

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's Office, 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 and can be seen at <http://www.ico.org.uk/ESDWebPages/DoSearch> (type **Z8355362** in as the registration number and click on 'search register').

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;

- the information relates to an investigation and disclosure is likely to harm those proceedings; or
- the information is contained in advice given to the IPCC by its lawyers and attracts legal professional privilege.

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 or email 'REQUEST FOR PERSONAL DATA UNDER THE DATA PROTECTION ACT'. The IPCC takes the issue of information security very seriously and works hard to make sure that your information is handled properly and not shared with other people improperly. We will therefore ask for documentation to make sure that we only send information out to the right person at the right address. We appreciate that this may cause you some administrative delays, but feel it is necessary to be very careful with your information.

- If you are known to us, and we have verified your identity in the past three months, and if your email and/or postal addresses have not changed, we will not require further ID. When sending an email acknowledgement, we will confirm the postal address to which we are sending information and ask you to update us if this has changed.
- If you are not known to us or our last correspondence was more than 3 months ago, we will ask for at least **two** documents: proof of identity **and** address. These must include one item off each list:

Proof of identity:

- current passport (pages with photograph and personal details);
- current driving licence (if photo version, to include the paper document that accompanies it);
- birth certificate issued at birth; or
- adoption certificate.

Proof of address (no older than 3 months, faxes are not acceptable and the document must contain your name and current address):

- utility bill (not including mobile phone bill);
- bank statement (print out from online banking is not acceptable);
- credit card statement;
- landline phone bill;
- council tax bill;

- letter from a job centre or Department for Work and Pensions;
- letter from Her Majesty's Revenue and Customs;
- letter from the Ministry of Justice;
- letter from the Home Office;
- letter from the UK Border Agency;
- letter from a Probation Trust; or,
- letter from a Police Force.

These should be scanned in colour (black and white will not be accepted) and emailed. Colour photocopies can be sent to us by post (black and white will not be accepted).

If you have any problems with providing colour scans of documents or colour photocopies, your local library may be able to help you use its computers or photocopiers. To find out where your local library is, you can contact your local council. Contact details for councils are available at <https://www.gov.uk/find-your-local-council>. Once you are on the council website, click on 'library' or type 'library' in the search bar and follow the links.

If you have any problems with finding these proofs of identity and address, please call us to discuss and we provide assistance.

Guidance on the Data Protection Act sets out that you should try to describe the information that you are requesting. 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 two 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. Where there are any delays, we will inform you;
- 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; and
 - tell you who is allowed to see your data.

- If 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 FOI & DPA Team Leader' 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 it carries 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:

FOI & DPA Team
Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH

Tel: 08453 002 002
Email: foi@ipcc.gsi.gov.uk
Website: www.ipcc.gov.uk

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

The Information Commissioner Contact details:

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

Email: casework@ico.gsi.gov.uk
Switchboard: 0303 123 1113
Fax: 01625 524 510
Website: 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 implementing the legislation.