



## How we use Personal Data

### Introduction

This document explains how the Cheshire Constabulary obtains, holds, uses and discloses information about people (their personal data<sup>1</sup>), the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal data handled by the Cheshire Constabulary<sup>2</sup>.

The use and disclosure of personal data is governed in the United Kingdom by the Data Protection Act 1998 ('the Act'). The Chief Constable of Cheshire Constabulary is registered with the Information Commissioner as a 'data controller' for the purposes of the Act. As such he is obliged to ensure that the Cheshire Constabulary handles all personal data in accordance with the Act. The Cheshire Constabulary takes that responsibility very seriously and takes great care to ensure that personal data is handled appropriately in order to secure and maintain individuals' trust and confidence in the force.

### 1. Why do we handle personal data?

The Cheshire Constabulary obtains, holds, uses and discloses personal data for two broad purposes:

1. The Policing Purpose – which includes the prevention and detection of crime; apprehension and prosecution of offenders; protecting life and property; preserving order; maintenance of law and order; rendering assistance to the public in accordance with force policies and procedures; and any duty or responsibility of the police arising from common or statute law.
2. The provision of services to support the Policing Purpose – which include:
  - Staff administration, occupational health and welfare;
  - Management of public relations, journalism, advertising and media;
  - Management of finance;
  - Internal review, accounting and auditing;
  - Training;
  - Property management;
  - Insurance management;
  - Vehicle and transport management;

<sup>1</sup> 'Personal Data' is defined under Section 1 of the Data Protection Act 1998. In practical terms it means information handled the Cheshire Constabulary that relates to identifiable living individuals. It can include intentions and expressions of opinion about the individual. The information can be held electronically or as part of paper records, and can include CCTV footage and photographs. For ease of readers this document refers to the handling, use, holding etc of personal data – Section 1 of the Act uses the term 'processes' to effectively cover any usage of personal data.

<sup>2</sup> This document is designed to help satisfy the 'Fair Processing Requirements' as required by Schedule 1 Part 2 Paragraphs 1 to 4 of the Data Protection Act 1998 and may be regarded as a generic over-arching 'Fair Processing Notice' for the Cheshire Constabulary. Additional more specific Fair Processing Notices may appear in other circumstances such as on forms, force policies, email footers, or CCTV signage.

- Vetting;
- Payroll and benefits management;
- Management of complaints;
- Management of information technology systems;
- Legal services;
- Information provision;
- Licensing and registration;
- Pensioner administration;
- Research, including surveys<sup>3</sup>;
- Performance management;
- Sports and recreation;
- Procurement;
- Planning;
- System testing;
- Security;
- Health and safety management

## **2. Whose personal data do we handle?**

In order to carry out the purposes described under paragraph 1 above the Cheshire Constabulary may obtain, use and disclose (see paragraph 7 below) personal data relating to a wide variety of individuals including the following:

- Staff including volunteers, agents, temporary and casual workers;
- Suppliers;
- Complainants, correspondents and enquirers;
- Relatives, guardians and associates of the individual concerned;
- Advisers, consultants and other professional experts;
- Offenders and suspected offenders;
- Witnesses;
- Victims;
- Former and potential members of staff, pensioners and beneficiaries;
- Other individuals necessarily identified in the course of police enquiries and activity.

The Cheshire Constabulary will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information i.e. CCTV images.

## **3. What types of personal data do we handle?**

In order to carry out the purposes described under paragraph 1 above the Cheshire Constabulary may obtain, use and disclose (see paragraph 7 below)

<sup>3</sup> Cheshire Constabulary and Cheshire Police Authority use a range of methods, including face-to-face interviews, telephone and postal surveys, both to identify community priorities and to establish public satisfaction levels so our performance and effectiveness can be evaluated and improved. Depending on the purpose of the survey, the questionnaires may be targeted at members of the public chosen randomly according to accepted statistical principles, or specifically at victims or witnesses of crime or other incidents. Cheshire Constabulary, like many police forces, uses a private company to undertake some surveys on our behalf with strict controls to protect the personal data of those involved.

personal data relating to or consisting of the following:

- Personal details such as name, address and biographical details;
- Family, lifestyle and social circumstances;
- Education and training details;
- Employment details;
- Financial details;
- Goods or services provided;
- 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 (including alleged offences);
- Criminal proceedings, outcomes and sentences;
- Physical identifiers including DNA, fingerprints and other genetic samples;
- Sound and visual images;
- Licenses or permits held;
- Criminal Intelligence;
- References to manual records or files;
- Information relating to health and safety;
- Complaint, incident and accident details.

The Cheshire Constabulary will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information i.e. CCTV images.

#### **4. Where do we obtain personal data from?**

In order to carry out the purposes described under paragraph 1 above the Cheshire Constabulary may obtain personal data from a wide variety of sources, including the following:

- Other law enforcement agencies;
- HM Revenue and Customs;
- International law enforcement agencies and bodies;
- Licensing authorities;
- Legal representatives;
- Prosecuting authorities;
- Defence solicitors;
- Courts;
- Prisons;
- Security companies;
- Partner agencies involved in crime and disorder strategies;
- Private sector organisations working with the police in anti-crime strategies;
- Voluntary sector organisations;
- Approved organisations and people working with the police;
- Independent Police Complaints Commission;
- Her Majesty's Inspectorate of Constabulary;

Auditors;  
Police Authority;  
Central government, governmental agencies and departments;  
Emergency services;  
Individuals themselves;  
Relatives, guardians or other persons associated with the individual;  
Current, past or prospective employers of the individual;  
Healthcare, social and welfare advisers or practitioners;  
Education, training establishments and examining bodies;  
Business associates and other professional advisors;  
Employees and agents of the Cheshire Constabulary;  
Suppliers, providers of goods or services;  
Persons making an enquiry or complaint;  
Financial organisations and advisors;  
Credit reference agencies;  
Survey and research organisations;  
Trade, employer associations and professional bodies;  
Local government;  
Voluntary and charitable organisations;  
Ombudsmen and regulatory authorities;  
The media;  
Data Processors working on behalf of the Cheshire Constabulary.  
The Cheshire Constabulary may also obtain personal data from other sources such as its own CCTV systems, or correspondence.

#### **5. How do we handle personal data?**

In order to achieve the purposes described under paragraph 1 the Cheshire Constabulary will handle personal data in accordance with the Act. In particular we will ensure that personal data is handled fairly and lawfully with appropriate justification. We will strive to ensure that any personal data used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and non excessiveness, is kept as up to date as required, is protected appropriately, and is reviewed, retained and securely destroyed when no longer required. We will also respect individuals' rights under the Act (see paragraph 8 below).

#### **6. How do we ensure the security of personal data?**

The Cheshire Constabulary takes the security of all personal data under our control very seriously. We will comply with the relevant parts of the Act relating to security, and seek to comply with the Association of Chief Police Officers' Community Security Policy and relevant parts of the [ISO27001 Information Security Standard](#).

We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and inspection, to protect our manual and electronic information systems from data loss and misuse, and only permit access to them when there is a legitimate reason to do so, and then under strict guidelines as to what use may be made of any personal data contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

## **7. Who do we disclose personal data to?**

In order to carry out the purposes described under paragraph 1 above the Cheshire Constabulary may disclose personal data to a wide variety of recipients in any part of the world, including those from whom personal data is obtained (as listed above). This may include disclosures to other law enforcement agencies, partner agencies working on crime reduction initiatives, partners in the Criminal Justice arena, Victim Support, and to bodies or individuals working on our behalf such as IT contractors or survey organisations. We may also disclose to other bodies or individuals where necessary to prevent harm to individuals.

Disclosures of personal data will be made on a case-by-case basis, using the personal data appropriate to a specific purpose and circumstances, and with necessary controls in place.

Some of the bodies or individuals to which we may disclose personal data are situated outside of the European Union - some of which do not have laws that protect data protection rights as extensively as in the United Kingdom. If we do transfer personal data to such territories, we will take proper steps to ensure that it is adequately protected as required by the Act.

The Cheshire Constabulary will also disclose personal data to other bodies or individuals when required to do so by, or under, any act of legislation, by any rule of law, and by court order. This may include disclosures to the Child Support Agency, the National Fraud Initiative, the Home Office and to the Courts.

The Cheshire Constabulary may also disclose personal data on a discretionary basis for the purpose of, and in connection with, any legal proceedings or for obtaining legal advice.

## **8. What are the rights of the individuals whose personal data is handled by the Cheshire Constabulary?**

Individuals have various rights enshrined in the Act:

### **Subject Access**

The most commonly exercised right is that used by individuals to obtain a copy, subject to exemptions, of their personal data processed by the Cheshire Constabulary. Details of the application process, known as 'Subject Access' can be found from the force internet at:

<http://www.cheshire.police.uk/search.aspx?terms=subject%20access>

Alternatively individuals may contact the Cheshire Constabulary Data Protection Officer (see paragraph 11 below).

### **Right to prevent processing likely to cause damage or distress**

Under Section 10 of the Act an individual is entitled, in limited circumstances, to write to The Cheshire Constabulary requiring that we do not handle their personal data in a manner that was causing or would be likely to cause unwarranted substantial damage or substantial distress to themselves or another person.

Requests under Section 10 must describe the personal data involved; describe the handling to which the individual objects; state that the handling was causing or would be likely to cause substantial damage or substantial distress to him/her or another; describe the damage or distress; state that the damage or distress was/would be unwarranted; and give reasons why the handling was causing/would cause such distress and was/would be unwarranted.

All requests of this nature may be sent in writing to the Cheshire Constabulary Data Protection Officer (see paragraph 11 below). It is worth noting that the Act includes certain provisions which may mean in a particular case the Cheshire Constabulary can continue to handle the personal data as intended despite the objection.

### **Right to Prevent Processing for the Purposes of Direct Marketing**

Although the Cheshire Constabulary does not engage in direct-marketing, under Section 11 of the Act and subject to certain exemptions, an individual has the right to request in writing that The Cheshire Constabulary stops within a reasonable time, or does not start, using their personal data for direct marketing purposes. This includes the communication by any means (e.g. mail, email, telephone, door-to-door canvassing) of any advertising or marketing material directed at particular individuals.

Any requests under Section 11 may be sent to the Cheshire Constabulary Data Protection Officer (see paragraph 11 below).

### **Rights in relation to automated decision-taking**

Although the Cheshire Constabulary is unlikely to carry out any automated decision-taking that does not involve some human element, under Section 12 of the Act and subject to certain exemptions, an individual has the right to require that the Cheshire Constabulary ensures that no decision that would significantly affect them is taken by the Cheshire Constabulary or on its behalf purely using automated decision-making software. The right has to be exercised in writing. If there is a human element involved in the decision-making the right does not apply. Requests under Section 11 may be sent to the Cheshire Constabulary Data Protection Officer (see paragraph 11 below).

### **Right to take action for compensation if the individual suffers damage by any contravention of the Act by data controllers**

Under Section 13 of the Act any individual who believes they have suffered damage and/or distress as a result of any contravention of the

requirements of the Act may be entitled to compensation from the Cheshire Constabulary where the force is unable to prove that it had taken such care as was reasonable in all the circumstances to comply with the relevant requirement.

Any claim for compensation arising from this provision may be sent to the

Force Solicitors Office,  
Cheshire Constabulary HQ,  
Clemonds Hey,  
Oakmere Road,  
Winsford,  
CW7 2UA

### **Right to take action to rectify, block, erase or destroy inaccurate data**

Under Section 14 of the Act an individual has the right to seek a court order for the rectification, blocking, erasure or destruction of their inaccurate personal data handled the Cheshire Constabulary. The right cannot be exercised directly to the Cheshire Constabulary.

### **Right to request the Information Commissioner to assess a data controller's processing**

Under Section 42 of the Act any person can request the Information Commissioner to make an assessment if they believe that they are/have been adversely affected by the handling of personal data by the Cheshire Constabulary. Such requests should be made direct to the Information Commissioner whose contact details can be found below.

Generally if individuals have any concerns regarding the way their personal data is handled by the Cheshire Constabulary or the quality (accuracy, relevance, non-excessiveness etc.) of their personal data they are encouraged to raise them with the Cheshire Constabulary Data Protection Officer (see paragraph 11 below).

The Information Commissioner is the independent regulator responsible for enforcing the Act and can provide useful information about the Act's requirements. The Information Commissioner's Office may be contacted at the following address:

The Information Commissioner's Office,  
Wycliffe House,  
Wilmslow,  
Cheshire,  
SK9 5AF  
Telephone: 01625 545700  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

### **9. How long does the Cheshire Constabulary retain personal data?**

The Cheshire Constabulary keeps personal information as long as is necessary for the particular purpose or purposes for which it is held. Personal information which is placed on the Police National Computer is retained, reviewed and deleted in accordance with agreed national retention period which are subject to period change.

Other records containing personal information relating to intelligence, custody, crime, firearms, child abuse investigations, domestic violence will be retained in accordance with the ACPO endorsed Guidance on the Management of Police Information 2006. This can also be found on the Home Office's website - <http://www.crimereduction.homeoffice.gov.uk/policing21.htm>

### **10. Monitoring**

The Cheshire Constabulary may monitor or record and retain telephone calls, texts, emails and other electronic communications to and from the force in order to deter, prevent and detect inappropriate or criminal activity, to ensure security, and to assist the purposes described under section 1 above.

The Cheshire Constabulary does not place a pre-recorded 'fair processing notice' on telephone lines that may receive emergency calls (including misdirected ones) because of the associated risk of harm that may be caused through the delay in response to the call.

### **11. Contact Us**

Any individual with concerns over the way the Cheshire Constabulary handles their personal data may contact our Data Protection Officer as below:

The Data Protection Officer,  
Cheshire Constabulary HQ,  
Clemonds Hey  
Oakmere Road,  
Winsford  
CW7 2UA

Telephone: 01244 612384  
Fax: 01244 614133  
Email: [data.protection@cheshire.pnn.police.uk](mailto:data.protection@cheshire.pnn.police.uk)

Website: [www.cheshire.police.uk](http://www.cheshire.police.uk)