

**Appropriate Policy Document
Schedule 1, Part 4, Data Protection Act 2018**

Processing special category and criminal offence data for the purposes of law enforcement processing.

Who we are

South Yorkshire Police are a competent authority as defined under Schedule 7, Part 1, Data Protection Act 2018 for the purposes of processing special category and criminal offence data for law enforcement purposes.

For further information on what we do, please visit our [website](#).

What this policy does

This policy explains how and why the South Yorkshire Police collects, processes and shares particularly sensitive personal data about you in order to carry out our functions, in accordance with the data protection principles set out in the General Data Protection Regulation 2016 (GDPR.) Sensitive personal data can only be processed lawfully if it is carried out in accordance with this policy. South Yorkshire Police staff must therefore have regard to this policy when carrying out sensitive processing on behalf of the organisation.

Our approach to data protection

The South Yorkshire Police is committed to an information assurance and data governance framework that is clear and accessible and which ensures that the collection and processing of personal data is carried out in accordance with the GDPR and the Data Protection Act 2018 (DPA). This information assurance and governance framework underpinned by a scheme of delegation and a decision-making framework ensuring that data protection is explicitly considered by our staff and senior leaders, including our Senior Information Risk Owner.

The South Yorkshire Police values openness and transparency, and we are committed to abide with the Authorised Policing Practice – Information Management. In addition, we have published a Privacy Notice to assist data subjects and to explain how we handle personal data and describe what information we hold, why we hold it, the legal basis for holding it, who we share it with, and the period we will hold it for.

The South Yorkshire Police has identified Information Asset Owners who are responsible for ensuring that the information their department collects is necessary for the purposes required and is not kept in a manner that can identify the individual any longer than necessary. They are collectively responsible for ensuring that the South Yorkshire Police Information Asset Register is kept up to date and accurately reflects the information the South Yorkshire Police holds and the lawful basis for holding it. This network is supported by every member of staff undertaking mandatory data protection training each year and agreeing via their annual Performance Development Review that they will abide by the relevant legislation, that they understand the processes and policies the South Yorkshire Police has in place to ensure that it is compliant, and that they understand how data protection fits into their job.

Due to the nature of work performed at the South Yorkshire Police, the organisation often needs to share information with other parties. The South Yorkshire Police has Information Sharing

Agreements that govern the transfer of information between parties.

The data protection principles

In summary, Article 5 of the GDPR states that personal data shall be:

- processed lawfully, fairly and transparently
- collected for specific and legitimate purposes and processed in accordance with those purposes
- adequate, relevant and limited to what is necessary for the stated purposes
- accurate and, where necessary, kept up-to-date
- retained for no longer than necessary, and
- kept secure

Special category data and criminal offence data

Special category data

Personal data refers to any information by which a living individual can be identified. Individual identification can be by information alone or in conjunction with other information. Certain categories of personal data have additional legal protections when being processed. These categories are referred to in the legislation as “special category data” and are data concerning:

- health
- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data
- sex life or sexual orientation

Criminal Offence Data

The processing of criminal offence data also has additional legal safeguards. Criminal offence data includes information about criminal allegations, criminal offences, criminal proceedings and criminal convictions.

Special category and criminal offence data we process about you

The South Yorkshire Police collects, processes and shares special category and criminal offence data where it is necessary in order to carry out our functions. If we process personal information about you, you are a “data subject.” Below is a non-exhaustive list of categories of data subjects who we might process information about:

- complainants
- subjects or suspects (i.e. those whose conduct is under investigation)
- witnesses
- victims or survivors
- members of the public (i.e. who contact us with a general enquiry or whom we might speak to during the course of an investigations but who are not witnesses)
- an individual acting on behalf of any other data subject
- medical professionals

- a police and crime commissioner or equivalent or a member of his/her staff

We will collect your special category and criminal offence data from a number of different sources including: you, your family members, victims or survivors, witnesses, interested persons, subjects and suspects, members of the public, the police and other law enforcement agencies, courts and tribunals, security agencies, government bodies and agencies and medical professionals.

We also obtain and process this data for other statutory and legal obligations including, but not limited to:

- responding to data subject requests under data protection legislation
- responding to Freedom of Information Act requests
- in connection with our duties under the Equality Act 2010
- in connection with our duties under Environmental Information Regulations

We may also process your special category or criminal offence data if you are not directly involved in a particular investigation, but we come into contact with you for any other reason that is related to our functions, as set out above.

The legal basis for processing your special category or criminal offence data

As a competent authority it is necessary for us to process your special category and criminal offence data in order to fulfil our public task. These functions are carried out in the public interest.

Processing for the purposes of law enforcement⁷

When we conduct an investigation for the purposes of law enforcement (for example, a criminal investigation) the South Yorkshire Police is a “competent authority” under the Data Protection Act 2018. In these situations, we must process your special category and criminal offence data in order for to fulfil our statutory. Where we process this data it will be because:

- it is necessary to do so owing to the substantial public interest that arises from us carrying out our functions
- of the wider public interest in securing the prevention, investigation and prosecution of criminal offences

Special category and criminal offence data processed for dual purposes

There may be circumstances when it will be necessary to process all types of personal data for both law enforcement and non-law enforcement purposes

Who we share your personal data with

We are required to share your data with third parties where we have a legal obligation to do so. We also share information with other public bodies and government departments in order to facilitate the exercise of their statutory or other public functions. The categories of persons we share your special category and criminal offence data with are:

- the College of Policing
- coroners
- the Crown Prosecution Service
- courts and tribunals
- government bodies
- the Information Commissioners’ Office

- police forces and other law enforcement agencies
- the Criminal Case Review Commission
- regulatory bodies or ombudsmen including HMICFRS, HMIP, the Health and Safety Executive, the General Medical Council and the Nursing and Midwifery Council
- professional advisers, experts and consultants

We share special category and criminal offence data with complainants, interested persons, subjects/suspects in our investigations and with stakeholders where it is necessary to do so for the proper performance of our functions under the PRA.

Automated decision making

Currently, the South Yorkshire Police undertakes no automated decision making in relation to your personal data.

How we keep your data secure and how long we keep it for

The South Yorkshire Police deploys a wide range of Technical and Procedural controls in order to protect the personal data it holds and processes. These controls are deployed as part of an Information Risk Assurance and under the oversight of a duly constituted Information Management Board Chaired by the Senior Information Risk Owner, who is responsible for accepting any residual risks.

The South Yorkshire Police has a retention and disposal schedule which lists the data we hold and how long we hold it for. To find out how long we keep your data please see our Retention & Disposal Schedules.

Your rights in relation to the data we hold

Data protection legislation provides you with a number of rights relating to your personal data, including your special category and criminal offence data. These rights are subject to some specific exemptions. Your rights may include:

- the right to access your data
- the right to have your data corrected if it is wrong or incomplete
- the right to request restrictions to the processing of your data
- the right to object to your data being processed
- the right to have your data erased
- the right to be informed about how your data is processed
- rights relating to automated decision making and data portability

You should keep us informed of any changes to your information so that we can be confident that the data we hold about you is accurate.

To understand more about these rights are and how to exercise them please see [our website](#).

Our Data Controller and Data Protection Officer

Our data controller is the Chief Constable. The data controller has overall control of the purpose for which and the manner in which we obtain and process personal data and who must ensure that this is done in accordance with the data protection principles.

The South Yorkshire Police also has a designated Data Protection Officer who has responsibility for:

- represents the chief officer on data protection matters

- maintains an up-to-date knowledge of the DPA
- advises on relevant legislation and developments in data protection and related matters
- promotes awareness of data protection matters through training, policy development, advice and guidance
- ensures that systematic auditing and monitoring of information and systems takes place in accordance with the APP on information management – audit
- ensures information and systems comply with the relevant legislation
- ensures that security arrangements are in place to protect information, including, where necessary, contracts relating to third parties processing police information
- investigates and resolves complaints made in respect of the handling of personal information (in relation to data protection)
- assists, where appropriate, in investigating disciplinary and criminal matters relating to data protection.

If you have any queries or concerns about exercising your data rights or the way in which we collect, handle or process your data, please contact the Information Compliance Unit by emailing informationcompliance@southyorks.pnn.police.uk

Your right to complain to the Information Commissioner

If you are unhappy with any aspect of the way in which we have processed your personal data, you have the right to make a complaint to the Information Commissioner's Office:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF www.ico.org.uk
Tel: 0303 123 1113
casework@ico.org.uk