

Office of the Police, Fire & Crime Commissioner for Cumbria

Police Complaint Reviews Privacy Notice

From 1 February 2020, the Policing and Crime Act 2017 places a mandatory requirement upon Police and Crime Commissioners to carry out reviews of police complaints regarding complaints made after this date.

Who we are

The Office of the Police, Fire and Crime Commissioner for Cumbria (OPFCC) provides support to the Police, Fire and Crime Commissioner (Commissioner) in carrying out his duties and responsibilities which include holding the Chief Constable for Cumbria to account for the delivery of local policing, setting and updating a police and crime plan, setting the budget and the precept and engaging with the public and communities within the policing area. The Chief Executive of the OPFCC is the data controller for the personal information we process, unless otherwise stated. You can contact us in a number of ways.

By email: commissioner@cumbria-pcc.gov.uk

Telephone: 01768 217734

By post: Office of the Police, Fire and Crime Commissioner for Cumbria
Police Headquarters
Carleton Avenue
Penrith,
CA10 2AU

The Data Controller is the Chief Executive who can be contacted via the details above.

Purpose of this privacy notice

This privacy notice is to advise you of how your personal information will be dealt with (processed) by the OPFCC and your rights in relation to that processing. The OPFCC has responsibility for dealing with any complaints made directly about the Chief Constable of Cumbria Constabulary.

Relevant Review Bodies

As of 1st February 2020, the Independent Office for Police Conduct (IOPC) and OPFCC are the appropriate authorities to deal with reviews related to complaints that have been recorded by Cumbria Constabulary.

The IOPC is the relevant review body where-

- i. the appropriate authority is the Commissioner
- ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)
- iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights
- iv. the complaint has been, or must be, referred to the IOPC
- v. the IOPC is treating the complaint as having been referred (also known as the 'power of initiative')
- vi. the complaint arises from the same incident as a complaint falling within ii- v
- vii. if any part of the complaint falls within ii-vi

In any other case not listed above OPFCC is the relevant review body.

Should you request a review, your personal information will be shared between the OPFCC, Cumbria Constabulary and where appropriate the IOPC. To assist the OPFCC in responding to any requests for a review to take place of a recorded complaint once the initial investigation has been completed by Cumbria Constabulary, it has been agreed that the process for undertaking a review of the complaint may be outsourced, although responsibility for making the final decision will remain with the OPFCC. As such, your information will also need to be shared with an independent review officer who will be undertaking the review process on our behalf.

The OPFCC have a statutory responsibility to monitor how complaints and disciplinary matters within Cumbria Constabulary are handled. This is undertaken via a dip sampling process. Complaints are selected from an anonymised list with only those complaints selected as part of the dip sampling process being accessed via the complaints system during the review. For further information on Cumbria Constabulary and their Data Protection Officer, please visit their [website](#).

What information do we collect?

We collect a range of information about you. This can include:

- your name, address and contact details, including email address, telephone number, date of birth, age and occupation;
- any family member's name, address and contact details, including email address, telephone number, date of birth, age and occupation, friend or solicitor you appoint to act on your behalf;
- information about your marital status, next of kin, dependants and emergency contacts;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, gender, disability and religion or belief;

- details of and documents relating to the circumstances/incident/ interaction with Cumbria Constabulary that has resulted in you making a complaint against the Chief Constable or requesting a review of your recorded complaint that has been dealt with by Cumbria Constabulary;
- any on-going contact you have with both Cumbria Constabulary and the OPCC whilst the complaint is being investigated or the review is being undertaken;
- photographs that may contain pictures of you for example stills from CCTV cameras;
- any other information that you choose to provide us with that is applicable to your complaint.

We collect this information in a variety of ways such as via email, letter or use of the complaints case management system. If you have contacted the IOPC, they may refer your complaint to us to deal with in the first instance.

What is the legal basis for processing your personal data?

Section 22 of the Police Reform Act 2002 requires police forces to have regard to the IOPC Statutory Guidance to the police service on the handling of complaints. The Policing and Crime Act 2017 brings into law the power for the Commissioner to adopt any of the functions given to the Chief Constable of a police force in relation to complaints. The Police (Complaints and Misconduct) Regulations 2020 which details how complaints and reviews of formally recorded complaints should be handled, came into force on 1st February 2020. This legislation therefore places a legal obligation on the Commissioner to process your personal information in respect of all complaints made against the Chief Constable and also where a review has been requested on recorded complaints from 1st February 2020.

The Policing Protocol Order 2011 paragraph 17(n) as issued under the Police Reform and Social Responsibility Act 2011 place a legal obligation for the Commissioner to monitor all complaints made against police officers and police staff.

Where we process special categories of personal data, such as information about ethnic origin, sexual orientation, transgender, health or religion or belief, this is done for the purposes of equal opportunities monitoring or as part of your complaint or review.

Further information regarding the appeal/review process can be found at the following Independent Office of Police Conduct link:

<https://policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals>

Sharing your personal data

Your information may be shared internally within the OPFCC, with Cumbria Constabulary, the independent review officer who has been appointed to undertake the review process on our behalf, the IOPC and any person or organisation you have requested to act on your behalf. Only staff who require access to your data in order to allow us to carry out our duties in relation to the recording and handling of your complaint will be provided with access to it. We will not pass on information to third parties except where it is necessary to resolve your complaint or where we are required to by law.

Where your personal information is shared with an external source then we will ensure this is done securely. If you do not want us to share your personal information with Cumbria Constabulary or with the independent review officer who will be processing reviews on our behalf, then we will be unable to look into your complaint/review further.

How long do we keep your personal data?

Personal data is kept in line with our Retention and Disposal Policy. The OPFCC retention policy has been drafted in line with the National Police Chief's Council (NPCC) guidance on the retention of police records. Therefore, your personal information will be retained for six years from the end of the closure of the investigation or six years from the end of any sanction if the matter resulted in disciplinary proceedings. The record may be retained beyond six years at the discretion of the Chief Executive.

No personal information is retained by the OPFCC when the dip sampling process is undertaken.

How do we keep your information secure?

The OPFCC takes the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Access to your personal information held on the complaints system is restricted to those individuals who require it and can only be provided by Cumbria Constabulary's Professional Standards Department.

Your rights in relation to your personal data

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information.

- Your right of access
- Your right to rectification
- Your right to erasure
- Your right to restriction of processing.
- Your right to object to processing
- Your right to data portability

Further information in relation to these rights can be found in our general privacy notice which is available on our website.

Changes to this privacy notice

We keep our privacy notice under regular review to make sure it is up to date and accurate.

If you are not satisfied

We set very high standards for the collection and appropriate use of personal data and take any complaints very seriously. We would like you to bring to our attention any instance where you believe the use of data is unfair, misleading or inappropriate. We also welcome any suggestions for improvement. Please contact our Data Protection Officer for the OPFCC in the first instance.

If you remain dissatisfied after contacting our Data Protection Officer, you can lodge a complaint with the Information Commissioner:

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

Telephone: 0303 123 1113
Fax: 01625 524510