



# Privacy Notice

## Using Your Personal Data

### Law Enforcement Processing under Part 3 Data Protection Act 2018

#### Introduction

The Police Investigations & Review Commissioner (PIRC) is appointed by Scottish Ministers and has several functions under the Police, Public Order and Criminal Justice (Scotland) Act 2006 as amended by the Police and Fire Reform (Scotland) Act 2012. The PIRC independently investigates incidents involving the police and independently reviews the way the police handle complaints from the public, following which, we report our findings. In some cases the PIRC is directed or requested to conduct an investigation and in others information is referred for the PIRC to assess whether or not an investigation is necessary. Our investigations can be directed or requested by the Crown Office and Procurator Fiscal Service (COPFS), Police Scotland (or another Scottish policing body), the Scottish Police Authority (SPA) or because the Commissioner considers that it is in the public interest to do so.

Data protection law in the United Kingdom (UK) is governed by the Data Protection Act (DPA) 2018, the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED). Part 2 of the DPA covers general processing under the GDPR with Part 3 covering law enforcement processing under the LED. For PIRC investigations processing is mainly under Part 3 with some processing under Part 2.

This privacy notice explains how PIRC processes your personal data under Part 3 DPA for PIRC assessments and investigations where you have provided this directly to us. It explains the rights you have in relation to your personal data. Personal data is any information we hold on you from which you could be identified either on its own or if combined with other available data. The PIRC is known as the 'controller' of the personal data we collect.

#### Why we need your personal information

The PIRC conducts investigations under Police Public Order and Criminal Justice (Scotland) Act 2006, and The Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013. We collect information, including personal data, under Part 3 DPA to carry out our functions under this legislation.

#### Lawful basis

The PIRC's lawful basis for processing under Part 3 DPA is that it is necessary for the performance of a task carried out by the PIRC as a competent authority for law enforcement purposes and is based on the legislation detailed above.

### **What we do with it**

We use your personal data to conduct our investigation and we may use it when we report our findings to the relevant policing body, the COPFS, or the SPA. We will hold your personal information securely whether in paper or electronic format.

We may share your information with another public body or another policing body operating in Scotland. However, we will only do this where sharing your information is necessary for us to carry out our investigations and reporting function, or, to allow the public body concerned to carry out its own function. The Police, Public Order and Criminal Justice (Scotland) Act 2006 allows information sharing with any public body or office holder as specified in this Act and in specified circumstances.

We may disclose your personal information in exceptional circumstances. For example, where we are required by law to do so or where the health and safety of you or others is at risk.

We may use your information for statistical, research, training and development purposes.

### **How long we keep it**

We will hold your information for no longer than is necessary. The timescales involved are explained in our Records Management Policy. This can be viewed on our website at <https://pirc.scot/media/5359/records-management-policy-jan-22.pdf>. We take steps to ensure that we comply with the policy.

### **What are your rights?**

#### *Right of access*

You have the right to confirmation as to whether or not we are processing your personal data and to be given information on how we use the data, what type of data we have, who we will share it or have shared it with, how long we will keep it for, and what your rights are regarding your data. You can also request to see the personal information we hold about you.

#### *Right to rectification*

If you believe that information we hold on you is incorrect, you can request that it is corrected or deleted.

#### *Right to erasure*

You can request that we delete the personal information we hold on you if, we no longer require it, you object to us processing it and we have no overriding legitimate grounds for us to retain it, your data has been unlawfully processed, it needs to be erased for legal reasons.

#### *Right to restrict processing*

You can request that we temporarily restrict the processing of your personal data if, we are checking the accuracy of your data, our processing is unlawful and you do not want your data erased, we no longer need your data but need to retain it for legal reasons, or you object to us processing it and confirmation is awaited regarding our overriding legitimate grounds to retain it.

It is important to note that these rights detailed above are not absolute. In some cases exemptions can apply and we may not be able to provide you with all of the information you are looking for or comply with your request to exercise your rights.

If you have a request regarding your rights or if you want to complain about how we have handled your personal data, you can contact us at: [informationrequests@pirc.gov.scot](mailto:informationrequests@pirc.gov.scot) or using the details on this privacy notice or on our website.

If you are not satisfied with our response, or believe that we are processing your data not in accordance with the law, you can complain to the Information Commissioner's Office at:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545745