

Personal Data and Saving Documents Guide

December 2019

Personal Data

Personal data is: Information which relates to a living individual who can be identified from the data, or from the data and other information which is in the possession of, or is likely to come in to the possession of, the data controller.

The information may be in either electronic or manual format.

The GDPR defines special category data as:

- Personal data revealing **racial or ethnic origin**.
- Personal data revealing **political opinions**.
- Personal data revealing **religious or philosophical beliefs**.
- Personal data revealing **trade union membership**.
- **Genetic data**.
- **Biometric data** (where used for identification purposes).
- Data concerning **health**.
- Data concerning a person's **sex life**.
- Data concerning a person's **sexual orientation**.

This does not include personal data about criminal allegations, proceedings or convictions, as separate rules apply for criminal offence data that apply to law enforcement agencies.

The Information Commissioner's Office has produced a quick reference guide to identify whether a document contains personal data. This is a useful resource should you be unsure.

Consent

Consent must be gained before sending any personal information to another organisation, e.g. the Police.

Consent under GDPR must be:

- Freely given.
- Specific.
- Informed and;
- An unambiguous indication of the individual's wishes.
- Must be separate from other terms and conditions.
- There must be a simple way for people to withdraw their consent.
- Has to be verifiable.

We need to be able to show that consent was given, and it is advisable to have this in e-mail or writing before sending any information on.

The only circumstance where this would not apply is if there is a safeguarding issue where the safety of an individual or a group of people is at risk. In this circumstance, you can share personal data only for this purpose, so you could contact the police if a telephone call were received from a person you believed could harm themselves or others. This should be fully documented on a file note after the event.

Retention Schedule

The Retention Schedule outlines how long documents should be retained for. This will not cover everything and discretion should be used before deleting any information. For instance, if we have a vexatious complainant who is likely to be in contact in the future, it might be prudent to keep a record of past contacts for reference.

The Retention Schedule is an evolving document, with new work areas or different types of data being added as required.

If you are unsure, ask before deleting anything.

Saving Documents

Documents and e-mails should be saved in the Force J Drive, OPCC, Works, OPCC 16-20, and then in to the relevant folder. They should not be saved in to personal drives or on the desktop.

When a new filing system is set up for the 2020-2024 PCC term of office, this provides an opportunity to review the folders in the shared drive to ensure they fulfil the needs of the office and to make it easy to find information.

E-mails

Any e-mails containing personal information, e.g. correspondence, should be saved in to the correspondence folder under the name of the person or the organisation (Surname, First Name or organisation name). The e-mail should be saved with the date first – Year, Month, Day, followed by what the e-mail refers to, i.e. 2019.11.01 Response to Mr J Bloggs e-mail ref speeding.

The e-mail should then be deleted from your e-mail sent folder, the original e-mail received from the OPCC inbox or another officer should be deleted from your own mailbox, and the original e-mail in the OPCC inbox should be deleted from there.

Any e-mails that you send or receive in relation to a contact should be saved in to the same folder and deleted as above.

There should only be one record of each contact that is easily accessible.

How to Save an E-mail

Double click on the e-mail from your inbox which will open the e-mail as a new tab.

Then click on 'File' which is in the top left of the screen. From here, click on 'Save As'. Then select the relevant folder to save the e-mail. Once this has been done, check the e-mail is saved in the electronic filing and delete the original e-mail from your inbox. This process will need to be repeated for each e-mail that you send or receive in relation to correspondence or that contains personal data, including e-mails received from other organisations in relation to the contact.

Letters

Letters should be scanned in on arrival to the OPCC, saved in the correct format, to the relevant folder on the shared drive and then shredded. Original letters should only be kept in relation to legal matters, such as contracts or grant terms and conditions, in which case they should be filed in a central filing system, that is clearly labelled and logged on the shared drive.

Letters should not be kept in drawers or individual filing systems, and should be accessible to others, but held securely. Therefore, the central filing system should be placed in a cupboard that is locked but that all officers can access as required.

Telephone Calls

A file note should be kept of any telephone calls with members of the public raising case work. This should be saved in the appropriate correspondence folder .

Should consent be required to pass on information, where possible, this should be given in writing by e-mail or letter and should be asked for during the conversation. The information should not be forwarded on until consent has been received unless there is an urgent safeguarding need. Where written consent is not possible, the person should be encouraged to make direct contact themselves.

Meeting Papers

The OPCC should not receive meeting agendas or papers that contain personal details or information that could be used to identify an individual. If information such as this is received, the meeting organiser should be contacted and advised that we should only receive anonymised personal information. The information received should then be deleted.

Meeting papers and agendas should be saved in to the shared directory in to the Meetings folder and then the relevant meeting folder should be selected or added, with the meeting papers saved in a folder with the date set out as Year.Month.Day e.g. 2019.12.11.

Saving Multiple Attachments from an E-mail

To save meeting papers, etc, that have been received by e-mail, right click on one of the attachments and click save all attachments. Then click OK when all of the attachments are highlighted in a box. This will then open the folders for you to select where to save the files and all attachments will be saved.

General Information

Any information relevant to your work area, whether it contains personal data or not, should be saved on to the shared drive in the relevant folder, whether that be a meeting folder, correspondence or within the governance folder under the specific work area.

The development of folders for the 2020-2024 PCC term of office will be considered in the coming months to make the system easy to use and locate information.