom of Information Act 2000

Data Protection Act 2018

Employment Rights Act 1996

The Equality Act 2010

8. Your rights to access, correction and requesting your personal data

If you object to any of the above, please contact the OPCC using the details below to discuss alternative options to assist in the matters you wish to raise.

There are a number of rights in relation to your personal data as outlined below. The OPCC may require a consent form to be completed and identification may be required. Details are available on the OPCC website

You have the right to request a copy of any data the OPCC holds about you as an individual as well as why the OPCC holds that personal data, who has access to it and where it was obtained from. Once received, we will respond to your request within one month

There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

You also have the right to have personal data updated if it is no longer accurate. Again, please use the contact details below for assistance with any of these matters.

You have the right to request that the OPCC stops holding your personal data at any time. We will always try to comply with any such request, but there may be exceptions where that is not possible for legal reasons.

You have the right to request that the OPCC transfer some of your data to another controller. The OPCC will comply with your request, where it is feasible to do so, within one calendar month of receipt of your request.

You can withdraw your consent easily by telephone, email, or by post using the details at the end of this Policy.

9. Transfer of data abroad

Any personal data transferred to countries or territories outside the European Economic Area (“EEA”) will only be placed on systems complying with measures giving equivalent protection of personal rights. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed overseas.

Please note, without permission to store, process and share certain necessary information it may be impossible for the OPCC to effectively resolve the matters you wish to raise.

10. Information where the PCC for West Mercia is not the Data Controller

If the information you request is not held by the West Mercia OPCC, you will be notified and if the OPCC knows who might hold the personal data, you will be advised of which organisation to contact.

If the information you require is in relation to data held on the Police National Computer, such as, information on prosecutions, convictions and cautions, this is held by the Police Force. The Force will be able to advise of their process for subject access requests and details of information types that they can and cannot release for legal reasons.

11. Contact details

Email: opcc@westmercia.police.uk

Tel: 01905 331 656.

Write: *West Mercia Police and Crime Commissioner, West Mercia Police, Hindlip, Worcester, Worcestershire, WR3 8SP.*

12. I’m still not happy – who can I complain to?

Please contact the Information Commissioner’s Office with any further complaints, using the details below:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire, SK9 5AF.

Telephone: 08456 306060 or 01625 545745

Website: www.ico.gov.uk