



## Hampshire Constabulary & Thames Valley Police

### Appropriate Document for the Processing of Special Category Personal Data under the UK Data Protection Act 2018 and UK General Data Protection Regulation



This is the 'appropriate document' that sets out how Hampshire Constabulary and Thames Valley Police will protect special category and criminal conviction personal data in compliance with the Data Protection Act 2018 (DPA 2018). This document will be reviewed not less than six months after its introduction and yearly thereafter.

The EU GDPR obligations placed on the UK between 18/05/2018 – 31/12/2020, will be substituted with a new statutory instrument referred to as the UK GDPR as of 01/01/2021. There will be no material change to the obligations placed on organisations or the protection of data subject's the rights and freedoms.

## 1. Introduction

Section 10 and Schedule 1 (Part 4) of the Data Protection Act 2018 provides that the processing of special category personal data (as described in Article 9 of the GDPR) is permitted for by the following lawful bases if there is an 'appropriate document' in place:

- Article 9 (b) Employment, social security and social protection.
- Article 9 (g) Substantial public interest.
- Article 9 (h) Health and social care.
- Article 9 (i) Public health.
- Article 9 (j) Archiving, research and statistics.

## 2. Purpose

Where Hampshire Constabulary and Thames Valley Police is carrying out the processing of special category and criminal data in its capacity as the Competent Authority and data controller, this document will explain:

- Hampshire Constabulary and Thames Valley Police procedures which are in place to secure compliance with the data protection principles set out in Article 5 of the EU General Data Protection Regulation 2016/679 (GDPR).
- When the processing is carried out by each force (in its capacity as controller) in reliance of one of the conditions set out in Schedule 1, Parts 1-3; and
- Hampshire Constabulary and Thames Valley Police policies about the retention and erasure of such personal data processed in reliance on a condition specified in Schedule 1 to the DPA 2018.

This document satisfies the requirements of Schedule 1, Part 4 of the DPA 2018 supports our compliance with the requirements of Articles 9 and 10 of the GDPR.

### 3. Compliance with data protection principles

#### a) 'Lawfulness and fairness'

The lawfulness of the sensitive processing carried out by Hampshire Constabulary and Thames Valley Police is derived from its official functions as a public body and obligations or rights imposed or conferred by law as an employer.

Where sensitive processing is carried out by Hampshire Constabulary and Thames Valley Police for operational policing purposes that are not prescribed for under Part 3 of the Data Protection Act (section 31: Law Enforcement Purpose) they will be covered under the following lawful bases from Article 9 of the GDPR and from Schedule 1 of the Data Protection Act 18:

- Article 9 (a) Consent;
- Article 9 (c) Protecting vital interests;
- Article 9 (e) Manifestly made public by the data subject;
- Article 9 (f) Establishment, exercise or defence of legal claims;
  
- Article 9 (g) Substantial public interest.
  - Schedule 1, Part 2 (6): Statutory and government purposes;
  - Schedule 1, Part 2 (7): Administration of justice and parliamentary purposes;
  - Schedule 1, Part 2 (10): Preventing or detecting unlawful acts;
  - Schedule 1, Part 2 (11): Protecting the public against dishonesty;
  - Schedule 1, Part 2 (12): Regulatory requirements relating to unlawful acts and dishonesty;
  - Schedule 1, Part 2 (14): Preventing fraud;
  - Schedule 1, Part 2 (18): Safeguarding of children and of individuals at risk
  - Schedule 1, Part 2 (19): Safeguarding of economic well-being of certain individuals;
  
- Article 9 (j) Archiving, research and statistics.
  - Schedule 1, Part 1 (4): Research.

Where the processing of special category and criminal data is carried out by Hampshire Constabulary and Thames Valley Police for non-operational policing purposes but predominantly as an employer, they will be covered under the following lawful bases from Article 9 of the GDPR and from Schedule 1 of the Data Protection Act 18:

- Article 9 (a) Consent;
  
- Article 9 (b) Employment, social security and social protection.
  - Schedule 1, Part 1 (1): employment, social security and social protection;
  
- Article 9 (h) Health and social care:
  - Schedule 1, Part 1 (2): Health or social care purposes;

- Article 9 (f) Establishment, exercise or defence of legal claims;
- Article 9 (j) Archiving, research and statistics.
  - Schedule 1, Part 1 (4): Research.

Information about the processing of personal, special category and criminal data is carried out by Hampshire Constabulary and Thames Valley Police is made available to data subjects via its Privacy Notice which is available to view on each respective force's website.

#### **b) 'Purpose limitation'**

Hampshire Constabulary and Thames Valley Police are authorised by law to process personal, special category and criminal data for any of the 'law enforcement' purposes however any further use of that data for a non 'law enforcement' purpose, under the GDPR, will only take place where it has been authorised by law.

Hampshire Constabulary and Thames Valley Police will only reuse personal, special category and criminal data collected under GDPR where that further use will not be incompatible with the original purpose it was collected for.

#### **c) 'Data minimisation'**

Hampshire Constabulary and Thames Valley Police only collects data that is necessary and proportionate to carry out its intended purpose. It is processed in the context of carrying out processes which enable us to meet our stated policing or employment purposes for processing.

Additionally, Hampshire Constabulary and Thames Valley Police's internal guidance, training and policies require staff to use only the minimum amount of data required to enable specific tasks to be completed.

Where processing is for research purposes, wherever possible this is done using anonymised or de-identified data sets.

#### **d) 'Accuracy'**

Where key data is provided directly by individuals, its accuracy is checked on collection although there may be operational instances where the expediency of the required police response prevents it. Data is kept up to date where new information is provided or obtained however it is also necessary to retain historic data in some circumstances.

Where possible the development and procurement of IT systems in Hampshire Constabulary and Thames Valley Police seeks to design in data validation and data quality tools to ensure accuracy of information

Hampshire Constabulary and Thames Valley Police take reasonable steps to ensure that personal, special category and criminal data which is inaccurate, incomplete or out of date is not transmitted. If it is discovered, after transmission that the data was incorrect or should

not have been transmitted, then we will tell the recipient as soon as possible. If an individual contacts Hampshire Constabulary or Thames Valley Police to question the accuracy of their data we respond to the request in accordance with Article 16 of the GDPR. Where we decide not to erase or rectify the data we will document our decision.

#### **e) 'Storage limitation'**

[The College of Policing's Authorised Professional Practice on Information Management](#) (Retention, Review and Disposal – section 3.4) is applicable to Hampshire Constabulary and Thames Valley Police's retention of personal, special category or criminal data processed for operational policing purposes and can be viewed via the above link. The retention schedule recognises that the records of the most serious offenders need to be kept the longest and the use of designated 'clear periods' prevent forces from having to justify the continued retention of information related to prolific offenders for as long as they continue to offend.

[The National Police Chiefs Council Retention Schedule](#) is applicable to Hampshire Constabulary and Thames Valley Police's retention of personal, special category and criminal data processed for non-operational policing purpose and can be accessed via the above link. The retention schedule incorporates and balances the retention periods the police require various types of information to be retained for, with other specific legislative or industry retention requirements (eg: personnel files, health and safety records).

Emails, documents and unstructured data will be subject to time based disposal unless they are formally captured as records in a record management system. Typically retention of this material is 7 years.

Where routine review and disposal is not feasible or cost-effective, safeguards will be put in place to minimise any detriment caused by continued retention of personal, special category and criminal data and requests from individuals in regard to their rights to rectification and/or erasure will be dealt with by exception.

#### **f) 'Integrity and confidentiality'**

Hampshire Constabulary and Thames Valley Police comply with the relevant parts of the legislation relating to security, and seek to comply with the [College of Policing Information Assurance authorised practice](#), and relevant parts of the ISO27001 Information Security Standard.

Hampshire Constabulary and Thames Valley Police ensure that appropriate policy, training, technical and procedural measures are in place. These will include, but are not limited to, ensuring force buildings are secure and protected by adequate physical means. The areas restricted to police officers and force staff are only accessible by those holding the appropriate identification, and having legitimate reasons for entry. Audits of our building security are carried out to ensure that they are secure. Hampshire Constabulary and Thames Valley Police standard operating procedures and policies make clear what use may be made of any personal information contained within them. Hampshire Constabulary and Thames Valley Police IT systems meet appropriate industry and government security standards.

All force staff are subject to pre-employment police vetting checks and periodical vetting checks once in post. All force staff have to undergo mandatory data protection and security training.

Any security incidents involving personal, special category and criminal data are fully and corporately recorded, investigated and assessed for whether they should be reported to the Information Commissioners Office.

#### 4. Requirement to keep records

Where the processing of personal, special category and criminal data is carried out by Hampshire Constabulary and Thames Valley Police (as the data controller), the following information is recorded in its Record of Processing Activities:

- whether the processing of personal, special category and criminal data is carried out in reliance on the consent of the data subject, or if not, which condition from the Data Protection Act 2018, Schedule 1 (Parts 1 and 2) is relied on;
- how the processing satisfies Article 6 and Article 9 of the GDPR (lawfulness of processing); and
- whether the personal, special category and criminal data is retained and erased in accordance with the policies described above in section 3 of this document, and, if it is not, the reasons for not following those policies.

This Appropriate Processing Document will retained for 6 months beyond the cessation of processing of all special category personal data however it is envisaged that Hampshire Constabulary and Thames Valley Police will always be processing such data due to the nature of its public function. To ensure the Appropriate Processing Document remains up to date it will be reviewed annually and any relevant information from the Record of Processing Activities will be included where it is appropriate to do so.

#### 5. Further Information

For further information about our compliance with data protection law or if you wish to contact our Data Protection Officer, please contact us using the below contact details:

##### **Hampshire Constabulary Data Protection Officer:**

Mottisfont Court  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Email: [public.access@hampshire.pnn.police.uk](mailto:public.access@hampshire.pnn.police.uk)

##### **Thames Valley Police Data Protection Officer:**

Thames Valley Police  
Public Access Office

Oxford Road  
Kidlington  
OX5 2NX

Email: [publicaccess@thamesvalley.pnn.police.uk](mailto:publicaccess@thamesvalley.pnn.police.uk)