

# GWENT POLICE

## GWENT POLICE DATA PROTECTION POLICY



### 1.0 Aims of Policy

This policy aims to ensure compliance with the Data Protection Act 1998 and principles by Gwent Police Staff when processing personal data and sensitive personal data. The Act requires Data Controllers to comply with eight principles in relation to all personal data that they process. The Data Protection Principles set out the basic standards governing the 'processing' of personal data. The Chief Constable in his capacity as Data Controller therefore must comply with the principles unless an exemption applies.

### 1.2 Access to Information

**All access to information is restricted to a Policing Purpose. For further information refer to the ACPO Data Protection Manual of Guidance (DP MoG).**

### 1.3 Data Protection Principles

It is the policy of Gwent Police to regard the lawful and correct treatment of personal information as being important to its service delivery, and to maintaining confidence between those whom we deal and ourselves. Gwent Police will fully endorse and adhere to the principles of the Act.

Principle 1 – (Data) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;

Principle 2 – (Data) shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;

Principle 3 – (Data) shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;

Principle 4 – (Data) shall be accurate and, where necessary, kept up to date;

Principle 5 – (Data) shall not be kept for longer than is necessary for that purpose or those purposes;

Principle 6 – (Data) shall be processed in accordance with the rights of data subjects under the Act;

Principle 7 – (Data) appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data against accidental loss or destruction of, or damage to, personal data;

Principle 8 – (Data) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

#### **1.4 Personal Data and Processing by the Police**

Gwent Police endorses and adheres to the Data Protection Principles, as detailed in the Act, and in accordance to the ACPO Data Protection Manual of Guidance Standards, (ACPO DP MOG) v2.0 section 2.3.

Any police held information which is deemed not to be 'personal data' may be accessible to the public under the Freedom of Information Act 2000. In limited circumstances third-party personal data may also be accessible via requests made under the FOI Act.

#### **1.5 Use of De-Personalised Information**

It may be possible for Gwent Police to achieve a particular purpose using information that is not personal data. This will consequently fall outside the scope of the Act, and may be created by 'anonymising' or 'de-personalising' Personal data.

### **2.0 The Legal Basis**

The legal basis for this policy can be found within the following :-

- Data Protection Act 1998
- Freedom of Information Act 2000
- Computer Misuse Act 1990.
- Copyright, Design and Patent Act 1998
- ISO 27001

Breaches of the Data Protection Principles are not criminal offences in themselves) although criminal offences are likely to include breaches of the principles). Breaches of the principles will be reported to the Head of Professional Standards and/or the \ Data Protection Officer. For

further information refer to the ACPO Data Protection Manual of Guidance v2.0.

### **3.0 Human Rights Certificate of Compliance**

The policy has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

### **4.0 Compliance with the Welsh Language Scheme**

This policy should aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

### **5.0 Risk Assessment and health and safety Considerations**

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

## **6.0 Identification Section**

**Policy Title: Data Protection Policy**

**Reference: 133-8 a issue 5**

**ACPO LEAD: DCC**

**Service Area Owner: Crime Investigation**

**Department Responsible: Data Management Department**

**Links to other Policies/Procedure:** Information Security, Freedom of Information , Health and Safety, Race Equality Scheme PNC Audit, Internet, Intranet and Email,- Data Quality, Review and Retention Procedure, ACPO/ ACPO(s) Community Security Policy (CSP), Personal Records, Crime Recording. This Data Protection Policy is all encompassing and applies to all operational policies and procedures.

**Policy Implementation Date:** STCG 28<sup>th</sup> August 2007 reviewed August 09, reviewed Nov 2010.

**Summary of any changes: 1.4 Has been amended to reflect the new ACPO Data Protection Manual of Guidance v2.0.**

**Policy Review Date: 2 years from review**