



**Derbyshire  
Police and Crime  
Commissioner**

*Protecting Communities,  
Fighting Crime*



**Police and Crime Commissioner for  
Derbyshire  
Privacy Notice  
EXTERNAL NOTICE**

## Control Sheet

### Policy details

<b>Policy Title</b>	Derbyshire PCC/OPCC Privacy Notice
<b>Responsible Officer</b>	Head of Compliance
<b>Security Classification</b>	Public
<b>Disclosable under FOIA</b>	Yes
<b>Policy implementation date</b>	June 2019
<b>Next review date</b>	June 2024 (3 years)

### Revision details

<b>Revision date</b>	<b>Changes</b>
Draft version 1	Altered sub-headings
Draft version 2	Added categories
Final version	
Reviewed document	26/10/2021 MR

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## 1) Introduction

Your privacy is very important to us and the Privacy Notice attached below has been written in accordance with the relevant data protection laws. Our Privacy Notice has been written to tell you what personal information the Office of the Police and Crime Commissioner for Derbyshire will process and why. 'Processing' includes how we collect personal data, why we collect it, share it, retain it and dispose of it.

This notice also provides you with details of the rights you have in regard to any personal information we hold about you now and any personal information we might collect about you in the future. In accordance with the requirements of the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018, a Data Protection Officer has been employed by the Office of the Police and Crime Commissioner to help ensure that the personal information we hold is processed in accordance with the requirements of the legislation. The Data Protection Officer is also available to provide you with advice and assistance if you have any queries or concerns about how we process your personal data their contact details can be found near the end of this privacy notice.

## **2) Who are we?**

The Police and Crime Commissioner (PCC) is a public authority, established in legislation through the Police Reform and Social Responsibility Act 2011. For the purposes of this Privacy Notice, the term 'PCC' is used to encompass the person elected as the PCC and any staff authorised to work for or on their behalf or under their direction and control fall under the Office of the Police and Crime Commissioner (i.e. the OPCC).

The Derbyshire Office of the Police and Crime Commissioner (OPCC) is the data controller for any personal data the organisation holds about you. The OPCC respects your privacy and is committed to protecting your personal data. A description of the personal data the OPCC processes including how and why we process your personal data, who we share it with, and your rights and choices when it comes to your personal data is set out in this Privacy Notice.

The PCC obtains, holds, uses and discloses personal information for two broad purposes:

- 1) To discharge the remit, powers and duties of the PCC including rendering assistance to the public in accordance with PCC policies and procedures; and any duty or responsibility of the PCC arising from common law or statute.
- 2) The provision of services to support the remit of the PCC - including:
  - Management of public engagement and communications, media relations, social media, advertising and website maintenance
  - Financial management, accounts and administration
  - Internal audit
  - OPCC staff recruitment, training and development, staff administration, occupational health and welfare
  - Management of complaints and queries from members of the public
  - Management of OPCC information technology systems
  - Independent Custody Visitor Scheme
  - Police and Crime Panel
  - Provision of support and administration to committees and panels that serve the PCC and Chief Constable to discharge their respective statutory responsibilities.

### **3) The Data Protection Principles**

The OPCC will comply with data protection law (The General Data Protection Regulations and The Data Protection Act 2018) which means that your personal data will be:

1. Personal data must be processed in a lawfully, fairly and transparent way.
2. Personal data must be collected for specified, explicit and legitimate reasons and must not be further processed in a manner that is incompatible with those purposes.
3. Personal data must be adequate, relevant and not excessive in relation to the purpose for which it is processed.
4. Personal data must be accurate and where necessary kept up to date.
5. Personal data must be kept only as long as necessary for the purpose/s of the processing.
6. Personal data must be kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect the personal data from loss, misuse, unauthorised access and disclosure.

### **4) Lawful basis for processing**

The OPCC must have a valid lawful basis in order to process your personal data.

There are six lawful bases available and which base is most appropriate to use will depend on our purpose for processing the personal data and relationship with you.

The six bases are:

- Consent
- Contract
- Legal obligation
- Vital interests
- Public task
- Legitimate interests

### **4) What personal data do we process?**

We process all different kinds of personal data. Personal data, or personal information, means any information about an individual from which that person can be identified (for example, your name or email address) and information which could indirectly identify an individual, meaning that it could identify the individual when combined with other information which we hold about that person (for example,

gender or date of birth). It does not include data where the identity has been removed (anonymous data).

***‘Personal Data’ is defined in Article 4 of the General Data Protection Regulation (GDPR). In practical terms, it means any information handled by the Office of the Police and Crime Commissioner that relates to an identified or identifiable living individual, directly or indirectly. In particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.***

The type of personal information we hold will vary depending upon the reason you have had contact with us, but it may include;

- Name and address.
- Photograph, Video and Sound and visual images.
- Family data.
- Lifestyle data
- Social circumstances.
- Education and training data.
- Employment data.
- Financial data.
- Goods or services provided data.
- 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; offences and alleged offences.
- Criminal proceedings, • Outcomes and sentences.
- Cautions data.
- Criminal intelligence.
- Complaint data,
- Incident data,
- Civil litigation and accident data.

Your personal information may be held on a computer system, in a manual record such as in a physical file or a photograph but it can also include other types of electronically held information such as CCTV or body worn video.

## **6) Special Category Data**

‘Special Category’ personal data is personal data that is regarded as particularly sensitive and includes the following:

- Race
- Ethnic origin

- Political opinions
- Religious/philosophical beliefs
- Health
- Sex life
- Sexual orientation
- Trade union
- Genetic data - Biological sample
- Biometric data - Fingerprint, face recognition, DNA, palm print, iris recognition,

In order to process special category data, we must satisfy a special condition under Article 9 General Data Protection Regulations (GDPR).

## **7) What do we use the data for?**

Personal information is held in order to assist the OPCC in carrying out its role in support of the Police and Crime Commissioner's (PCC) core statutory functions as follows:

- Strategic planning.
- Holding the Chief Constable to account, including complaint handling.
- Partnership working, including local criminal justice partners.
- Appointment of OPCC statutory officers.
- Appointment, suspension and removal of Chief Constable.
- Information and engagement.
- Financial reasons
- Maintaining our accounts and records
- Promoting our services and activities
- Carrying out research:

## **8) Whose personal data do we handle?**



In order to carry out the purposes described above, the OPCC may obtain, use and disclose personal data relating to a wide variety of individuals including the following:

- a. Staff
- b. Clients
- c. Suppliers
- d. Advisers and professional experts
- e. Complainants, enquirers
- f. Members of the public
- g. Individuals captured by CCTV images
- h. Recipients of police services

The OPCC will only use appropriate personal data necessary to fulfil a particular purpose or purposes.

### **9) Method of collecting personal data**

The OPCC collects different types of information from individuals depending upon the reason for their interaction with us and/or the reason why we have collected the data. We have grouped the main reasons why we collect data into the categories below. Each section explains our reasons and method of collection in more detail.

- Personal data obtained from general correspondence from members of the public and handling complaints against the Chief Constable, the PCC, the Deputy PCC and OPCC staff.
- Personal data obtained during the evaluation and award of PCC grants and/ or commissioned services.
- Personal data obtained from the police force and other third parties as a result of the OPCC's involvement in joint committees and forums to ensure that local priorities are lined up.
- Personal data obtained as a result of handling subject access requests under the Data Protection Act 2018 or requests for information under Freedom of Information Act 2000.
- Personal data obtained when individual signs up to receive the OPCC's newsletter or other e-mail newsletters for which we receive data.
- Personal data obtained when individuals use our website or other websites we control.

- Personal data obtained when we take personal information, photographs or videos at events.
- Personal data obtained when we carry our public consultations.
- Personal data obtained when visiting the office.
- Recruitment of volunteers, OPCC staff and the Chief Constable of Derbyshire Police.

### **10) Who do we share personal data with?**

We may engage the services of commercial companies to store and manage your information on our behalf. Where we have these arrangements, there will be a contract, memorandum of understanding or information sharing agreement in place to ensure that the requirements of the UK GDPR/DPA2018 on handling personal information are met.

There are also occasions where we may be required to share your information with other organisations. In order to adhere to our legal obligations and meet our responsibility for the communities we serve, we often need to work with partners. To ensure that our partnership is effective, we may need to share your personal and sensitive information with other authorities and partners such as:

- Police and Crime Panel
- Local authorities
- Home Office
- Derbyshire Constabulary
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Employment agencies

There may also be occasions where we need to share your personal information due to a public safety or security reason such as:

- For the investigation, detection and prevention of a crime

- Where there is a legal duty to share the information and the importance of doing so outweighs the importance of confidentiality
- If there are serious risks to the individual, the public, our staff or other professionals
- To protect children or vulnerable adults
- There is a public interest that outweighs the duty of confidence

## **10) Processing activities**

Below is a list of the main processing activities we carry out at the OPCC.

### **Personal data obtained from general correspondence from members of the public and handling complaints against the Chief Constable, the PCC, the Deputy PCC and OPCC staff.**

#### **a) What personal information do we hold?**

If you contact us with a general query or a complaint against the Chief Constable, the PCC, the Deputy PCC or OPCC staff, you may provide the following information to us (either at the outset or during the course of our investigation of your complaint):

- Identity data – name, gender, age, marital status, nationality.
- Contact details data – address, email address, telephone number.
- Family data – information about your family composition and dependants.
- Special category data – racial or ethnic origin, mental and physical health, details of injuries or medication/treatment received, political beliefs, religious beliefs, trade union affiliation, genetic data and data concerning sexual life or orientation.

#### **b) How do we collect your personal information?**

We will collect information directly from you when you correspond with us by post, telephone, email, on social media or otherwise.

#### **c) For what purposes do we use your personal information?**

We will use your information to respond to your query or to investigate your complaint. We will also keep an internal record of your information for monitoring and lessons learnt reasons.

#### **d) What is the legal basis for our use of your personal information?**

The OPCC is a public authority and has certain powers and obligations. The lawful basis on which we will process your personal data is in the exercise of our official authority and/or in performance of a task in the public interest. We rely on this legal basis generally when processing your personal information after receiving general correspondence and/or complaints against OPCC staff.

In relation to processing complaints against the Chief Constable, our specific legal duty can be found in the Police Reform & Social Responsibility Act 2011 and the Police Reform Act 2002. In relation to processing complaints against the PCC and the DPCC, the Chief Executive is delegated by the Police and Crime Panel to undertake the initial handling of complaints made against the PCC and DPCC which relate to conduct and/or are serious complaints of a criminal nature. The specific legal duty can be found in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

#### **e) On what basis do we use special category data?**

The OPCC may sometimes process data about you which is sensitive, known as special category data (as detailed above). Special category data requires higher levels of protection and we have to have a further justification for processing this type of personal data.

We will only process this type of data during the course of our investigation of your query or complaint on the basis that either:

- you have provided your explicit written consent; or
- it's necessary for reasons of substantial public interest; or
- it is necessary for the establishment, exercise or defence of legal claims;  
or
- the information has been made public by you; or
- it is necessary to protect your vital interests; or
- it is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

In some circumstances we may need to approach you for written consent to allow processing of certain sensitive personal data. In these circumstances, you will be

provided with full details of the personal data that is required and why it is needed, to allow you to carefully consider whether you wish to consent.

#### **f) Who will we share your personal information with?**

We will only share your personal data with third parties if it is necessary to resolve your query or complaint. We may share your personal data with the Police where we are legally required to do so. We may also share your personal data with the Police if there is a safeguarding concern, the Independent Office of Police Conduct (IOPC) if a complaint requires a mandatory referral or to seek appropriate advice or to the Police and Crime Panel if a complaint is recorded against the PCC or a DPCC.

#### **g) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

### **Grants and commissioned services**

#### **a) What personal information do we hold?**

If you (or your organisation) apply for a grant or to enter into a contract with the OPCC, we may collect some personal data about the individuals who work or volunteer at the applicable organisation. Although most details relating to organisations do not constitute personal data, if your organisation is a partnership or you are a sole trader, it is likely that most of the information that you provide to us is personal data. The information we typically collect from applicants is:

- Identity data – name, job title.
- Contact details data – address, email address, telephone number.
- Liability information regarding contract/pension
- DBS
- Financial details – bank account details.

#### **b) How do we collect your personal information?**

We collect the above information via submission of electronic documents sent to us from you via email.

#### **c) For what purposes do we use your personal information?**

We only use your information for the purpose of evaluating and awarding PCC grants and/or commissioned services. We will keep a record of this information internally for monitoring purposes and some of the contract data and your organisation's name

will be published on the website if successful to aid with our transparency requirements.

**d) What is the legal basis for our use of your personal information?**

The OPCC is a public authority and has certain powers and obligations. In respect of awarding grants, we will process your personal data in the exercise of our official authority and/or in performance of a task in the public interest. Our public duty can be found in the Police Reform & Social Responsibility Act (section 9) which allows us to award crime and disorder reduction grants.

In respect of awarding contracts and commissioning services, our legal basis for processing your personal data will be on the basis that it is necessary for the performance of a contract or to take steps to enter into a contract.

**e) Who will we share your personal information with?**

We will not share your personal data with any third party (except that your organisation's name/your name will appear on our website if you are successful).

**f) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

**Holding to account**

**a) What personal information do we hold?**

We attend various meetings and information sharing forums with other public sector bodies as part of our general public duties to secure an efficient and effective police force, bring together community safety and criminal justice partners, and to make sure local priorities are joined up. Personal data is obtained from the Police Force and other third parties as a result of the OPCC's involvement in the joint committees and forums.

Examples of the types of forums and meetings that we attend are:

- Briefings from the police force and police station visits attended by the PCC and various office staff.

- Meetings with the Chief Constable attended by the PCC and various office staff.

During the course of these meetings we may obtain personal information about victims and offenders and their family members. The data we hold may include:

- Identity data – name, gender, age, marital status, nationality.
- Contact details data – address.
- Family data – information about family composition and dependants.
- Special category data – racial or ethnic origin, mental and physical health, details of injuries or medication/treatment received, political beliefs, religious beliefs, trade union affiliation, genetic data and data concerning sexual life or orientation.
- Criminal offence data - details of criminal convictions, arrests, and cautions.

#### **b) How do we collect your personal information?**

This information will generally be collected in documented minutes of meetings, briefing notes and telephone calls, either sent electronically to us or obtained in paper copy at such meetings.

#### **c) For what purposes do we use your personal information?**

The purpose of our attendance at such meetings (and subsequent collection of personal data) is generally to hold the Chief Constable to account.

#### **d) What is the legal basis for our use of your personal information?**

The OPCC is a public authority and has certain powers and obligations. We have a general duty under the Police Reform & Social Responsibility Act 2011 to hold the police force to account.

Therefore, the basis on which we process the above information is in the exercise of our official authority and/or in performance of a task in the public interest. **e) On**

#### **what basis do we use special category data?**

The OPCC may sometimes process data about you, which is sensitive, known as special category data (as detailed above).

Special category data requires higher levels of protection and we have to have a further justification for collecting, storing and using this type of personal data.

We will only process this type of data during the course of our involvement in joint committees and forums on the basis that:

- it necessary for reasons of substantial public interest; or
- it is necessary for the establishment, exercise or defence of legal claims.
- the information has been made public by you; or
- it is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

We may need to approach you for written consent to allow processing of certain sensitive personal data. In these circumstances, you will be provided with full details of the personal data that is required and why it is needed, to allow you to carefully consider whether you wish to consent.

#### **f) On what basis do we use information about criminal convictions?**

Information about criminal conviction requires higher levels of protection and we need to have a further justification for collecting, storing and using this type of personal data.

We will only process this type of data during the course of our involvement in joint committees and forums on the basis that:

- it is necessary for reasons of substantial public interest; or
- it is necessary for the establishment, exercise or defence of legal claims;  
or
- the information has been made public by the individual; or
- it is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

We have in place appropriate safeguards which we are required by law to maintain when processing such data.

#### **g) Who will we share your personal information with?**

We will not share your information with any other third parties. However, please note that as we will usually obtain the above information via our attendance at multi-party meetings, these organisations are also likely to hold the applicable personal data.



## **h) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

## **Subject Access and Freedom of Information requests**

### **a) What personal information do we hold?**

If you contact us with a request for information (such as a Subject Access request (SAR) or Freedom of Information request (FOI) you may provide the following information to us:

- Identity data – name, gender, marital status.
- Contact details data – address, email address, telephone number.
- 2 forms of ID for SAR

You may also provide other details relating to you so that we can identify the information you have requested.

### **b) How do we collect your personal information?**

We will collect information directly from you when you correspond with us by post, telephone, email, phone, on social media or otherwise.

### **c) For what purposes do we use your personal information?**

We use your information to respond to your request. We will keep an internal record of your information for monitoring reasons.

### **d) What is the legal basis for our use of your personal information?**

We will process your personal data relating to a request for information on the basis that we have a legal obligation to provide that information or respond to your request. In relation to processing subject access requests, our specific legal obligation can be found in the General Data Protection Regulations and the Data Protection Act 2018. In relation to processing freedom of information requests, our specific legal obligation

can be found in the Freedom of Information Act 2000 and/or The Environmental Information Regulations 2004.

**e) Who will we share your personal information with?**

We will only share your personal data with third parties if it is necessary to respond to your information request, such as where they hold relevant information that we are required to provide to you or in order for us to provide a response to your enquiry, we may need to liaise with the police or other agencies in order to establish facts or supporting information.

**f) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

**The OPCC website and CORE website**

**a) What personal information do we hold?**

When you visit [www.Derbyshire-pcc.gov.uk](http://www.Derbyshire-pcc.gov.uk), we may automatically collect technical data about your equipment, browsing actions and patterns from your computer when you interact with our website (for example, internet protocol (IP) addresses, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other information on the devices you use to access our website.

If we do collect other personal data through our website, we'll be upfront about this. We'll make it clear when we collect personal information and we'll explain what we intend to do with it.

**b) How do we collect your information?**

There are two main ways in which we collect your information: -

**i. Analytics**

When you visit [www.Derbyshire-pcc.gov.uk](http://www.Derbyshire-pcc.gov.uk), we use a third-party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We do this to find out such things as the number of visitors to the various parts of the site which gives us insight into which parts of our website is being utilised the most by the public. This information is only processed in a way that does

not identify anyone. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website.

## **ii. Cookies**

You can read more about how we use cookies on our Cookies page on the Commissioner's website - <https://www.derbyshire-pcc.gov.uk/Home.aspx>

### **c) For what purposes do we use your personal information?**

The purpose for implementing all of the above is to maintain and monitor the performance of our website, uphold network security and to constantly look to improve the site and the services it offers to our users.

### **d) What is the legal basis for our use of your personal information?**

The legal basis we rely on to process your personal data is article 6(1)(f) of the GDPR, which allows us to process personal data when it is necessary for the purposes of our legitimate interests (in this case, the running of our website, provision of administration and IT services and network security).

### **e) Who will we share your personal information with?**

We will only share your data with our website host Zengenti who provide IT and system administration services for the Office of the Police and Crime Commissioner of Derbyshire.

Please note that where we provide links to websites of other organisations, plug-ins, and applications. Clicking on those links or enabling these connections may allow third parties to collect or share data about you. We do not control these third-party websites and this privacy notice does not cover how these websites, organisations or applications processes personal information. We encourage you to read the privacy notices on the other websites you visit.

### **f) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

## **Media enquiries**

### **a) What personal information do we hold?**

We receive enquiries from the media on current affairs, the work of the Commissioner as well as policing, criminal justice and community safety matters. In addition, we publicise the work of the Commissioner through the issuing of press releases and other publications.

In order to reply to media enquiries, we need enough information from the representative of the media in order to provide a response. This will include their name, telephone number/contact email address and, where relevant, the name of the organisation they represent, as well as the details of the enquiry.

We maintain a list of email addresses for media and community contacts who have requested our press releases.

### **b) How do we collect your information?**

We will take this information when contacted by a representative of the media, usually by telephone or email and sometimes in person. We will only take enough information in order to provide a response or to add them to our press release distribution list.

### **c) For what purposes do we use your personal information?**

We need to keep a record of who we have spoken with and what has been asked for/provided. If we can't answer your query/request over the phone, we'll need your contact information for our response.

We'll only use your personal information to respond to you and will make a record of our communications with you, both verbal and written.

We'll also use your contact information to send you our press releases.

### **d) What is the legal basis for our use of your personal information?**

The legal basis we rely on for processing your personal data is public task, under article 6(1)(e) of the GDPR.

### **e) Who will we share your personal information with?**

In order to provide a response to your enquiry, we may need to liaise with the police or other agencies in order to establish facts or supporting information.

#### **f) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

You can, however, ask us to stop sending you press releases at any time, and we will update our records immediately to reflect your wishes. You can do this by contacting the OPCC – details at the end of this privacy notice.

### **Commissioner's E-mail newsletter**

#### **a) What personal information do we hold?**

If you sign up to receive our newsletter we will collect and store the following information about you:

- Identity data – your name.
- Contact details data – email address.

#### **b) How do we collect your personal information?**

The newsletter is distributed through social media channels, internal distribution across the force, Derbyshire Alert and a tier 1 and 2 email contacts list.

We may also ask you for your personal information in order to subscribe you to our newsletter as part of our public consultations. We will always make this clear in our consultations. Provision of this personal information will always be optional.

#### **c) For what purposes do we use your personal information?**

If you have signed up to receive our newsletter through Derbyshire Alert or any other channel, your personal data is held to enable the OPCC to send the newsletter to you.

#### **d) What is the legal basis for our use of your personal information?**

The legal basis that we rely on to process your personal data is consent.

You have the right to withdraw your consent for processing at any time. You can do this by contacting the OPCC – details at the end of this privacy notice. Once we have received notification that you have withdrawn your consent, we will delete your email address from our mailing list, and you will no longer receive the Commissioner’s newsletter.

**e) Who will we share your personal information with?**

By subscribing to receive the Commissioner’s newsletter you acknowledge that the information you provide will be transferred to Derbyshire Alert for processing in accordance with its Privacy Policy and Terms.

**f) How long will we keep your personal information?**

If you have signed up to receive our newsletter, we will retain your data until:

- i. you request that we delete your data or remove you from our mailing list (by contacting us); or
- ii. the email you originally provided is no longer valid, meaning newsletters sent to it bounce back.

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

**Public consultations**

**a) What personal information do we hold?**

The exact nature of the personal information collected when you respond to our consultations will vary with each consultation, but in all cases will be limited only to information which is necessary to understand the specific subject area being consulted upon and for demographic monitoring purposes.

We’ll publish a summary of the consultation responses, but this will not contain any personal data.

**b) How do we collect your personal information?**

The majority of our consultations are conducted online through web-based surveys, though alternative paper-based versions of the survey questions may also be provided for those who require them.

Some consultations may also be conducted face-to-face through focus groups. Where this is the case, we will be clear on what personal data will be collected and how it will be handled.

**c) For what purposes do we use your personal information?**

The OPCC conducts public consultations in order to inform its work and during the development of services. It also has statutory obligations to consult with the public. The Police Reform and Social Responsibility Act 2011, together with other legislation, places a legal obligation on the OPCC to: -

- Obtain the views of local people on policing and have regard to those views.
- Make arrangements for engaging with local people in setting police and crime objectives.
- Obtain the views of local people and ratepayers prior to setting the police precept and police budget.
- Obtain the views of victims of crime about matters concerning local policing and, where appropriate, feed back to them on actions taken to address them.

We collect demographic information (such as home postcode, gender, age range and ethnic grouping) to assist with obtaining a representative sample of responses and to ensure that responses are from residents of the Derbyshire Police force area. Provision of this information will always be optional and is not required in order to complete the consultation.

#### **d) What is the legal basis for our use of your personal information?**

The legal basis we rely on to process your personal data is article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary to perform our public tasks.

#### **e) Who will we share your personal information with?**

Data is collected via Microsoft Forms and stored securely on Derbyshire Police systems. Results from the surveys are published in the public domain but are generalised and do not contain any personal data. If survey data is shared with partners, then it is anonymised before it is shared.

#### **f) How long will we keep your personal information?**

Any personal information you provide when responding to our consultations will be retained for the term of the current Commissioner plus one year for audit purposes.

Summaries of the responses to consultations may be published and remain available indefinitely or as per statutory requirements, but these will not include any personal information.

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

## **Photographs and filming**

### **a) What personal information do we hold?**

Photographs and/or video recordings of you (together referred to as “images”) will constitute personal data if you can be identified from the photograph and/or recording.

When we take images of you, we will ask you to complete a form to record your consent for using them for marketing and publicity purposes or, optionally, for another other stated reason. If you consent for us to do so, we will hold your images, along with the information provided in the consent form.

For children under 16 years of age we will additionally seek parental consent for images to be used.

### **b) How do we collect your personal information?**

Your personal information may be collected in images taken at events you attend and through the consent form that we will ask you to complete.

### **c) For what purposes do we use your personal information?**

We will only use your images for the specific purposes detailed in the consent form for which you have consented to.

### **d) What is the legal basis for our use of your personal information?**

The legal basis that we rely on to process your personal data is consent. You have the right to withdraw your consent for processing at any time. To withdraw your consent, please contact us. Once we have received notification that you have withdrawn your consent, we will delete any images of you and not include such images in any future publications or other materials. We will not be unable to remove your images from publications that have already been circulated though.

### **e) Who will we share your personal information with?**

The OPCC will not share your images with third parties, save for those covered by the consent form (i.e. media contacts when issued with a press release, the



Commissioner's monthly newsletter and social media channels). Third parties may however receive your images by virtue of them receiving or accessing the applicable publication in print or online.

#### **f) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

### **Visiting the office**

#### **a) What personal information do we hold?**

We meet visitors at our office, including:

- dignitaries.
- members of the public by prior appointment.
- journalists.
- external training providers.
- job applicants.
- suppliers and tradespeople; and
- stakeholders and key partners.
- Volunteers and groups

We may retain the name of visitors and details of the organisations they represent. On diary entries we may additionally record details of topics to be discussed at the meeting and/or any relevant supporting information provided.

#### **b) How do we collect your information?**

We ask all visitors to sign in and out at reception. We may also keep a record of preplanned appointments in the electronic diary of the relevant staff member(s) being visited.

#### **c) For what purposes do we use your personal information?**

We gather this information for security and for fire safety purposes and to enable efficient functioning of the office.

#### **d) What is the legal basis for our use of your personal information?**

The legal basis we rely on to process your personal data is article 6(1)(f) of the GDPR, which allows us to process personal data when it is necessary for the purposes of our legitimate interests.

**e) Who will we share your personal information with?**

We will not share this information with any third parties.

**f) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

**Applying for a job or volunteer role**

**a) What personal information do we hold?**

If you apply for a job or volunteering opportunity with us, we will ask you to complete an application form, which includes a separate equal opportunity monitoring form. We may collect the following information on the application and equal opportunities forms:

- Identity data – name.
- Contact details data – address, email address, telephone number.
- Medical data – sickness absence, disabilities or reasonable adjustments required.
- Equal opportunities data - racial or ethnic origin, mental and physical health, political beliefs, religious beliefs, trade union affiliation, genetic data and data concerning sexual life or orientation. Please note that you do not have to provide this information and it will not affect your application. We will not make the information available to any staff outside our recruitment team, including hiring managers, in a way that can identify you. Any information you provide will be used to produce and monitor equal opportunities statistics.
- Criminal offence data - details of criminal convictions, arrests and cautions.

If you are applying for an OPCC staff role or the Chief Constable role, if successful, you will be asked to complete a medical questionnaire. This will include:

- Medical data - medical history, details of medication/treatment received, sickness absence, disabilities.

If your application is successful and you receive a conditional offer, it is a requirement that all staff are police vetted. The police vetting form has a separate Privacy Notice setting out how your personal data will be processed.

**b) How do we collect your personal information?**

We will collect the above information from the information you provide on your application form and any correspondence with you in relation to your application.

**c) For what purposes do we use your personal information?**

Our purpose for processing this information is to assess your suitability for a role you have applied for.

**d) What is the legal basis for our use of your personal information?**

If you are applying for a job with the OPCC (excluding the Chief Constable role), the legal basis we rely on for processing your personal data is that it is necessary to perform a contract or to take steps at your request before entering a contract.

If you are applying for a volunteering opportunity with the OPCC, the legal basis we rely on for processing your personal data is legitimate interests.

If you are applying for the role of Chief Constable, the legal basis on which we process the above information is in the exercise of our official authority and/or in performance of a task in the public interest. The PCC's specific duty can be found within the Police Reform and Social Responsibility Act 2011.

**e) On what basis do we use special category data?**

The OPCC may sometimes process data about you which is sensitive, known as special category data (as detailed above).

Special category data requires higher levels of protection and we have to have a further justification for collecting, storing and using this type of personal data.

The legal basis we rely on to process any information you provide as part of your application which is special category data, such as health, religious or ethnic information is article 9(2)(b) of the GDPR, which also relates to our obligations in employment and the safeguarding of your fundamental rights and article 9(2)(h) for assessing your work capacity as an employee. Schedule 1 part 1(1) and (2)(a) and (b) of the DPA 2018 also which relates to processing for employment, the assessment of your working capacity and preventative or occupational medicine.

#### **f) On what basis do we use information about criminal convictions?**

Information about criminal conviction requires higher levels of protection and we need to have a further justification for collecting, storing and using this type of personal data.

We will only process this type of data during the course of evaluating your application on the basis that should an offer of employment be made, successful police vetting will be required to gain access to police information, equipment, infrastructure and people assets.

The legal basis we rely on to process any information about your criminal convictions obtained when you apply for a job is Schedule 1 part 1 (1) of the DPA 2018 which relates to processing for employment purposes and the assessment of your working capacity.

#### **g) Who will we share your personal information with?**

We will share your personal information with the following parties:

- Derbyshire Police HR team (as the OPCC uses the services of the HR team for processing applications).
- Derbyshire Police Vetting Unit (for processing the police vetting form).

In relation to the appointment of the Chief Constable and senior OPCC post holders, we may also share your personal information with the following parties:

- Home Secretary (Chief Constable only).
- Police and Crime Panel (as they have a statutory role in relation to the review of senior appointments).
- College of Policing (if we use their services to aid the recruitment process).
- Independent interview panel members (as notified to you in advance).

#### **h) How long will we keep your personal information?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

#### **10) Failure to provide personal data**

If you fail to provide certain information when requested, we may be prevented from complying with our statutory functions (such as complaint handling) and we may be unable to respond adequately or provide the right assistance.

## **11) Sharing your personal data**

The identity of any third parties with whom we may share your personal data is set out in each specific circumstance of data collection detailed above. The OPCC may also share your data with some or all of the following (but only where necessary):

- Other public sector bodies the OPCC works with, for example, Derbyshire Police or Derbyshire County Council.
- OPCC agents, suppliers and contractors.
- On occasion, local authorities or not for profit bodies with which the OPCC is carrying out joint ventures, e.g. in relation to facilities or events for the community.

These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect personal data.

## **12) How long is personal data retained?**

For more information about how long we hold personal data and see our retention schedule please contact the OPCC on the information at the end of this notice.

Please note that we have certain statutory obligations to retain some data in connection with our statutory obligations as a public authority.

We may also retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). The OPCC will retain some personal data for this purpose as long as it is believed to be necessary to be able to defend or pursue a claim. In general, the OPCC will endeavour to keep data only for as long as it is required. This means that it will be deleted when it is no longer needed.

## **13) You Individual Rights**

There are a number of rights in relation to your personal data as outlined below.

When you seek to exercise any of your rights the OPCC may require an information form to be completed and identification may be required. The form can be found on our website here - <https://www.derbyshire-pcc.gov.uk/Transparency/Freedom-ofInformation/Information-Request-Form.aspx>

Alternatively, you can email the OPCC on – [PCCOffice@Derbyshire.PNN.Police.UK](mailto:PCCOffice@Derbyshire.PNN.Police.UK) or call the OPCC on – 0300 122 6000

## **You have the following rights with respect to your personal data:**

### **Right of Access**

This is commonly known as subject access. You can submit a Subject Access Request (SAR) to:

- Confirm whether your data is being processed
- Gain access to your personal data
- Verify the lawfulness of the processing; and
- Access other supplementary information – however all other information should be held in the relevant privacy notice.

From the 25 May 2018 subject access requests can be made verbally or in writing and will be free of charge, unless we consider your request to be:

- deemed as manifestly unfounded, or
- excessive or repetitive

If we deem one of the above to be the case, we may request a reasonable fee or refuse to process your request. If a fee is applied this will be based on the administrative cost of providing the information to you.

We must provide you with your information within one month of receiving your subject access request, however we can lawfully extend this by a further two months if your request is complex or numerous. If there is a delay in dealing with your request, we will inform you within one month of receipt of your request and explain why the extension is necessary.

We may also be required to ask you for documents to prove your identity. If this is required, then the one month will commence from the date your identity is confirmed.

If we refuse to process your request we will explain why and inform you of your right to complain to the Information Commissioner, and to a judicial remedy within one month of receipt.

### **Right to Rectification**

You are entitled to have personal data rectified if it is inaccurate or incomplete.

Requests for rectification will be responded to within one month of receipt however if we believe your request to be manifestly unfounded or excessive then we may

request a reasonable fee or refuse to deal with your request. The fee will be based on the administrative costs of complying with your request

If we decide to charge a fee, we will also notify you within one month of receipt however we will not comply with your request until the fee is received.

We may also be required to ask you for documents to prove your identity. If this is required, then the one month will commence from the date your identity is confirmed.

We do have the right to extend the time to respond by a further two months if your request is complex or numerous. We will write to you to advise you of the delay within one month of receiving your request.

If we decide not to act in response to your request for rectification, we will explain why and inform you of your right to complain to the Information Commissioner and to a “judicial remedy”. We will do this within one month of receiving your request.

If we have disclosed personal data deemed as inaccurate or incomplete to others, then we will contact the recipient(s) and inform them of the rectification, unless to do so proves impossible or involves disproportionate effort.

### **Right to Erasure/to be Forgotten**

The right to erasure is also known as ‘the right to be forgotten’. This right enables you to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

The right to erasure is not an absolute right and only applies in the following circumstances.

- Your personal data is no longer necessary for the purpose which we originally collected or processed it for.
- We relied on your consent as your lawful basis for holding the data, and you now wish to withdraw your consent.
- We relied on legitimate interests as our reason for processing your personal data and you now object to us processing your data, and we have no overriding legitimate interest to continue this processing.
- We are processing your personal data for direct marketing purposes and you object to that processing.
- We have processed the personal data unlawfully (i.e. in breach of the lawfulness requirement of the first principle).
- We have to do it to comply with a legal obligation.

We will respond to your request for data portability within one month however this can be extended by two months where the request is complex, or we receive a

number of requests. We will inform you within one month of the receipt of the request and explain why the extension is necessary

We may also request a reasonable fee or refuse to comply with your request for erasure if we consider it is manifestly unfounded or excessive. We will write to you within one month of receipt of your request and explain our decision. Any fee will be based on the administrative costs of complying with the request. If we charge a fee, then your request will not be processed until the fee is received.

If we refuse to process your request we will explain why and inform you of your right to complain to the Information Commissioner, and to a judicial remedy within one month of receipt.

There are some specific circumstances where the right to erasure does not apply and therefore a request may be refused. These reasons could involve data processed for the following purposes:

- To exercise the right of freedom of expression and information.
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest.
- Archiving purposes in the public interest, scientific research historical research or statistical purposes.
- The exercise or defence of legal claims.

If we have disclosed your personal data to others, including making it public on an online environment, and then subsequently erase on request, we will contact the recipient(s) and inform them of the erasure, unless to do so proves impossible or involves disproportionate effort.

### **Right to Restrict**

Individuals have a right to 'block' or suppress processing of personal data. When processing is restricted, organisations are permitted to store the personal data, but not further process it.

Organisations can retain just enough information about the individual to ensure that the restriction is respected in future.

The right to restrict processing is not an absolute right and only applies in certain circumstances.

We are required to restrict the processing of your personal data in the following circumstances:

- Where you contest the accuracy of your personal data, we must restrict the processing until we have verified the accuracy of your personal data.



- We have unlawfully processed your personal data and you oppose the erasure and request restriction instead.
- We no longer need the personal data, but you need us to keep it in order to establish, exercise or defend a legal claim.
- You have objected to us processing your data under Article 21(1), and we are considering whether our legitimate grounds override your right to object.

We will respond to your request for data portability within one month however this can be extended by two months where the request is complex, or we receive a number of requests. We will inform you within one month of the receipt of the request and explain why the extension is necessary

We may also request a reasonable fee or refuse to comply with your request for restriction if we consider it is manifestly unfounded or excessive. We will write to you within one month of receipt of your request and explain our decision. Any fee will be based on the administrative costs of complying with the request. If we charge a fee, then your request will not be processed until the fee is received.

If we refuse to process your request we will explain why and inform you of your right to complain to the Information Commissioner, and to a judicial remedy within one month of receipt.

If we have disclosed personal data to others, which we subsequently restrict on request, then we will contact the recipient(s) and inform them of the erasure, unless to do so proves impossible or involves disproportionate effort.

We will also advise you when the restriction on processing is lifted.

### **Right to Data Portability**

The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services.

It allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

The right to data portability only applies:

- To personal data you have provided to a data controller,
- where the processing is based on your consent or for the performance of a contract, and
- when processing is carried out by automated means.

We will provide your personal data in a structured, commonly used and machine-readable form. Open formats include CSV files. Machine-readable means that the information is structured so that software can extract specific elements of the data.

This enables other organisations to use your data.

The information will be provided free of charge.

If requested and technically feasible we will transmit the data directly to another organisation.

If your personal data concerns more than your own data, we must consider whether providing the information would prejudice the rights of the other person.

We will respond to your request for data portability within one month however this can be extended by two months where the request is complex, or we receive a number of requests. We will inform you within one month of the receipt of the request and explain why the extension is necessary.

Where we are not acting in response to a request, we will explain why and inform you of your right to complain to the Information Commissioner and to a judicial remedy without undue delay and at the latest within one month.

## **Right to Object**

Individuals have the right to object to:

- The processing of your personal data based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling).
- The processing of their personal data for direct marketing (including profiling).
- The processing of their personal data for the purposes of scientific/historical research and statistics.

We will stop processing your personal data unless:

- We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual, or
- the processing is for the establishment, exercise or defence of legal claims.

We will inform you of your right to object at the point of first communication and in our privacy notice.

If we are conducting research where the processing of personal data is necessary for the performance of a public interest task, we are not required to comply with an objection to the processing.

## **Rights relating to Automated Decision Making**

Automated individual decision making, and profiling is a decision made by automated means without any human involvement.

Examples of where an organisation may use this includes:

- An online decision to award a loan and
- a recruitment aptitude test which uses pre-programmed algorithms and criteria.

The new data protection law will restrict organisations from making solely automated decisions, including those based on profiling, that have a legal or similarly significant effect on individuals.

The restriction only covers solely automated individual decision-making that produces legal or similarly significant effects, although these effects are not defined, the decision must have a serious negative impact on an individual to be caught by this provision.

A legal effect is something that adversely affects someone's legal rights. Similarly, significant effects are more difficult to define but would include, for example, automatic refusal of an online credit application, and e-recruiting practices without human intervention.

We will only carry out solely automated decision making with legal or similarly significant effects if the decision is:

- Necessary for entering into or performance of a contract between an organisation and the individual.
- Authorised by law (for example, for the purposes of fraud or tax evasion).
- Based on the individual's explicit consent.
- The processing is necessary for reasons of substantial public interest.

## **14) Restrictions on Information Rights**

When dealing with your information rights request, a data controller or processor can restrict your rights if they consider it necessary to safeguard:

- (a) National security.
- (b) Defence.
- (c) Public security.

- (d) 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.
- (e) Other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security.
- (f) The protection of judicial independence and judicial proceedings.
- (g) The prevention, investigation, detection and prosecution of breaches of ethics for regulated professions.
- (h) A monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (e) and (g).
- (i) The protection of the data subject or the rights and freedoms of others.
- (j) The enforcement of civil law claims.

If we do place a restriction, then we will advise you unless we believe by doing so would undermine the purpose for the restriction. We will advise you of your right to complain to the Information Commissioner.

### **15) Right to withdraw Consent**

The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained. If the lawful basis on which we process your data is based on your consent you can withdraw your consent easily at any time by contacting us via telephone, email, or by post using the details at the end of this Privacy Notice.

### **16) Right to lodge a complaint with the ICO**

If you are concerned about the way we have handled your personal information, you have the right to make a complaint to the Information Commissioners Office (ICO).

You can contact the ICO using the following contact details:

Address:

Information Commissioner's Office,  
 Wycliffe House,  
 Water Lane,  
 Wilmslow,

Cheshire

SK9 5AF

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

Tel: 0303 123 1113

Website: <https://ico.org.uk/>

## **17) Data Protection Officer/OPCC contact details**

The OPCC is a public authority and therefore we have appointed a Data Protection Officer (DPO) in compliance with Article 37 of the General Data Protection Regulation. The Data Protection Officer (DPO) is accountable to the Chief Executive of the OPCC. The DPO is responsible for reporting risks or opportunities and recommending appropriate actions in relation to the OPCC's processing of personal information.

You can contact the Data Protection Officer in relation to any issues you have with the processing of your personal information, including exercising any of your rights or making a complaint.

E-mail: [PCCOffice@Derbyshire.PNN.Police.UK](mailto:PCCOffice@Derbyshire.PNN.Police.UK)

### **By post:**

Data Protection Officer for the Police and Crime Commissioner  
Office for Derbyshire  
Butterley Hall  
Ripley  
Derbyshire DE5  
3RS

### **By phone:**

0300 122 6003

## **18) Transfers of data abroad**

The OPCC will not normally transfer your data outside the European Economic Area ("EEA"). However, if this is required at any time, any personal data transferred to countries or territories outside the EEA will only be placed on systems complying with measures giving equivalent protection of personal rights, either through international agreements or contracts approved by the European Union.

## **19) Further processing**

If the OPCC wishes to use your personal data for a new purpose not covered by this Privacy Notice, then the OPCC will provide you with a new Privacy Notice explaining this new use prior to commencing the processing. The Privacy Notice will set out the

relevant purposes and processing conditions. Whenever necessary, the OPCC will seek your prior consent to the new processing.

## **20) Automated decision making and Profiling**

Automated decision-making is the process of making a decision by automated means without any human involvement (credit search). Profiling analyses aspects of an individual's personality, behaviour, interests and habits to make predictions or decisions about them. The OPCC does not carry out any automated or profiling on individuals.

## **21) Service adjustments/Equalities Act 2010**

As a public authority and a provider of services to the public, we have a legal duty to comply with the Equality Act (2010).

This means we need to make service adjustments for anyone with a disability who contacts us in any capacity, to eliminate any barriers to accessing our services. Our legal basis for processing this information is article 6(1)(c) of the GDPR as we have a legal obligation to provide this. Our processing of special category data, such as health information you give us, will be based on article 9(2)(a), which means we need your consent.

We'll create a record of your adjustment requirements. This will include your name, contact details and type of adjustment required, along with a brief description of why it is required. Relevant staff will then be able to access this data to ensure they are communicating with you in the required way.

The length of time that we keep personal data depends upon our reasons for collecting it and any legislation that may govern our retention periods. Details of our retention periods for specific circumstances are set out in our Retention Policy.

**22) Children's data** We do not provide services directly to children or proactively collect their personal information. However, we are sometimes given information about children while handling a complaint, conducting an investigation or providing a service. The information in the relevant parts of this notice applies to children as well as adults.

The length of time that we keep personal data depends upon our reasons for collecting it and any legislation that may govern our retention periods. Details of our retention periods for specific circumstances are set out in our Retention Policy.

### **23) Single point of contact**

We may provide a single point of contact if you or we (or both) believe it will help to create a better outcome for all concerned.

The legal basis we rely on to process your personal data is article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary to perform our public tasks.

A decision will be made by a senior member of management, normally the Chief Executive of the OPCC, to give you a single point of contact. This may be where you have several complaints and we believe it will be more efficient for us to deal with them in this way. We'll make a record of the fact that you have a single point of contact. All relevant staff will know about using it to manage communications between our office and you. It will include your name, contact details and a description of the need to have a single point of contact. We'll review this requirement from time to time.

The length of time that we keep personal data depends upon our reasons for collecting it and any legislation that may govern our retention periods. Details of our retention periods for specific circumstances are set out in our Retention Policy.

### **23) Restricted contact**

We may impose a restriction on your access to our services if it's necessary to protect our staff from unacceptable behaviour as defined in our policy for dealing with unreasonable and unreasonably persistent complainants and vexatious complaints.

The legal basis we rely on to process your personal data is article 6(1)(e) of the General Data Protection Regulation (GDPR), which allows us to process personal data when this is necessary to perform our public tasks as a regulator.

If we do this, we'll explain to you the restriction we have applied and why we feel it's necessary. We'll create a record of the restriction for administration purposes, so relevant staff members know the restriction is in place. This will include your name, contact details and a description of why we have imposed a restriction. This will be held on our restricted contact list.

The decision to impose a restriction will be taken, and reviewed, by a senior manager, normally the Chief Executive of the OPCC. We'll write to you explaining why we've applied the restriction. We'll review the restriction periodically. We'll remove it if we feel your behaviour has changed or if you no longer communicate with us.

The length of time that we keep personal data depends upon our reasons for collecting it and any legislation that may govern our retention periods. Details of our retention periods for specific circumstances are set out in our Retention Policy.

## **25) How do we keep your information safe?**

The OPCC as Data Controller takes the security of all personal information under our control very seriously. We will comply with the relevant parts of the legislation relating to security.

We will ensure that appropriate policy, training, technical and procedural measures are in place. These will include, but are not limited to, ensuring our buildings are secure and protected by adequate physical means and that our systems meet appropriate industry and government security standards.

## **26) Changes to this notice**

This Privacy Notice is a live document so will be updated whenever changes are realised, however, the Privacy Notice will be updated every three years for audit reasons and to ensure the document is fit for purpose.

**END**