



How we use Personal Data – Fair Processing Notice.

Introduction

This document explains how the Isle of Man Constabulary obtains, holds, uses and discloses information about people (their personal data), the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal data handled by the Isle of Man Constabulary.

The use and disclosure of personal data is governed in the Isle of Man by the Data Protection Act 2002 ('the Act'). The Chief Constable of the Isle of Man Constabulary is registered with the Data Protection Supervisor as a 'data controller' for the purposes of the Act. As such he is obliged to ensure that the Isle of Man Constabulary handles all personal data in accordance with the Act.

The Isle of Man Constabulary takes that responsibility very seriously and takes great care to ensure that personal data is handled appropriately in order to secure and maintain individuals' trust and confidence in the force.

1. Why do we handle personal data?

The Isle of Man Constabulary obtains, holds, uses and discloses personal data for broad purposes:

- a) Protecting life and property;
- b) Preserving order;
- c) Preventing the commission of offences;
- d) Bringing offenders to justice;
- e) Any duty or responsibility of the police arising from common or statute law.

These five policing purposes provide the legal basis for collecting, recording, evaluating, sharing and retaining police information. The Isle of Man Constabulary will hold information relating to a range of individuals including victims, witnesses, complainants, suspects and offenders, in connection with this policing purpose as well as details of others who work for or with.

1. The Policing Purpose – which includes the prevention and detection of crime; apprehension and prosecution of offenders; protecting life and property; preserving order; maintenance of law and order; rendering assistance to the public in accordance with force policies and procedures; and any duty or responsibility of the police arising from common or statute law.

2. The provision of services to support the Policing Purpose – which include:

- Staff administration, occupational health and welfare;
- Management of public relations, journalism, advertising and media;

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- Management of finance;
- Internal review, accounting and auditing;
- Training;
- Property management;
- Insurance management;
- Vehicle and transport management;
- Vetting;
- Payroll and benefits management;
- Management of complaints;
- Management of information technology systems;
- Legal services;
- Information provision;
- Licensing and registration;
- Pensioner administration;
- Research, including surveys;
- Performance management;
- Sports and recreation;
- Procurement;
- Planning;
- System testing;
- Security;
- Health and safety management.

2. Whose personal data do we handle?

In order to carry out the purposes described under paragraph 1 above the Isle of Man Constabulary may obtain, use and disclose (see paragraph 7 below) personal data relating to a wide variety of individuals including the following:

- Staff including volunteers, agents, temporary and casual workers;
- Suppliers;
- Complainants, correspondents and enquirers;
- Relatives, guardians and associates of the individual concerned;
- Advisers, consultants and other professional experts;
- Offenders and suspected offenders;
- Witnesses;
- Victims;
- Former and potential members of staff, pensioners and beneficiaries;
- Other individuals necessarily identified in the course of police enquiries and activity.

The Isle of Man Constabulary will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information i.e. CCTV images.

3. What types of personal data do we handle?

In order to carry out the purposes described under paragraph 1 above the Isle of Man Constabulary may obtain, use and disclose (see paragraph 7 below) personal data relating to or consisting of the following:

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- Personal details such as name, address and biographical details;
- Family, lifestyle and social circumstances;
- Education and training details;
- Employment details;
- Financial details;
- Goods or services provided;
- Racial or ethnic origin;
- Political opinions;
- Religious or other beliefs of a similar nature;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Offences (including alleged offences);
- Criminal proceedings, outcomes and sentences;
- Physical identifiers including DNA, fingerprints and other genetic samples;
- Sound and visual images;
- Licenses or permits held;
- Criminal Intelligence;
- References to manual records or files;
- Information relating to health and safety;
- Complaint, incident and accident details.

The Isle of Man Constabulary will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information i.e. CCTV images.

4. Where do we obtain personal data from?

In order to carry out the purposes described under paragraph 1 above the Isle of Man Constabulary may obtain personal data from a wide variety of sources, including the following:

- Other law enforcement agencies;
- International law enforcement agencies and bodies;
- Licensing authorities;
- Legal representatives;
- Prosecuting authorities;
- Defence advocates and solicitors;
- Courts;
- Prisons;
- Security companies;
- Partner agencies involved in crime and disorder strategies;
- Private sector organisations working with the police in anti-crime strategies;
- Voluntary sector organisations;
- Approved organisations and people working with the police;
- Police Complaints Commissioner;
- Auditors;
- Central government, governmental agencies and departments;
- Emergency services;
- Individuals themselves;
- Insurance companies;
- Relatives, guardians or other persons associated with the individual;

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- Current, past or prospective employers of the individual;
- Healthcare, social and welfare advisers or practitioners;
- Education, training establishments and examining bodies;
- Business associates and other professional advisors;
- Employees and agents of the Isle of Man Constabulary;
- Suppliers, providers of goods or services;
- Persons making an enquiry or complaint;
- Financial organisations and advisors;
- Survey and research organisations;
- Trade, employer associations and professional bodies;
- Local government;
- Voluntary and charitable organisations;
- Ombudsmen and regulatory authorities including Financial Supervision Commission, Isle of Man Civil Service Commission, RTLC – Road Transport Licensing Commission;
- The media;
- Data Processors working on behalf of the Isle of Man Constabulary.

The Isle of Man Constabulary may also obtain personal data from other sources such as its own CCTV systems, or correspondence.

5. How do we handle personal data?

In order to achieve the purposes described under paragraph 1 Isle of Man Constabulary will handle personal data in accordance with the Act. In particular we will ensure that personal data is handled fairly and lawfully with appropriate justification. We will strive to ensure that any personal data used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and non excessiveness, is kept as up to date as required, is protected appropriately, and is reviewed, retained and securely destroyed when no longer required. We will also respect individuals' rights under the Act (see paragraph 8 below).

6. How do we ensure the security of personal data?

The Isle of Man Constabulary takes the security of all personal data under our control very seriously. We will comply with the relevant parts of the Act relating to security, and seek to comply with the Association of Chief Police Officers' Community Security Policy and relevant parts of the [ISO27001 Information Security Standard](#). We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and inspection, to protect our manual and electronic information systems from data loss and misuse, and only permit access to them when there is a legitimate reason to do so, and then under strict guidelines as to what use may be made of any personal data contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

7. Who do we disclose personal data to?

In order to carry out the purposes described under paragraph 1 above the Isle of Man Constabulary may disclose personal data to a wide variety of recipients in any part of the world, including those from whom personal data is obtained (as listed above). This may include disclosures to other law enforcement agencies, partner agencies working on crime reduction initiatives, partners in the Criminal Justice arena, Victim Support, and to bodies or individuals working on our behalf such as IT contractors or survey organisations. We may also disclose to other bodies or individuals where necessary to prevent harm to individuals.

Disclosures of personal data will be made on a case-by-case basis, using the personal data appropriate to a specific purpose and circumstances, and with necessary controls in place. Some of the bodies or individuals to which we may disclose personal data are situated outside of the European Union - some of which do not have laws that protect data protection rights as extensively as in the Isle of Man. If we do transfer personal data to such territories, we will take proper steps to ensure that it is adequately protected as required by the Act.

The Isle of Man Constabulary will also disclose personal data to other bodies or individuals when required to do so by, or under, any act of legislation, by any rule of law, and by court order. This may include disclosures to the Child Support Agency, the National Fraud Initiative, the Home Office and to the Courts.

The Isle of Man Constabulary may also disclose personal data on a discretionary basis for the purpose of, and in connection with, any legal proceedings or for obtaining legal advice.

8. What are the rights of the individuals whose personal data is handled by the Isle of Man Constabulary?

Individuals have various rights enshrined in the Act:

Subject Access

The most commonly exercised right is that used by individuals to obtain a copy, subject to exemptions, of their personal data processed by the Isle of Man Constabulary. Alternatively individuals may contact the Isle of Man Constabulary Information Manager (see paragraph 11 below).

Right to prevent processing likely to cause damage or distress

Under Section 8 of the Act an individual is entitled, in limited circumstances, to write to The Isle of Man Constabulary requiring that we do not handle their personal data in a manner that was causing or would be likely to cause unwarranted substantial damage or substantial distress to themselves or another person.

Requests under Section 8 must describe the personal data involved; describe the handling to which the individual objects; state that the handling was causing or would be likely to cause substantial damage or substantial distress to him/her or another; describe the damage or distress; state that the damage or distress was/would be unwarranted; and give reasons why the handling was causing/would cause such distress and was/would be unwarranted.

All requests of this nature may be sent in writing to the Isle of Man Constabulary Data Protection Officer (see paragraph 11 below). It is worth noting that the Act includes certain provisions which may mean in a particular case the Isle of Man Constabulary can continue to handle the personal data as intended despite the objection.

Right to Prevent Processing for the Purposes of Direct Marketing

Although the Isle of Man Constabulary does not engage in direct-marketing, under Section 9 of the Act and subject to certain exemptions, an individual has the right to request in writing that The Isle of Man Constabulary stops within a reasonable time, or does not start, using their personal data for direct marketing purposes. This includes the communication by any

means (e.g. mail, email, telephone, door-to-door canvassing) of any advertising or marketing material directed at particular individuals. Any requests under Section 9 may be sent to the Isle of Man Constabulary Data Protection Officer (see paragraph 11 below).

Rights in relation to automated decision-taking

Although the Isle of Man Constabulary is unlikely to carry out any automated decision-taking that does not involve some human element, under Section 10 of the Act and subject to certain exemptions, an individual has the right to require that the Isle of Man Constabulary ensures that no decision that would significantly affect them is taken by the Isle of Man Constabulary or on its behalf purely using automated decision making software. The right has to be exercised in writing. If there is a human element involved in the decision-making the right does not apply. Requests under Section 10 may be sent to the Isle of Man Constabulary Data Protection Officer (see paragraph 11 below).

Right to take action for compensation if the individual suffers damage by any contravention of the Act by data controllers

Under Section 11 of the Act any individual who believes they have suffered damage and/or distress as a result of any contravention of the requirements of the Act may be entitled to compensation from the Isle of Man Constabulary where the force is unable to prove that it had taken such care as was reasonable in all the circumstances to comply with the relevant requirement. Any claim for compensation arising from this provision may be sent to the Isle of Man Constabulary Data Protection Officer in the first instance.

Right to take action to rectify, block, erase or destroy inaccurate data

Under Section 12 of the Act an individual has the right to seek a court order for the rectification, blocking, erasure or destruction of their inaccurate personal data handled the Isle of Man Constabulary Data Protection Officer. The right cannot be exercised directly to the Isle of Man Constabulary.

Right to request the Data Protection Supervisor to assess a data controller's processing

Under Section 38 of the Act any person can request the Data Protection Supervisor to make an assessment if they believe that they are/have been adversely affected by the handling of personal data by the Isle of Man Constabulary. Such requests should be made direct to the Data Protection Supervisor whose contact details can be found below.

Generally if individuals have any concerns regarding the way their personal data is handled by the Isle of Man Constabulary or the quality (accuracy, relevance, non-excessiveness etc.) of their personal data they are encouraged to raise them with the Isle of Man Constabulary Information Management Officer (see paragraph 11 below).

9. How long does the Isle of Man Constabulary retain personal data?

The Isle of Man Constabulary keeps personal information as long as is necessary for the particular purpose or purposes for which it is held. Personal information which is placed on the Police National Computer is retained, reviewed and deleted in accordance with agreed national retention period which are subject to period change. Other records containing personal information relating to intelligence, custody, crime, firearms, child abuse

investigations, domestic violence will be retained in accordance with the ACPO endorsed Guidance on the Management of Police Information 2006.

Public records:

Your personal data may be permanently retained for research use at the Isle of Man Public Record Office if the records containing your personal data are selected for permanent preservation under the Public Records Act 1999. The Isle of Man Public Record Office preserves records of Isle of Man public authorities that are of long-term historic and cultural value.

Access to and use of records at the Isle of Man Public Record Office is governed by legislation, in particular the Public Records Act 1999, the Public Records Order 2015 and the Freedom of Information Act 2015. Some records are made available to the public for research use, whilst others are covered by access restrictions to ensure sensitive information that should be confidential for a period of time is protected. Where your personal data is included in records transferred to the Record Office, an assessment will be made of whether the records should be covered by an access restriction based on this legislation. Access restrictions will be applied to records as appropriate under this legislation to prevent unlawful access to your personal data. Your personal data will not be used by the Isle of Man Public Record Office for any automated decision making.

The Isle of Man Public Record Office is part of the Department of Economic Development and can be contacted at: public.records@gov.im, or Unit 40A Spring Valley Industrial Estate, Braddan, Isle of Man, IM2 2QS.

10. Monitoring

The Isle of Man Constabulary may monitor or record and retain telephone calls, texts, emails and other electronic communications to and from the force in order to deter, prevent and detect inappropriate or criminal activity, to ensure security, and to assist the purposes described under section 1 above.

11. Address – Isle of Man Constabulary.

ISLE OF MAN CONSTABULARY

Information Manager

Police Headquarters

Douglas

ISLE OF MAN

IM2 4RG

Tel: 01624-631410 or 01624 631212.