

# **Criminal Justice Privacy Notice**

## **How to contact us**

Inverclyde Council will act as the 'Data Controller' in regard to the personal data you provide to us. The 'Data Controller' is based at Inverclyde Council, Information Governance, Municipal Buildings, Clyde Square, GREENOCK, PA15 1LY.

The Council's Data Protection Officer is Vicky Pollock who can be contacted at [dataprotection@inverclyde.gov.uk](mailto:dataprotection@inverclyde.gov.uk) and by telephone on 01475 712498.

## **What information do we need?**

The information may include details such as:

- name;
- address;
- date of birth;

And sensitive details such as:

- information about your offending behaviour and or your criminal convictions; and
- details of your personal circumstances.

## **Why we need this information?**

This notice is for people being supported or supervised by the Council and partner agencies through criminal justice services.

This includes offenders and former offenders being supported or supervised in the community, those receiving social care services in prison, or prison throughcare on release, persons subject to community payback or compulsory treatment orders and those persons subject to Multi Agency Public Protection Arrangements (MAPPA).

The Council will use your personal information to carry out any supervisory role the Council has in relation to orders that you are subject to and to more generally look into your circumstances to see what needs you have that are eligible for support.

If you do have support needs or require supervision then the Council will work with other agencies to put in place a plan to support or supervise you.

All of the information the Council collect from you will be processed by staff in the United Kingdom.

The Council will also use your information to verify your identity where required, contact you by post, email or telephone, to maintain Council records, manage any funding of services and your contribution to these and to demonstrate to the Council's own auditors and external regulators that the Council has provided proper services in accordance with the law.

## **The Legal basis for using your information**

The Council provides these services to you as part of the Council's statutory function as a local authority under the provisions of the Social Work (Scotland) Act 1968, Criminal Procedure (Scotland) Act 1995, Management of Offenders etc (Scotland) Act 2005, Community Justice (Scotland) Act 2016 and related legislation applying to support for those subject to criminal justice processes in Scotland. You can find more details of the Council's role on our website at [www.inverclyde.gov.uk/](http://www.inverclyde.gov.uk/).

Processing your personal information is necessary for the performance of a task carried out in the public interest by the Council as set out in the legislation referred to above. If you do not provide the Council with the information we have asked for then we will not be able to provide some of these services to you.

The Council may also require to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for the Council to process this data in order to carry out key functions as set out in the legislation referred to above.

The Council will also process data about any criminal convictions you may have or offences you may have committed. This is because the Council has a responsibility for the protection of children and vulnerable adults as well as a responsibility to assess your needs. Information about criminal offences or alleged offences will be processed by the Council where relevant to your support and supervision or the protection of vulnerable people.

## **What we will do with your information?**

All of the information the Council collect from you will be processed by staff in the United Kingdom.

The Council is legally obliged to safeguard public funds and will verify and check your details internally for fraud prevention. The Council may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes. The Council is legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. The Council will generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help the Council improve our services.

Supervision and social care support often involves multi-agency work. There are many other agencies with whom the Council is likely to share your data in order to support you. These include the NHS – which may be your G.P, any specialist whose care you are under, hospital staff, prison-based healthcare staff, pharmacists, district nurses, Scottish Ambulance Service and allied professions involved in your care and support. The Council is certain to share information with the Scottish Prison Service (SPS) if you are, or have recently been, in prison. The Council will routinely share information with any provider of care and support to you, either your own private carers, those being paid to provide services to you or voluntary agencies offering you support. As well as the NHS and SPS the Council may share information with certain other Community Justice Partners including Police Scotland, Scottish Fire and Rescue Service, Scottish Courts and

Tribunals Service, Scottish Government and Skills Development Scotland and will almost certainly do so if you are subject to MAPPA arrangements.

In addition, the Council may share information with some other agencies depending on your individual circumstances. These include your housing provider, if aspects of your support relate to housing adaptations or other housing-related issues and the Department of Work and Pensions in terms of benefits you may receive. The Council will also share information with other Council services where we are working with them to provide services to you

This data sharing will only take place when necessary to discharge the Council's legal duties based on your individual circumstances or to deliver effective services to you. This will be done in accordance with the Council's privacy notice which is available at [www.inverclyde.gov.uk/privacy](http://www.inverclyde.gov.uk/privacy). It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

In general the Council does not transfer personal data outside either the UK or the European Union and on the rare occasions when it does so the Council will inform you. The Council will only transfer data outside the UK and the EU when it is satisfied that the party which will handle the data and the country it is processing it in will provide adequate safeguards for personal privacy.

### **How long will we keep your information?**

The Council maintains a Policy for the Retention and Disposal of Documents and Records Paper and Electronic which sets out how long we hold different types of information for. This is available on the Council's website at <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information> or you can request a hard copy from the contact address stated above.

### **Your Rights**

When you provide information to the Council, you will have the following rights:

- To withdraw consent at any time, where the legal basis specified above is consent
- To request access to your personal data
- To object, where the Legal Basis specified above is: i) public task or ii) legitimate interests
- To data portability, where the Legal basis specified above is i) consent or ii) performance of a contract
- To request rectification or erasure of your personal data, as so far as the legislation permits
- To restrict processing in certain circumstances, for example if the information is not accurate.

In addition, if you are unhappy with the way the Council have processed your personal data you have the right to complain to the UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, 08456 30 60 60, Email: [www.ico.gov.uk](http://www.ico.gov.uk) but you should raise the issue with the Council's Data Protection Officer first.

### **Automated Decision Making**

Not applicable.

**More information:**

For more details on how the Council processes your personal information visit [www.inverclyde.gov.uk/privacy](http://www.inverclyde.gov.uk/privacy)

If you do not have access to the internet you can contact the Council via telephone to request hard copies of our documents.