

Law Enforcement

On the 25 May 2018 the UK produced its third generation of data protection law. This is the same date as the General Data Protection Regulation, GDPR, was launched throughout the European Union, EU.

The new data protection law will apply the EU's GDPR standards for the processing of data considered as 'general data', this is data which is processed for a reason not involving law enforcement or national security. How organisations should process general data can be found at Part 2 of the new law and details of our general data processing can be found at the Council's main privacy notice.

The processing of data for law enforcement purposes can only be done by an organisation which is considered as a 'competent authority'. Law enforcement purposes are 'the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security'. The description of a 'competent authority' is laid down in data protection law, and includes but is not limited to, organisations such as police forces, the Financial Conduct Authority and the Information Commissioner. How organisations should process data for 'law enforcement purposes' can be found at Part 3 of the law.

This Privacy Notice explains how and why we process your personal data, under Part 3 of the Data Protection Act 2018 law enforcement data and the steps we take to keep your information safe. It also describes your rights in regard to your personal information and how to complain to the Information Commissioner if you have concerns as to how we have handled your data.

We are responsible for delivering a wide range of public services and functions. This includes a relatively small number of law enforcement functions associated with environmental protection and public protection. Examples include Trading Standards and Fly Tipping and Environmental Enforcement prosecutions.

Hull City Council is the Data Controller. Our ICO data protection registration number is Z6005621.

If you have any questions about how we use your personal information you may contact our Data protection Officer at –

Hull City Council
Data Protection Officer
Room 11
The Guildhall
HULL
HU1 2AA

Telephone - 01482 300 300
Email - information@hullcc.gov.uk

How we process your personal information for law enforcement purposes

We have a statutory duty to protect the public and the local community. To do this it is necessary for us to process your personal information under the lawful basis of public interest and official authority. This means we process your personal information for carrying out tasks that are laid down in law and collectively described as the administration of justice.

The Administration of Justice, includes –

- the prevention and detection of crime
- apprehension and prosecution of offenders
- protecting life and property
- preserving order
- maintenance of law and order
- national security
- defending civil proceedings
- any duty or responsibility of the Council arising from common or statute law

[To view the information noted above click here](#)

Whose personal data do we process for law enforcement purposes

In order to carry out the purposes described above, we may obtain, use and disclose personal information relating to a wide variety of individuals including but not limited to -

- offenders and suspected offenders
- witnesses or reporting persons
- individuals passing information to us
- victims/complainants, both current, past and potential

What type of personal information do we process

In order to carry out our statutory responsibility we will process varying types of personal data, this includes -

- your name and address
- employment details
- financial details
- racial or ethnic origin
- religious or other beliefs of a similar nature
- physical or mental health condition
- sexual life
- offences and alleged offences
- criminal proceedings
- outcomes and sentences
- cautions
- physical identifiers
- photograph
- sound and visual images

- criminal Intelligence
- information relating to safety
- incidents and Accident details

At this time we do not process any DNA, fingerprints, other genetic samples or facial recognition data for law enforcement purposes.

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

Personal information can be information that is held on a computer, in a paper record such as a file or images, but it can also include other types of electronically held information such as CCTV images.

Where we collect personal information from

Other law enforcement agencies and Local Authorities

Emergency services such as

- Police
- Fire Service
- National Health Service or Ambulance
- HM Revenue and Customs
- licensing authorities
- legal representatives

Other prosecuting authorities such as -

- solicitors
- courts
- partner agencies involved in crime and disorder strategies
- private sector organisations working with/for us on anti-crime strategies
- voluntary sector organisations
- governmental agencies and departments
- suspected or known perpetrators of offences and relatives
- guardians or other persons associated with the individual
- victims
- witnesses
- Hull City Council CCTV systems
- body worn video and from correspondence sent to us including anonymous reports and concerns.

We may also obtain details from the Council's own local information systems, this may include 'general data' processed for purposes under Part 2 of the Data Protection Act 2018

How we handle your personal information

We handle personal information according to the requirements of Part 3 of the UK Data Protection Act 2018. Your personal information held on our systems and in our

files is secure and is accessed on a need to know basis by our staff, and any data processors working on our behalf.

We will ensure that your personal information is handled fairly and lawfully with appropriate justification. We will only use your information for lawful purposes and in connection with our requirement to prevent crime, bring offenders to justice, and protect the public.

We will strive to ensure that any personal information used by us or on our behalf is of the highest quality in terms of accuracy, relevance, and adequacy and will not be excessive. We will attempt to keep it as up to date as possible and will protect your data from unauthorised access or loss.

We will regularly review your data to ensure it is still required and we have a lawful purpose to continue to retain it. If there is no lawful purpose then your data will be securely destroyed.

Who we share your personal information with

To enable us to meet our statutory duties we may be required to share your data with other organisations that process data for a similar reason or in order to keep people safe.

These organisations include -

- the police and other law enforcement agencies
- partner agencies working on crime reduction initiatives
- partners in the Criminal Justice arena
- other local authorities;
- other bodies or individuals where it is necessary to prevent harm to individuals

Disclosures of personal information are considered on a case-by-case basis, using only the personal information appropriate to a specific purpose and circumstances, and with necessary controls in place.

We will also disclose personal information to other bodies or individuals when required to do so, or under an act of legislation, a rule of law, and by court order. This may include:

- The Police
- Serious Fraud Office;
- National Fraud Initiative;
- Courts

How we keep your personal information safe

We take the security of all personal information under our control very seriously. We maintain compliance with the Public Services Network (PSN) Code of Connection

We ensure that appropriate policy, training, technical and procedural measures are in place.

How long we keep your personal information

We keep your personal information as long as is necessary for the particular purpose or purposes for which it is held.

Retention periods are documented in the Council's document retention schedule and our Records Management Policy.

Know your rights

A key area of change in the new Data Protection Act relates to individuals' rights, the law refreshes existing rights by clarifying and extending them and introduces new rights.

However your information rights will be dependent on the reason why and how the data was collected and why it is being used.

Your information rights in relation to your personal data processed for law enforcement purposes are -

- Right to be Informed - This places an obligation upon us to tell you how we obtain your personal information and describe how we will use, retain, store and who we may share it with. We have written this Privacy Notice to explain how we will use your personal information and tell you what your rights are under the legislation.
- Right of Access - This is commonly known as subject access and is the right which allows you access to your personal data and supplementary information, however it is subject to certain restrictions. If you wish to request copies of your information the Council holds contact us by telephone: (01482) 300 300 or email: Information@hullcc.gov.uk or write to:
 - Information Governance Team, Room 10, Hull City Council, Alfred Gelder St, Hull, HU1 2AA
- Right to Request Rectification - You are entitled to have personal data rectified if it is inaccurate or incomplete.
- Right to Erasure and Right to Restriction - You have the right to request the deletion or removal of your personal data and/or the right to 'block' or restrict the processing of your personal data where there is no compelling reason for its continued processing.
- Rights Relating to Automated Decision-Making - Automated individual decision-making and profiling is a decision made by automated means without any human involvement.

The Information Commissioner is the independent Authority responsible within the UK for ensuring we comply with data protection legislation.

If you have a concern about how we have used your personal information or you believe you have been adversely affected by our handling of your data you may wish to contact them using the information below:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF

Telephone 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number or visit ico.org.uk