

Data Protection Privacy Notice

Criminal Justice



1) Overview

The City of Edinburgh Council provides a range of Criminal Services because the law says that we must do this.

The services we provide are in the following areas:

- Social Work assessments and background reports about offenders for consideration in court cases
- Support and advice services for offenders

To deliver these Criminal Justice Services we need to collect, store, use, share and dispose of personal information. This is known as data processing.

When we collect personal data, we must tell you why we need it, and what we will do with it. This information is called a privacy notice.

This privacy notice explains how we process your personal information for the purposes of providing Criminal Justice Services. If this privacy notice changes in any way, we will place an updated version on this page. By regularly reviewing this page you will ensure that you are always aware of what information we collect, how we use it and under what circumstances, if any, we share it with others.

In processing personal information, The City of Edinburgh Council must comply with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. We refer to this as data protection legislation.

Data controller

Data controllers are the organisations or individuals that determine how your personal information will be processed. By law, data controllers must pay a fee to register with the UK Information Commissioner who is the data protection regulator within the UK.

The City of Edinburgh Council data controller registration number: Z5545409.

2) Data Collection and personal data categories

The personal information we hold about you about the provision of Criminal Justice Services is collected in a variety of ways. We will collect information from you in paper and online forms, by telephone, email, CCTV and in conversation with a member of our staff. We will also collect information from one or more of our partners agencies such as NHS Lothian, Police Scotland and Voluntary Sector organisations working with the Council.

When we collect and process your personal information, we are committed to the principles set out in data protection legislation.

Data protection principles

We only collect information that we need

We keep your personal information secure.

We don't keep your information for longer than we need to

We tell you why we need your information and what we will do with it

We collect accurate information and, where necessary, keep it up to date

We don't use your information for a different reason than the one we have told you about. The exception to this is if we must do so by law e.g. For the purposes of providing Adult Protection and Safeguarding Services.

Personal data categories

We process personal data and special category data.

Personal data is information which can be used to identify you such as your

- Name
- address
- date of birth
- A unique identifier, such as a Social Work Client ID number

Special category data is information that reveals

- racial or ethnic origin
- data concerning health and sex life
- religious or philosophical beliefs

3) Purpose of processing personal information

Processing personal information about the provision of Criminal Justice services allows us to provide those services and fulfil our legal responsibilities, such as providing social work assessments of offenders and providing social work services to those convicted of having committed an offence.

On occasions, we may keep your personal information within the Council's archives for evidential and historical reasons, or use it for research and statistical purposes.

It will sometimes be necessary to process personal information to protect individuals from harm or injury, to prevent and detect crime, to comply with legal orders, and to provide information in accordance with a person's rights.

The Council will only process your personal information when it is lawful to do so.

Reasons

Data processed by the Council about Criminal Justice Services provision is processed because:

- It is required by law
- It is necessary as part of a contract

- It is necessary to protect someone's life
- It is necessary to provide a Council service which is part of our public task.

Section 7 of the Council's Register of Processing sets out the Criminal Justice Service activities that involve the collection and use of personal information and the reason why we can process your information lawfully.

If we require your permission to process your personal information, we will ask you. If you wish to withdraw your consent, you can do so through contacting the Council's Information Rights Team.

4) Information Sharing

To provide you with good quality services and to meet our legal obligations, we will sometimes share your personal information between teams within the Council, and with external partners and agencies involved in delivering services on our behalf.

The Council may also provide personal information to third parties, but only where it is necessary, either to comply with the law or where permitted under data protection legislation.

Organisations who we may share your information with include

- Police Scotland
- Scottish Court Service
- NHS Lothian
- Voluntary organisations and private sector service providers.

We will only share your information with partners or suppliers who have sufficient measures and procedures in place to protect your information and can meet their legal obligations under data protection legislation. These requirements will be set out in contracts or information sharing agreements.

We will not share your information for marketing purposes, unless you have specifically given us with permission to do so.

Details of transfers to third country and safeguards

Your information will normally be stored and processed on servers based within the European Economic Area. While it may sometimes be necessary to transfer personal info overseas, any transfers will be in full compliance with data protection legislation.

5) Retention periods and your rights

Retention periods

We will not keep your information for any longer than it is needed, and will dispose of both paper and electronic records in a secure way. The length of time we need to keep information collected for providing Criminal Justice Services varies will depend on the purpose for which it is collected. The Council has a Record Retention Schedule which sets out how long we keep records and the reason why.

You have rights under data protection legislation including:

- Right to be informed about how we collect and use your personal information through privacy notices such as this.

- Right to request information we hold about you. This is known as a subject access request and is free of charge. We must respond within one month, although this can be extended to three months if the information is complex.
- Right to rectification. You are entitled to have your information rectified if it is factually inaccurate or incomplete. We must respond to your request within one month. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- Right to erasure. You have the right to ask us to delete your information or stop using it. It will not always be possible for us to comply with your request, for example if we have a legal obligation to keep the information. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- Right to restrict processing. You have the right to restrict how your data is processed in certain circumstances, for example if the information is not accurate. If a restriction is applied, we can retain just enough information to ensure that the restriction is respected in future. If we decide to lift a restriction on processing we must tell you.
- Right to object. You can object to your information being used for profiling, direct marketing or research purposes.
- Right to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Whilst a right to data portability exists under data protection legislation, because we process information for Criminal Justice Services as part of our public task or because of legal obligations, you cannot ask us to transfer this information to another data controller so they can use it.

Collecting Information Automatically

We use cookies to collect data automatically when you are using our website. The cookies page on the Website gives further information about this. No other Criminal Justice information is collected automatically.

To make a subject access request, or to exercise any of your rights, please contact Information Rights Team.

6) Incidents, complaints and comments

Data Protection incident

If you are concerned about what we do with your data, or think something has gone wrong, for example if you have received correspondence from the Council which is not addressed to you, contact the Council's Data Protection Officer to report a data protection incident.

Complaints and comments

If you wish to make a complaint or comment about how we have processed your personal information, you can do so by writing to the Council's Data Protection Officer.

If you are still unhappy with how the council have handled your complaint, you may contact

UK Information Commissioner's Office, Wycliffe House
 Water Lane, Wilmslow, Cheshire, SK9 5AF
 Tel: 0303 123 1113 | Website: www.ico.gov.uk (external link)

7) Data Protection Officer

The Council must appoint a Data Protection Officer to make sure it is complying with data protection legislation. The Council's Data Protection Officer is:

Kevin Willbraham, Information Governance and Strategic Complaints Manager
Information Governance Unit, City of Edinburgh Council
Waverley Court – 2.1, 4 East Market Street
Edinburgh
EH8 8BG
E-mail: information.compliance@edinburgh.gov.uk
Tel: 0131 469 6200