

PRIVACY NOTICE (Processing for Law Enforcement Purposes)

The Scottish Police Authority (SPA) respects your privacy and is committed to protecting your personal data. This Privacy Notice will tell you how we use your personal data when we process your data for law enforcement purposes and will tell you about your privacy rights and how the law protects you.

1. IMPORTANT INFORMATION AND WHO WE ARE

PURPOSE OF THIS PRIVACY NOTICE

This Privacy Notice aims to give you information on how we collect and process your personal data for law enforcement purposes by our Forensic Services in carrying out our statutory functions. Law enforcement purposes includes processing for the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

It is important that you read this Privacy Notice and any other privacy notice or fair processing information that we, or any joint controller, may provide on specific occasions, when collecting or processing personal data relating to you.

This Privacy Notice is intended to be read together with other SPA notices and is not intended to replace them.

DATA CONTROLLER

SPA (referred to as: "SPA", "we", "us" or "our" in this Privacy Notice) is a data controller and is responsible for your personal data. We have appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this Privacy Notice. If you have any questions about this Privacy Notice, please contact the SPA's DPO using the details set out below.

CONTACT DETAILS

Data Protection Officer
Scottish Police Authority
SPADataProtectionOfficer@spa.pnn.police.uk
1 Pacific Quay
Glasgow
G51 1DZ

JOINT DATA CONTROLLERS

SPA will be a joint controller with the Police Service of Scotland (the Police Service) for the personal data received from the latter and processed for law enforcement purposes. In such cases, we may designate one of the joint controllers to be the primary point of contact in respect of data subject requests and the designated contact details will be provided where such arrangements are in place.

2. THE DATA WE COLLECT ABOUT YOU

Personal data means any data about any living individual from which that person can be identified, directly or indirectly, and which relates to them. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you, including the following:

- Identity Data including name, date of birth, title, gender.
- Contact Data including address, telephone numbers.
- Employment details;
- Racial or ethnic origin details;
- Religious or other beliefs of a similar nature;
- Offences and alleged offence details;
- Biometric info (fingerprints/DNA)
- Photograph/visual images;

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect personal data from you, or from other sources about you, including through:

- **Direct interactions.** You may give us your personal data by corresponding with us by post, phone, email, or during investigations.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
 - Police Service of Scotland (the Police Service)
 - Police Investigations and Review Commissioner (PIRC)
 - Crown Office and Procurator Fiscal Service (COPFS)
 - HM Revenue and Customs (HMRC)
 - National Crime Agency (NCA)
 - Home Office
 - Other investigating agencies
 - Scottish Fire & Rescue Service

4. HOW WE USE YOUR PERSONAL DATA

We will only process your personal data when the law allows us to do so. Most commonly, we will use your personal data either where you have given consent to the processing for that purpose, or the processing is necessary for the performance of a task carried out for law enforcement purposes.

Where the processing is sensitive processing, we will most commonly use your data where:

- you have given consent to the processing, or;
- the processing is strictly necessary for the law enforcement purpose, and:
 - It is necessary for the exercise of a function conferred on SPA by an enactment or rule of law, and is necessary for reasons of substantial public interest;
 - It is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), is necessary for the purpose of obtaining legal advice, or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
 - It is necessary when a court or other judicial authority is acting in its judicial capacity, or;
 - It is necessary for archiving purposes in the public interest, for scientific or historical research purposes, or for statistical purposes.

5. PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to do so. SPA has a statutory duty under the Police and Fire Reform Scotland Act 2012 to provide the Police Service, PIRC and COPFS

with forensic services.

6. CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we have collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

7. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for law enforcement purposes when requested by the originating investigating agency:

- The Police Service
- PIRC
- COPFS
- HMRC
- NCA
- Home Office
- Investigating agencies
- Defence Agents

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions. The third parties are also required to comply with Data Protection Law.

8. INTERNATIONAL TRANSFERS

If we have to transfer personal information outside of the UK we will take proper steps to ensure that it is adequately protected as required by Data Protection Law.

9. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have the appropriate authorisation and a lawful basis to process your personal data. They will only process your personal data on our instructions and for the purpose the data has to be processed and they are subject to a duty of confidentiality.

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

10. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for. Details of retention periods for different aspects of your personal data are set out in our Record Retention Standing Operating Procedure available here <https://www.scotland.police.uk/assets/pdf/151934/184779/record-retention-sop>

11. YOUR LEGAL RIGHTS

You have rights as an individual under Data Protection Law in relation to your personal data:

- Request access to your personal data (a data subject access request), which enables you to receive a copy of the personal information we hold about you and the check that we are lawfully processing it (although in some cases we can refuse this request where we can claim exemptions as a data controller).
- Request correction of the personal data that we hold about you, to have any incomplete or inaccurate information corrected.
- Request erasure of your personal data, so that we delete or remove personal data where the processing would infringe the data protection principles or the controller has a legal obligation to erase the data.
- Request the restriction of processing of your personal data, through the suspension of our processing, where you want us to establish its accuracy.

If you wish to exercise any of the rights set out above, please contact our DPO in the first instance at SPADataProtectionOfficer@spa.pnn.police.uk

WHAT WE MAY NEED FROM YOU

We may need to request additional information from you to help us confirm your identity and help ensure the exercise of your rights. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request, to speed up our response.

TIME LIMIT TO RESPOND

We are required to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

For more information and guidance about any of these rights, please go to the website of the Information Commissioner's Office at <https://ico.org.uk/>.

12. COMPLAINTS

If you are unhappy with the way in which any employee of the Scottish Police Authority has managed your personal data you may make a formal complaint to complaints@spa.pnn.police.uk

You also have the right to make a complaint about how we have dealt with your personal data at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (<https://ico.org.uk/>).

13. CHANGES TO THIS PRIVACY NOTICE

We keep our Privacy Notice under regular review and reserve the right to update and amend it. This notice was last updated on 31 July 2019.

14. FURTHER INFORMATION

For further information about any aspect of this notice please contact the Data Protection Officer, Scottish Police Authority, 1 Pacific Quay, Glasgow G51 1DZ or by email: SPADataProtectionOfficer@spa.pnn.police.uk