#

**Appropriate Policy Document for the Processing of Special Category and Criminal Personal Data for the Law Enforcement Purpose under the Data Protection Act 2018**

# Introduction

This is the ‘Appropriate Policy Document’ that sets out how Lancashire Constabulary will protect special category and criminal conviction personal data in compliance with the Data Protection Act 2018 (DPA 2018).

The substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, plus the condition for processing employment, social security and social protection data, require that an Appropriate Policy Document is in place when processing a special category of personal data (which is defined within Article 9 of the General Data Protection Regulation(GDPR)).

Part 3 of the DPA 2018 also outlines the requirement for an Appropriate Policy Document to be in place when processing sensitive personal data for law enforcement purposes.

Sensitive processing is defined in Part 3 section 35(8) and is equivalent to GDPR (Article 9) special category data. This includes:

* the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;
* the processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual;
* the processing of data concerning health;
* the processing of data concerning an individual’s sex life or sexual orientation.

This ‘Appropriate Policy Document’ explains the procedures for securing compliance with the data protection principles contained within Article 5 of GDPR and the policies for the retention and erasure of personal data. Records of our processing activities are contained within the Force’s Record of Processing Activities, which includes a record of the appropriate condition(s) for processing and record retention criteria.

Information about the processing of personal data carried out by Lancashire Constabulary is detailed in the Force [Privacy Notice](https://www.lancashire.police.uk/information/privacy-notice/) which is available on the Lancashire Police website.

**Procedures for ensuring compliance with the data protection principles**

***The Accountability principle***

Lancashire Constabulary has put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

* The appointment of a data protection officer who reports directly to Chief Officers
* Taking a ‘data protection by design and default’ approach to activities.
* Maintaining documentation of records of processing activities.
* Applying data protection policies and ensuring written contracts are in place with data processors.
* Implementing appropriate security measures in relation to the personal data processed.
* Carrying out data protection impact assessments for high-risk processing.

***Principle 1: Lawfulness and fairness***

The lawfulness of the sensitive processing carried out by Lancashire Constabulary is derived from its official functions as a public body.

As permitted by section 35 of the DPA 2018 Lancashire Constabulary will carry out sensitive processing for:

1. the ‘law enforcement purpose’ (defined in section 31 of the DPA 2018 as: ‘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’); and
2. in reliance on the following conditions set out in Schedule 8 to the DPA 2018:
* Statutory purpose.
* Administration of Justice.
* Protecting individual’s vital interests.
* Safeguarding of children and individuals at risk.
* Legal claims.
* Preventing fraud.
* Archiving, research and statistics in the public interest.

Where processing is undertaken for a policing purpose which does not fall within the definition of a law enforcement purpose, then a suitable condition for processing will be identified from Part 2, Schedule 1 of the DPA 2018.

The statutory Code of practice relating to the Management of Police Information defines policing purposes as :

1. Protecting life and property
2. Preserving order
3. Preventing the commissioning of offences
4. Bringing offenders to justice
5. Any duty or responsibility of the police arising from common or statute law

***Principle 2: Purpose limitation***

Lancashire Constabulary is authorised by law to carry put sensitive processing of personal data for any of the law enforcement purposes and may process sensitive data collected for one of these purposes (whether by the force or another controller), and further use it for any other policing purpose, providing the processing is necessary and proportionate to that purpose. Lancashire Constabulary will only use sensitive data collected for a law enforcement purpose for purposes other than law enforcement, where it is ‘authorised by law’.

***Principle 3: Data minimisation***

Lancashire Constabulary only collects special category personal data that is necessary and proportionate to carry out the law enforcement or policing purpose. It is processed in the context of carrying out processes which enable us to meet our stated policing purposes. Where sensitive data processing is for research purposes, wherever possible this is done using anonymised or de-identified data sets.

***Principle 4: Accuracy***

Lancashire Constabulary will ensure as far as possible that the personal data processed are accurate and kept up to date. In some circumstances it may be necessary to retain factually inaccurate information e.g. information provided by a 3rd party which does not represent the true facts.

All officers and staff are made aware of the need for accuracy and are responsible for the accuracy of the personal data they process. Checks are carried out on the accuracy of data during audits and line manager checks.

Where possible IT systems will be designed with controls that seek to improve data validation and data quality. Personal data found to be inaccurate will be rectified or erased whenever possible. Where this is not possible at present due to the limitations of IT systems, there will be an addendum to that personal data advising of the inaccuracy.

If an individual contacts Lancashire Constabulary to question the accuracy of their data we will respond to such requests accordingly. Where Lancashire Constabulary decides not to erase or rectify the data it will document this decision. When relevant, the processing will be restricted. Where reasonable and appropriate Recipients of the relevant data will be notified of any amendments or deletions.

***Principle 5: Storage Limitation***

The Constabulary has developed Record retention Guidelines which take account of the National Police Chief’s Council Retention Schedule. This is relevant to personal, special category and criminal offence data processed for either a general policing purpose and/ or law enforcement purpose. This can be accessed via the Force [Privacy Notice](https://www.lancashire.police.uk/information/privacy-notice/). Lancashire Constabulary will carefully consider the retention periods for sensitive data and the purpose for which it is processed. A periodic review of retention periods will be undertaken by the Constabulary to justify the need for retention of such data.

***Principle 6: Security***

Lancashire Constabulary complies with the relevant parts of the legislation relating to security, and seeks to comply with the College of Policing Information Assurance authorised practice, and relevant parts of the ISO27001 Information Security Standard.

Lancashire Constabulary ensures that appropriate policy, training, technical and procedural measures are in place. These will include, but are not limited to, ensuring police buildings are secure and protected by adequate physical means. The areas restricted to police officers and police staff are only accessible by those holding the appropriate identification, and having legitimate reasons for entry. Audits of our building security are carried out to ensure that they are secure. Lancashire Constabulary’s IT systems meet appropriate industry and government security standards. Audits of our police systems enable us to verify the records have been accessed for a legitimate reason.

All police officers and staff are subject to pre-employment police vetting checks and periodical vetting checks once in post. All police officers and staff have to undergo mandatory data protection and security training.

Any security incidents involving sensitive data are fully and corporately recorded, investigated and assessed for whether they should be reported to the Information Commissioners Office.

**Further Information**

For further information about our compliance with data protection law or if you wish to contact our Data Protection Officer, please contact us using the below contact details:

The Data Protection Officer

Lancashire Constabulary

Police Headquarters

Saunders Lane

Hutton

PR4 5SB

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