

Access to personal information about you – the Data Protection Act 1998

What is the Data Protection Act?

The Data Protection Act 1998 requires that the IPCC keeps ‘personal data’ (information we hold about you as an individual) private and confidential and uses it only for the purposes for which it was obtained. The definition of personal data includes any expression of opinion about you.

The Act provides you with a number of rights, including a general right of access to personal data held about you and a right to require that your data is corrected if it is wrong. More information about your data protection rights is available from the Information Commissioner, whose contact details are set out below.

Why does the IPCC hold information about you?

We will hold information about you if you are involved in one of our cases (for example where we are dealing with a complaint you have made against the police, or you are a police officer connected with such a case), if you are or have been employed by IPCC, or if you have been in contact with us for some other reason and have allowed us to record your personal information.

We have notified the Information Commissioner’s Office, as we are required to do by law, of the purposes for which we process personal data. If you would like to see the full details of our data protection register entry this is available from the Information Commissioner’s Office.

Your right to see your personal data

The Data Protection Act entitles you to find out what information about you is held by IPCC.

The right of access is not absolute, however, as the Act includes some significant exceptions, for example:

- You may not be able to see information about yourself where this cannot be separated from personal information about others, although exceptions can be made where the person is acting in an official or work capacity or has given us permission to allow you to see it.

- We may also withhold information if it relates to an investigation and disclosure is likely to prejudice those proceedings, or if we can claim legal professional privilege in respect of communications between the IPCC and its legal advisers.

The IPCC must be able to justify any exemptions and you will be told if any have been applied to your request.

How to exercise your right to know

A request for access to your personal data (known as a 'subject access request') should be made in writing to the contact address given below. To help us to identify your request please mark your letter 'REQUEST FOR PERSONAL DATA UNDER THE DATA PROTECTION ACT'. We will not deal with your request unless we are satisfied as to your identity and so you may be asked to provide us with proof of identity which shows your full name and current address. This can be a copy driving licence, bank statement, NHS medical card or utility bill. Original documents will be returned.

You can ask for '*all the information to which I am entitled under the Data Protection Act*' or if you are clear about the information you would like to receive you can ask for this specifically. If you know that the information you are seeking is contained within a paper document or file, for example a police complaint file, we may require a description of the data to assist us in dealing with your request. Please note, however, that information of a personal nature contained within our police complaint files does not always fall within the definition of 'personal data'. This is because its focus may be the complaint rather than you as an individual, with the result that you may not be entitled to see it under the Data Protection Act. We consider each request on its merits.

What can you expect from us?

- We will acknowledge your request in writing within 2 days of receipt.
- We will deal with your subject access request promptly and in any event within the 40 day deadline laid down in the Act.
- In some instances, it may be necessary to consult other public authorities and/or third parties in order to reach a decision on whether the requested information can be released.
- When responding to your request we will, as required by the Act:
 - Give you your personal data, unless we have applied an exemption
 - Give a description of the purpose(s) for which we are processing your data
 - Tell you who is allowed to see your data
- When we decide against giving you all or some of your personal data, we will provide you with written reasons and explain how you can complain about the outcome of your request if you should wish to do so.

What if you are unhappy with the IPCC's response?

You should write to 'The Director of Legal Services' at the IPCC who will carry out an assessment of the way your request was handled and write to you with a reasoned decision. Please mark your letter 'COMPLAINT UNDER THE DATA PROTECTION ACT'.

If you are still dissatisfied you can write to the Information Commissioner's Office at the address given below to request that they carry out an assessment. The Commissioner will either confirm that we have acted in compliance with the Act, or write to us saying how we have failed to comply and what we must do to ensure compliance. In certain circumstances the Commissioner may take formal action.

IPCC Contact Details

Information Rights Team
Independent Police Complaints Commission
90 High Holborn
London
WC1V 6BH

Tel: 08453 002 002

Email: foi@ipcc.gsi.gov.uk

www.ipcc.gov.uk

For general inquiries please email: enquiries@ipcc.gsi.gov.uk

For Further Information

The Information Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

E mail: casework@ico.gsi.gov.uk

Switchboard: 0303 123 1113

Fax: 01625 524 510

www.ico.gov.uk

The Information Commissioner oversees enforcement of the Data Protection Act, the Freedom of Information Act and the Environmental Information Regulations. The web site provides assistance to the public on how to exercise their rights under these Acts and has guidance for public authorities on implementing the legislation.