

Democratic Services Privacy Notice: Police and Crime Commissioner Complaints

Last Updated: August 2018

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Who are we?

Kent County Council collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as ‘controller’ of that personal information for the purposes of those laws. Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of managing complaints against the Police and Crime Commissioner we collect the following personal information when you provide it to us:

- Name, contact information (address, email, telephone number)
- Details of the complaint (potentially including special category data, such as race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life, or sexual orientation, depending on the nature of the complaint).
- If the details of your complaint involve allegations of criminal conduct by yourself or disclosure that you have previous convictions, this will be recorded for investigation purposes.

How we use your personal information

We use your personal information to:

- Refer complaints to the Office of the Police and Crime Commissioner, which holds responsibility for initial handling and recording of complaints.
- Allow us to keep in contact with you about your complaint and to make appropriate records of the complaint.
- Special category data is only used as part of the investigation where it is provided by you because you think it is relevant to the complaint and have made that clear in the details of your complaint.

How long your personal data will be kept

We will hold your personal information for:

- 7 years after the last update to your records prior to being securely destroyed
- The OPCC will hold your data in accordance with its own policies:
<https://www.kent-pcc.gov.uk/who-we-are/office-policies/how-we-handle-your-personal-information/>

Reasons we can collect and use your personal information

The processing is necessary in the performance of a task in the public interest and to comply with a legal obligation. Our process for handling complaints against the Police and Crime Commissioner is required under the Police and Social Responsibility Act 2011 and is governed by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

We rely on substantial public interest as the lawful basis for collecting and using your special categories of personal data for Statutory etc and government purposes – GDPR Article 9(2)(g) & Schedule 1 Part 2 Data Protection Act.

The provision of additional special category demographic information (race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life, or sexual orientation) is not required from you unless it is relevant to your complaint. If you feel it is relevant and have supplied it as part of your complaint, the processing of this data will be used to investigate and manage your complaint.

As we have a statutory basis under the Police and Social Responsibility Act 2011 and the associated Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 for collecting your personal data (non-special category unless you deem it relevant to your complaint), if you do not provide any personal data, it will not be possible for us or the OPCC to progress with your complaint (anonymous complaints are not accepted within the complaints process). If you do not provide relevant special categories of personal data where they are relevant to your complaint, this may make investigating and managing the complaint more difficult which could result in delays in the process.

Who we share your personal information with

We routinely share

- Details of the complaint, your name and contact information with the Office of the Police and Crime Commissioner.
- If your complaint is recorded and progressed for further consideration, your name and the details of your complaint will be shared with the Police and Crime Panel Complaints Sub-Committee (all Members are bound by the relevant codes of conduct for Elected or co-opted Members of Local Authority

Police and Crime Panels). This process is a permitted and necessary information sharing under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

- The details of your complaint may be shared with Kent Police to allow for investigation of any allegations made within the complaint.
- Where complaints relate to Police misconduct, the details of your complaint may be passed to Kent Police's Professional Standards Department.

We will share personal information with law enforcement or other authorities if required by applicable law.

Your Rights

Under the GDPR you have rights which you can exercise free of charge that allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you (subject access request)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who to Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk or write to the Data Protection Officer, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>