

## **PRIVACY NOTICE – Complaints Process**

The North Yorkshire Office of Police, Fire and Crime Commissioner is committed to protecting your personal information.

This Privacy Notice contains important information about what personal details we collect; what we do with that information; who we may share it with and why; and your choices and rights when it comes to the personal information you have given to us.

We may need to make changes to our Privacy Notice, so please check our website for updates from time to time. If there are important changes such as changes to where your personal data will be processed, we may need to contact you to let you know.

### **Who we are?**

This Privacy Notice is provided to you by the North Yorkshire Office of Police, Fire and Crime Commissioner, who is the data controller of this data.

### **Your personal data – what is it?**

“**Personal data**” is any information about a living individual which allows them to be identified. Identification can be directly using the data itself, or by combining it with other information which helps to identify a living individual. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and the Data Protection Act 2018, and other legislation relating to personal data and rights, such as the Human Rights Act.

### **The data we may collect about you:**

Personal Data that we may collect includes:

- Full name including title;
- Contact information (such as email address and telephone number or address);
- Date of birth;
- Details of the complaint or appreciation you are making (this could include dates, times, locations, who was involved, and other details deemed necessary to investigate the complaint, where relevant).

While the provision of special category data is not sought or encouraged, depending on the nature of the matter being investigated, the special category personal data collected may include personal data revealing:

- Racial or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade Union membership;
- Physical or mental health;
- Sex life or orientation;
- Genetic or biometric data.

The North Yorkshire Office of Police, Fire and Crime Commissioner will use the minimum amount of personal information necessary to carry out a particular activity.

Please note, should you make a request for your details not to be recorded, but disclose serious criminality or safeguarding concerns, we may have a statutory duty to record and disclose such details further to the relevant authorities.

### **Whose personal data do we handle?**

We handle the personal data of individuals who contact us to make a complaint or to share their appreciation, and the personal data of those to whom the complaint or appreciation relates to namely members of the workforce acting in their professional capacity.

### **What is the legal basis for processing your personal data?**

The NYOPFCC may process personal data for the following reasons:

- Under GDPR Article 6 (1) (c) processing is necessary for compliance with a legal obligation: namely the Police Reform Act 2002; and
- Under GDPR Article 6 (1) (e) processing is necessary for the performance of a task carried out in the public interest or in the official authority vested in the controller.

Where we process special categories of personal data, we will do so for one or more of the following reasons;

- Under GDPR Article 9 (2) is necessary for substantial public interest.

Where the processing of complaints leads to investigations into potential criminal activity, the North Yorkshire Office of Police, Fire and Crime Commissioner will process this data as per the definition of law enforcement data at s.31 of the Data Protection Act 2018 (DPA) and in accordance with s35 of the DPA.

The Data Controller will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as is necessary for the purposes we have told you about;
- Kept and destroyed securely, including ensuring that appropriate technical and security measures are in place to protect your personal data and to protect personal data from loss, misuse, unauthorised access and disclosure.

### **Sharing your personal data:**

We may share your personal data internally with relevant departments for the purpose of fulfilling one or more of the above stated legal bases. We may also engage the services of other agencies to meet legal requirements or to fulfil another lawful basis.

**Please also note, that although the North Yorkshire Office of Police, Fire and Crime Commissioner may collect the complaint (or appreciation) information initially they**

**may then share it with North Yorkshire Police to allow them to fulfil legal obligations, which came into effect on 1<sup>st</sup> February 2020 , such as ensuring the practice requiring improvement is appropriately actioned by them, or where an investigation needs to be carried out by the Professional Standards Department.**

Where we have arrangements to share your personal data, there is a contract, memorandum of understanding or information sharing agreement in place to ensure that the requirements of the Data Protection legislation on handling personal information are met. Where we are required to disclose information by law, for example for safeguarding purposes, we may do so without these arrangements.

We engage with third party processors who handle some, or all, of the above-mentioned information on our instruction.

North Yorkshire Police, Fire and Crime Commissioner will take steps to ensure any disclosures of personal data are necessary and proportionate, as required by law. Whenever we share your personal information, sharing options will be evaluated to ensure that your data is shared in the most secure manner.

### **How do we keep your personal information secure?**

We are committed to ensuring that your personal data is safe and processed securely. In order to prevent your personal data from being accidentally lost, used or accessed in an unauthorised manner, altered or disclosed, we have put in place suitable physical, electronic and managerial measures. These include information security awareness training for our staff. We have also compiled procedures to safeguard and secure the information that we hold about you which our staff adhere to.

We limit the access to your personal information to those employees who have a business need to know, for instance through secure work areas and access controls on all of our systems. Employees, contractors and other third parties who handle personal data will only process your personal information in line with our direct instructions.

### **How long do we keep your personal information?**

North Yorkshire Police, Fire and Crime Commissioner will keep your personal information for as long as is necessary for the particular purpose, or purposes, for which it is held.

Records that contain your personal information processed for “general data” purposes will be managed in accordance with the North Yorkshire Office of Police, Fire and Crime Commissioner’s [Retention & Destruction of Documents](#) schedule.

### **Your rights and personal data:**

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 the data was collected, how the data was collected and why it is being used.

Further information about your rights can be found on the “[Your Data Rights](#)” page.

**Further processing:**

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, we may provide you with a new notice explaining this new use and setting out the relevant purposes and processing conditions, prior to commencing the processing. We will seek your prior consent to the new processing if this is appropriate.

**Contact Details:**

Details as to how we can be contacted as well as how you can submit a complaint is available on our website: <https://www.northyorkshire-pfcc.gov.uk/your-information-rights/your-information-data-protection/>

This version of our Privacy Notice was last updated on **6 February 2020**.