



Privacy Notice

1.0 Introduction

Your privacy is very important to us and our Privacy Notice explains what personal data¹ Lancashire Constabulary will process, how and why, in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). It explains at a high level how Lancashire Constabulary collects, stores, uses, discloses, retains and destroys personal data and the steps we take to ensure that it is protected. It also describes the rights that you have in regard to the handling of your personal data by Lancashire Constabulary².

This Notice will be supported by more detailed purpose-specific Privacy Notices where required.

The Chief Constable of Lancashire Constabulary is [registered](#) with the Information Commissioner as a 'Controller' and is obliged to ensure that Lancashire Constabulary handles all personal data in accordance with the DPA and the GDPR. On occasions the Chief Constable may operate as a Joint Controller with one or more other Controllers.

The Data Protection Officer is available to provide you with advice and assistance if you have any queries or concerns about how we process your personal data. Contact details for the Data Protection Officer and the Information Access Team, who handle rights applications, can be found at the end of this Notice.

2.0 Why do we process personal data?

Lancashire Constabulary processes personal data for two broad purposes: a) **Law Enforcement Purposes** and b) to carry out activities to support the Law Enforcement Purposes something we call '**General Purposes**'.

Law Enforcement Purposes include:

- the prevention, investigation, detection or prosecution of criminal offences
- the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security

When we process your personal data for Law Enforcement Purposes it could be because you are involved in an incident that has been reported to the police – perhaps as a witness, victim or suspect. It could be because you are involved in a crime that is being investigated, or are associated with intelligence that the police

¹ 'Personal Data' is defined in Article 4 of the General Data Protection Regulation (GDPR) and Section 3(2) of the Data Protection Act 2018 (DPA). In practical terms it means any information about an individual from which that person can be identified (for example, your name or email address) and information which could indirectly identify an individual, meaning that it could identify the individual when combined with other information which we hold about that person (for example, gender or date of birth). It does not include data where the identity has been removed (anonymous data).

² This document is designed to help satisfy the rules on giving privacy information to data subjects in Articles 12, 13 and 14 of the GDPR and Section 44 of the DPA.

have gathered. Other uses include roads policing, accident investigation, surveillance, and public order.

General Purposes include:

- the policing purpose, which falls outside of the statutory definition of law enforcement processing³
- Provision of victims details to Victims Support
- Staff/pension administration, occupational health and welfare;
- Management of public relations, journalism, advertising and media;
- Management of finance, payroll, benefits, accounts, audit, internal review;
- Internal review, accounting and auditing;
- Training;
- Property management;
- Insurance management;
- Vehicle and transport management;
- Payroll and benefits management;
- Management of complaints;
- Vetting;
- Management of information technology systems;
- Legal services;
- Information provision;
- Licensing and registration;
- Pensioner administration;
- Research including surveys⁴;
- Performance management;
- Sports and recreation;
- Procurement;
- Planning;
- System testing and fault resolution;
- Security;
- Health and safety management.

Where we process your personal data for Law Enforcement Purposes we are obliged to comply with the DPA, but not the GDPR.

When we process your personal data for General Purposes we have to comply with the GDPR and various parts of the DPA.

³ Defined by the statutory Code of Practice on the Management of Police Information 2005 as 'protecting life and property, preserving order, preventing the commission of offences, bringing offenders to justice, and any duty or responsibility of the police arising from common or statute law.'

⁴ Lancashire Constabulary is required to conduct Customer Satisfaction Surveys to evaluate our performance and effectiveness. We may contact individuals, such as victims of crime or those reporting incidents, and ask them to give us their opinion of the services we are providing to the public. We use the information given to improve our service and wherever we can, Lancashire Constabulary, like many police forces uses a private company to undertake such surveys on our behalf with strict controls to protect the personal data of those involved.

Although the rules for both purposes are similar they are not identical – for example you have fewer rights when we process your personal data for Law Enforcement Purposes.

3.0 Whose personal data do we process?

In order to achieve the purposes described above we may process 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.

4.0 What types of personal data do we process?

In order to carry out the purposes described above, Lancashire Constabulary may process 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;
- Financial details;
- Goods or services provided;
- Racial or ethnic origin;
- Membership of extremist political parties;
- Religious or other beliefs of a similar nature;
- Trade Union membership;
- Physical or mental health or condition;
- Sexual orientation;
- Offences (including alleged offences);
- Criminal proceedings, outcomes and sentences;
- Physical identifiers including DNA, fingerprints and other genetic samples;
- Sound and visual images including photographs and video;
- Licenses or permits held;
- Criminal Intelligence;
- References to manual records or files;
- Information relating to health and safety;
- Complaint, incident and accident details.

We will use the minimum amount of personal information necessary to fulfil a particular purpose.

5.0 Where do we obtain personal data from?

In order to carry out the purposes described under Section 1 above Lancashire Constabulary may collect personal data from a wide variety of sources, other than directly from you, 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 Office for Police Conduct (IOPC);
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS);
- Auditors;
- Office of the Police, Fire and Crime Commissioner (OPFCC);
- Central government, governmental agencies and departments;
- Emergency services;
- 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 Lancashire 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;
- Processors working on behalf of Lancashire Constabulary.

6.0 How do we collect personal data?

Lancashire Constabulary collects personal data either from the individual concerned or from other sources, dependant on circumstances.

The following are examples of how we obtain personal data direct from the individual concerned:

- From conversations with those individuals (in person or via telephone);
- From written communications from those individuals (e.g. letters, emails, social media);
- From website interactions with those individuals
- From forms completed by those individuals (e.g. job applications).

The following are examples of how we obtain personal data about individuals from other sources:

- From conversations with other individuals (in person or via telephone);
- From written communications from other individuals (e.g. letters, emails, social media);
- From observation or monitoring;
- From Body Worn Video;
- From CCTV and audio systems;
- From forms completed by other individuals.

7.0 Which lawful basis do we use to process this information?

Lancashire Constabulary must have a valid lawful basis in order to process your personal data.

When we process your personal data for Law Enforcement Purposes we do so under our Common Law Policing Powers and where we either have your consent to do so or the processing is necessary for the performance of a task carried out by us for Law Enforcement Purposes⁵.

When we process your personal data for General Purposes there are six lawful bases available and which base is most appropriate to use will depend on our purpose for processing the personal data and our relationship with you⁶:

- Consent: We have been given clear consent to process the personal data for a specific purpose

⁵ DPA Part 3 Section 35

⁶ GDPR Article 6(1)

- Contract: The processing is necessary for a contract that we have with an individual
- Legal obligation: the processing is necessary for us to comply with the law
- Vital interest: the processing is necessary to protect someone's life
- Public Task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
- Legitimate interests (this is only available to public authorities in limited circumstances)

'Special Category Data' is personal data that is regarded as particularly sensitive and includes information relating to your⁷:

- Race
- Ethnic origin
- Political opinions
- Religious/philosophical beliefs
- Health
- Sex life
- Sexual orientation
- Trade union
- Genetic data - Biological sample
- Biometric data - Fingerprint, face recognition, DNA, palm print, iris recognition.

For General Processing we will only process Special Category Data where we meet a special condition under Article 9 of the GDPR. In addition, for General Processing we will only process **'Criminal Offence Data'** - personal data relating to criminal convictions and offences or related security measures⁸ - where a lawful authority has been established and a relevant condition under Article 6, and where necessary Article 9, has been identified.

Similarly for Law Enforcement Processing we will only process personal data revealing your racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership; genetic or biometric data; health related; concerning sex life or sexual orientation in certain circumstances. This type of processing is called **'Sensitive Processing'**⁹. We carry out sensitive processing where one of the following apply: we have your consent, we need to do so for statutory purposes, the administration of justice, protecting an individual's vital interests, safeguarding children and individuals at risk, if the information is already in the public domain, for legal claims, preventing fraud, and archiving, historical or statistical purposes.

⁷ GDPR Article 9(1)

⁸ GDPR Articles 10 & 11

⁹ DPA Part 3 Section 35(8)

8.0 How do we process personal data?

In order to achieve the purposes described under Section 2 Lancashire Constabulary will process personal data in accordance with the DPA and the GDPR.

Where we process personal data for Law Enforcement Purposes, we will ensure that it is done so in accordance with the DPA data protection principles¹⁰. Personal data will be:

- Processed lawfully and fairly;
- Collected for specified, explicit and legitimate purposes and not processed in a manner incompatible with the purpose for which it was originally collected;
- Adequate, relevant and not excessive in relation to the purpose for which it is processed;
- Accurate and, where necessary, kept up to date, and every reasonable step is taken to ensure that personal data is accurate, having regard to the law enforcement purpose for which it is processed, is erased or rectified without delay;
- Kept for no longer than is necessary for the purpose for which it is processed.; and appropriate time limits are established for the periodic review of the need for the continued storage of personal data for any of the law enforcement purposes;
- Processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Where we process personal data for General Purposes we will ensure that it is done so in accordance with the GDPR data protection principles¹¹. Personal data will be:

- Processed lawfully, fairly, in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; though further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes will not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed;
- Accurate and, where necessary, kept up to date; every reasonable step will be taken to ensure that personal data that is inaccurate will be erased or rectified without delay where necessary;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; however, personal data may be stored for longer periods solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and

¹⁰ DPA Part 3 Sections 34 to 40

¹¹ GDPR Article 6

organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;

- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Lancashire Constabulary will strive to ensure that any personal data used by us or on our behalf is not excessive, that it is reviewed appropriately, and is securely destroyed when no longer required. We will also respect individuals' rights as detailed at Section 14 below and we will be able to demonstrate compliance with the DPA and GDPR data protection principles.

9.0 How do we ensure the security of personal data?

Lancashire Constabulary takes the security of all personal data under our control very seriously. We will comply with the relevant parts of the DPA and the GDPR relating to security, and seek to comply with the National Police Chiefs Council (NPCC) standards incorporating 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.

We use Microsoft products including Office 365 to assist us in our daily business. Microsoft's Office 365 includes numerous security features to ensure compliance with the most up to date security standards. The Microsoft privacy notice can be seen using the following link <https://privacy.microsoft.com/en-gb/privacystatement>.

10. Who do we disclose personal data to?

In order to carry out the purposes described under Section 2 above Lancashire 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.

This may include disclosures to other law enforcement agencies, partner agencies working on crime reduction initiatives, partners in the Criminal Justice arena, and Victim Support.

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.

We may also use other bodies or individuals working on our behalf such as IT contractors or survey organisations or data processors working on our behalf to process data. Such arrangements will be established in compliance with the requirements of the data protection legislation.

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 DPA and GDPR.

Lancashire 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 Maintenance Service, the National Fraud Initiative, and the Home Office and to the Courts.

Lancashire 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.

11. How long does Lancashire Constabulary retain personal data?

Lancashire Constabulary keeps personal data for as long as is necessary for the particular purpose or purposes for which it is held.

Personal data which is placed on the Police National Computer is retained, reviewed and deleted in accordance with the agreed national retention periods which are subject to periodic change.

Other records containing personal data relating to intelligence, digital media, custody, crime, firearms, child abuse investigations, and domestic violence will be retained in accordance with the College of Policing's Authorised Professional Practice for Information Management. This can be found on the College of Policing's website www.app.college.police.uk. Further details relating to retention periods for Lancashire Constabulary records are set out within the Force's [Retention Schedule](#) which is available on the Constabulary website.

12. Monitoring

Lancashire 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. Lancashire 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.

13. Cookies

Lancashire Constabulary use a number of different cookies on our website, a list of these and a full cookie policy can be [found here](#) along with the associated [Website Privacy Statement](#).

14. What are the rights of the individuals whose personal data is processed by Lancashire Constabulary?

Under the DPA, GDPR, Environmental Information Regulations 2004 and the Freedom of Information Act 2000, you have a number of information rights.

The rights under the DPA and the GDPR are similar but not identical. Those under the DPA apply where personal data is used by Lancashire Constabulary for Law Enforcement purposes, and those under the GDPR apply when it is used for General Purposes (see section 2 above). As a rule you can make an application for restriction verbally or in writing. Lancashire Constabulary has one calendar month to respond to an application. However, the DPA and GDPR provide that in some circumstances your rights may be restricted. A summary of the rights are set out below:

Right to be Informed (Section 44 of the DPA and Articles 13 and 14 of GDPR). This places an obligation on Lancashire Constabulary to tell you how we obtain your personal information and describe how we will use, retain, store and who we may share your information with.

The Privacy Notice fulfils in part this requirement. In addition Lancashire Constabulary may publish specific privacy notices that will provide the information required by this right for the various scenarios where your personal data may be collected.

Right of Access (Section 45 of the DPA and Article 15 of GDPR). This is commonly known as subject access and is the right which allows you to access your personal data and supplementary information; however it is subject to certain restrictions.

The right may be exercised verbally or in writing. Where your right of access application is made electronically Lancashire Constabulary must respond electronically in a commonly used form unless you require otherwise. We may charge a fee for additional copies of information disclosed to you under this right based on administrative costs.

To enable us to assist you with your request a proforma and guidance are available on the [Force website](#).

If you wish to make a right of access application for information on the Police National Computer please click [here](#).

It is a criminal offence under Section 184 of the DPA for an employer to require employees or contractors, or for a person to require another person who provides goods, facilities or services, to provide certain records obtained via right of access applications as a condition of their employment or contract. It is also an offence for a provider of goods, facilities or services to the public to request such records from another as a condition for providing a service.

Right to Rectification (Section 46 of the DPA and Article 16 of the GDPR.). This provides you with a right to have personal data rectified if it is inaccurate or incomplete.

Right to Erasure or Restriction (Section 47 of the DPA and Articles 17 and 18 of GDPR). The Right to Erasure is also known as 'the right to be forgotten'. This right enables you to request the deletion or removal of personal data where there is no compelling reason for its continued processing. When we process your personal data for Law Enforcement Purposes and the personal data contested is required for evidence the processing of the data may be restricted.

Right Not to be Subject to Automated decision-making (Section 49 of the DPA and Article 22 of GDPR) provides that a Controller may not take significant decisions solely based on automated processing and the subject may request review or human intervention.

GDPR Right to Data Portability (Article 20 of the GDPR) provides you with the right to request and reuse your personal data provided to Lancashire Constabulary for your own purposes across different services. This will allow data to be moved, copied or transferred from one IT environment to another in a safe and secure way, without affecting its usability. This right only applies to information an individual has provided to a controller and does not apply for personal data used by Lancashire Constabulary for law enforcement purposes. Data will be provided in a format that is structured, commonly used and machine readable format.

GDPR Right to Object (Article 21 of GDPR) The right to object only applies in certain circumstances, dependant on the purpose for processing and if a lawful basis for processing that information is in place. Individuals have the absolute right to object to processing of their personal data if it is for direct marketing purposes. Individuals can also object if the processing is for a task carried out in the public interest, exercised by an official authority or if a legitimate interest (or those of a third party) In these circumstances the right to object is not absolute.

The right does not apply where your personal data is processed for Law Enforcement Purposes.

The Information Commissioner has produced detailed guidance on the rights which can be found [here](#) where we process your personal data for Law Enforcement Purposes and [here](#) where we process your personal data for General Purposes.

Rights applications are free of charge; however, in some circumstances charges can be made. Applications under these rights are administered by Lancashire Constabulary's Information Access Team. The Team may be contacted as follows:

SubjectAccess@Lancashire.pnn.police.uk

Information Access Team
Data Protection Office
Lancashire Constabulary HQ
PO Box 77
Lancashire
PR4 5SB

The rights are briefly described below, split into those that apply if your personal data is used in Law Enforcement Processing or General Processing.

Right to request information from Lancashire Constabulary

Note: see Right of Access if you are seeking information about you. You have a right to request information from a public body under the Freedom of Information Act 2000 and the Environmental Information Regulations.

Under the Freedom of Information Act and the Environmental Information Regulations you have the right to request any recorded information held by Lancashire Constabulary. You can ask for any information you think a public authority may hold. The right only covers recorded information and can be in the form of a question, rather than an application for specific documents. Lancashire Constabulary does not have to create new information or give opinion or judgment that is not already recorded. Some information may be exempt.

Further details can be found on our [Freedom of Information](#) and [publication scheme](#) webpages.

Contact Us

The Controller, as defined by the Data Protection Act 2018, is:

The Chief Constable
Lancashire Constabulary
Police Headquarters
PO Box 77
Lancashire
PR4 5SB

If you are concerned over the way that Lancashire Constabulary handles your personal data or require further details about the information contained within this Privacy Notice you may contact the Data Protection Officer (DPO), via the details below or via the correspondence address provided above:

Telephone: 01772 413329

Email: data.protection@lancashire.pnn.police.uk

Individuals have the right to complain to **the Information Commissioner's Office** if they believe that they are or have been adversely affected by the handling of personal data by Lancashire Constabulary. Individuals may direct their complaint to the Information Commissioner's Office:

Telephone: 0303 123 1113

Website: www.ico.org.uk