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DATA PROTECTION AND REQUESTS FOR PERSONAL DATA

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Office of the Police and Crime
Commissioner for Warwickshire



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Policy/Procedure Title	Data Protection and Requests for Personal Data
Responsible Party	Chief Executive and Monitoring Officer

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Disclosable under Freedom of Information Act 2000	Yes

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Revision record

Date	Nature of revision

1. Background

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 Warwickshire Office of the Police and Crime Commissioner (OPCC), as a data controller, to ensure that personal data processed by the OPCC 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 third 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.

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

The OPCC Privacy Notice provides more information about how the OPCC processes personal data and your rights.

3. Access to Personal Data

Under Data Protection laws, you have a statutory right to have access to personal data the OPCC holds about you.

You have the right to obtain:

- Confirmation as to whether your data is being processed by the OPCC.
- Any available information as to its origin.
- Access to any personal data held about you.

The OPCC will provide the information requested free of charge. However, if the request is manifestly unfounded or excessive, or if you ask for additional copies of your personal data, the OPCC may require you to pay a reasonable fee based on the administrative cost of providing the information. On receiving your request, you will be advised should this apply and how much the fee will be.

4. Correction to Personal Data

You have the right to have your data corrected, for example if it is inaccurate or incomplete.

In some circumstances you have the right to:

- Have your data deleted or removed, for example, where there is no compelling reason for its continued processing.
- Restrict the processing of your personal data.

More information about Data Protection and your rights can be found in our Privacy Notice and on the [Information Commissioner's website](#).

5. Requesting Access to your Personal Data

Where the Warwickshire Police and Crime Commissioner is the data controller for your personal information, you can apply for access to this data using a process called a subject access request.

You will need to complete the subject access request form and provide proof of your identity, to include at least two official documents which between them clearly show your name, date of birth, current address and signature. Photocopies are acceptable as long as the copy is clear.

Examples for date of birth confirmation include:

- Birth/adoption certificate.
- Medical card.
- Passport.
- A photo card driver's licence (The counter-part/paper portion is unsuitable as the date of birth is encoded).

Examples for current address confirmation include:

- Utility bill.
- Council tax bill.
- Bank/credit card statement.
- Correspondence from the Inland Revenue or Benefit Agency, mortgage lender, professional body or solicitor's letter.
- Correspondence from your employer, e.g. payslip or letter of appointment.

Failure to provide the correct proof of identity may prevent the OPCC from releasing the information if we cannot otherwise establish your identity. We may request additional information from you to help confirm your identity and your right to access, and to provide you with the personal data we hold about you. We reserve the right to refuse to act on your request if we are unable to identify you.

6. Our Response to your Request for Access to your Personal Data

In response to your request, we will provide you with the information required by data protection law, including information on:

- The purposes of processing.
- Categories of personal data processed.
- Recipients or categories of recipients who receive personal data from us.
- How long we store the personal data, or the criteria we use to determine retention periods.
- Information on the personal data's source if we do not collect it directly from you.
- Whether we use automated decision-making, including profiling, the auto-decision logic used, and the consequences of this processing.
- Your right to:
 - request correction or erasure of your personal data;
 - restrict or object to certain types of processing with respect to your personal data; and
 - make a complaint with the local data protection authority.

The information will be provided within one calendar month of receipt of your request, unless your request is complex or you send a large number of requests, in which case the OPCC may need more time to provide the information. You will be informed of this and provided with an explanation, along with anticipated timescales.

In some cases, the OPCC may not be able to respond to your request, for example, if the request is unfounded, excessive or repetitive. When the OPCC cannot respond to your request, you will be provided with an explanation why.

If the information you request reveals personal data about a third party, we will either seek that individual's consent before responding to your request, or we will redact third parties' personal data before responding. If we are unable to provide you with access to your personal data because disclosure would violate the rights and freedoms of third parties, we will notify you of this decision.

Applicable law may allow or require us to refuse to provide you with access to some or all of the personal data that we hold about you, or we may have destroyed, erased, or made your personal data anonymous in accordance with our record retention obligations and practices. If we cannot provide you with access to your personal data, we will inform you of the reasons why, subject to any legal or regulatory restrictions.

If you consider that a request by you for access to your personal data has not been dealt with properly by the OPCC, you may write to either of the following:

- Data Protection Officer for Warwickshire OPCC, Warwickshire Legal Services, Resources Group, Warwickshire County Council, Warwick CV34 4RL.
- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

The Information Commissioner is empowered to assess whether there has been a failure to comply with Data Protection laws. The Commissioner can issue enforcement proceedings if satisfied that there has been a contravention of the data protection principles and can also recommend that you apply to court alleging a failure to comply with the provisions of the laws. The court may make an order requiring compliance with those provisions and may also award compensation for any damages you have suffered as well as any associated distress.

7. Information where the Warwickshire OPCC is not the Data Controller

If the information you request is not held by the Warwickshire 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.