

## Privacy Notice

### How we process your personal data for employment and related purposes.

#### Who we are

The Independent Office for Police Conduct (“IOPC”)<sup>1</sup> was established to oversee the police complaints system in England and Wales and maintain public confidence in it.<sup>2</sup> Our powers and duties are principally set out in the Police Reform Act 2002 (“PRA”) and associated regulations. In order to fulfil our statutory remit we carry out independent investigations into alleged misconduct and deaths or serious injuries following police contact. We also determine appeals from local police investigations into a complaint. We use learning from our work to influence changes in policing with a view to promoting best practice. We do this by making public statements, outreach work with stakeholders, making organisational recommendations, carrying out research, analysis and collating statistics in order to produce and publish thematic reports.

[For further information on what we do, please visit our website.](#)

#### Why we process information about you

The IOPC is committed to respecting and protecting your privacy. This notice explains how and for what purpose/s the IOPC will collect and process any personal information about you to administer our employment or contractual relationship with you and related activities. If we process personal information about you, you are a “data subject.” You might be a data subject for the purposes of this notice if you are:

- a current employee
- a previous employee
- a prospective employee
- agency staff
- an apprentice
- a consultant
- a student or intern
- a contractor

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<sup>1</sup> Formerly the Independent Police Complaints Commission. The IOPC was established on 8<sup>th</sup> January 2018.

<sup>2</sup> We also oversee the complaints system for other organisations, such as HMRC, the National Crime Agency, and the Gangmasters and Labour Abuse Authority.

- a secondee
- an individual representing a 3<sup>rd</sup> party service provider supplier (for example a representative of our Occupational Health providers or of the administrators of our payroll).

The IOPC collects and retains personal data that is relevant to your prospective, current or previous employment and related functions. We will also collect and retain person data where you carry out work with us or provide your services to us under any other contractual arrangement. We use your personal data where necessary in order to fulfil our obligations to you as our employee and any legal obligations we may have as an employer or under our contractual arrangement. We will also share this data with third parties where necessary (please see the section “Who we share your data with” below).

We will also use personal data to compile statistics and conduct analysis in accordance with our duties under the Equality Act 2010 and to comply with other legal requirements such as responding to requests made under the Freedom of Information Act 2000. Where possible we will anonymise your data.

We will collect your personal data from a number of different sources including: you, your family members, your referees, previous or current educational establishments you have attended or are attending, your previous or current employer, a health care provider and / or an occupational health provider, your GP, your agency, your Union, the police, security agencies, government departments, the College of Policing, third party service providers (including providers for our recruitment platform, our internal HR function IT systems and the administration of our childcare voucher scheme), Civil Service Learning and other providers of learning management systems or training, the Disclosure and Barring Service (DBS), Disclosure Scotland, your bank, HMRC and your pension provider.

The employment and related purposes for which we will process your personal data include:

- to maintain accurate employment records
- to provide references
- for recruitment and selection purposes (including your right-to-work and residence status)
- to operate the payroll (including the reimbursement of expenses), administer your pension and any other benefits as appropriate, this will include processing information such as your salary, dependents, government identifiers such as your national insurance number and your bank account details
- to make reasonable adjustments for prospective and current employees and to obtain occupational health advice
- to keep a record of your contact details (including emergency contact details)
- to carry out pre and post-employment vetting procedures including a DBS check and other security clearance procedures

- for monitoring staff use of IOPC systems in accordance with our security policies, including access to premises, computer and telephone use and reporting data breaches or suspicious activities where appropriate
- for monitoring IOPC premises (including by CCTV) for the purposes of protecting the IOPC and its workforce against injury, theft, legal liability fraud or abuse
- to facilitate, maintain accurate records of and ensure compliance with IOPC workplace management policies (including sickness, annual leave and other types of leave, poor performance, disciplinary, grievance, whistleblowing and information security)
- to operate and keep a record of other types of leave such as maternity leave and adoption leave
- for investigating serious complaints made against IOPC staff. Such complaints are managed by the IOPC's Internal Investigations Unit (IIU).<sup>3</sup>
- to monitor staff compliance with the IOPC Code of Conduct, Conflicts of Interest Register and Hospitality and Gifts Register
- to monitor attendance at, and participation in, work-related training events and some calls and video conferences, in-house, externally and online (for example via the Civil Service Learning website)
- to monitor recruitment and performance-related data such as objectives, comments, feedback, skills and competencies, work related qualifications and other information relevant to the Personal Development Records of staff
- to produce relevant statistics and to conduct analysis for compliance with equality legislation
- to monitor and report on equal opportunities
- to make appropriate disclosure for the purposes of employment and other related legal proceedings
- to promote the IOPC through promotional videos and literature
- to perform our contractual obligations with third party suppliers and service providers
- to facilitate and process a complaint you may make or feedback you may give about the contact you have had with us
- to facilitate communication between different areas of the organisation and management levels

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<sup>3</sup> In accordance with the IPCC (Staff Conduct) Regulations 2004

## **The kind of personal information we collect and process**

### Personal data

Personal data refers to any information by which a living individual can be identified. Individual identification can be by information alone or in conjunction with other information.

The personal data we collect and process about you may include, but is not limited to: name, address, other contact details (e.g. email and telephone numbers), sex, marital status, date and place of birth, nationality, passport details, driving licence, employer, educational qualifications and history, job title and employment history, pension history, whether you are on the police barred list, family details including their relationship to you, your relationship with others, images of you including photographs and CCTV footage, call and video recordings, location data or online identifier, financial details, national insurance number, recruitment and performance related information.

### Special category data

Certain categories of personal data have additional legal protections when being processed. These categories are data about your health, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data or data concerning your sex life or sexual orientation.

The special category data we collect and process about you may include, but is not limited to: medical information (e.g. for the purposes of carrying out reasonable adjustments under the Equality Act 2010, risk assessments and the application of our sickness policy); your race or ethnic origin and/or your religious beliefs and sexual orientation (e.g. for equal opportunity monitoring, when compiling statistics and conducting analysis for the purposes of the Equality Act 2010 or responding to a request under the Freedom of Information Act 2000). Where possible we will anonymise your data.

We also process information provided by your trade union for the purpose of administering your subscription via the payroll.

As part of an enhanced security clearance required for some employees we may obtain and process special category data regarding your personal relationships.

### Criminal offence data

The processing of criminal offence data also has additional legal safeguards. Criminal offence data includes information about criminal allegations, criminal offences, criminal proceedings and criminal convictions.

The IOPC does not keep a comprehensive register of the criminal convictions or cautions of prospective or current staff. However, as part of our pre-employment processes each person will be subject to security clearance that will include obtaining information about any criminal convictions or cautions both from you and from third-parties.

The IOPC will retain this information during the period of your employment and afterwards in certain circumstances.

## **Our legal basis for processing your data**

### Contract and legal obligation

If you are an employee we will collect and process your special category or criminal offence data, including providing it to third parties, where it is necessary to do so for the performance of our employment contract with you or where we have a legal obligation to do so (for example making reasonable adjustments in accordance with the Equality Act 2010 and due to an obligation under employment law).<sup>4</sup>

If you carry out work with us or provide your services to us under any other contractual arrangement we will collect and process your personal, special category or criminal offence data, including providing it to third parties, where it is necessary to do so for the performance of that contract.

### Consent

As a prospective employee (prior to you entering into a contract of employment with us) we will only collect and process your personal, special category or criminal offence data on the basis of your explicit consent to do so. You can withdraw your consent at any time. However, if you do withdraw your consent or refuse to provide the data required for the recruitment process we may not be able to progress your application properly or at all.

As a current employee there may be occasions where it is necessary to seek to your explicit consent to process your personal data, including special category data. For example where you request and use a Personal Security Device which has the capacity to relay information about your health to the third party service provider of such devices your consent will be required.

Whenever we want to process your data by consent, prior to giving your consent you will be provided with a consent form. This will explain:

- what you are being asked to agree to and why
- how your data will be used
- the names of any third party controllers that will be relying on the consent;
- your right to withdraw your consent at any time;
- the process through which you can withdraw your consent
- who to contact if you have any concerns about the use of your data.

### Necessary for the performance of a task carried out in the public interest

It is important us that we employ the right individuals to carry out certain roles within the business. This may mean on occasion we will ask an expert, not employed by the IOPC, from a particular field, for example IT, security, or finance, to sit on an interview panel in order to help make a decision on the expertise of the candidates at interview. We believe

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<sup>4</sup> Article 6(1) (b); Article 9(2)(b); Article 10 GDPR. Section 10(5) and Part 1 (1), Schedule 1 DPA 2018.

that it is necessary to have such experts used in this way as it ensures that we employ the right individuals to help aid and facilitate the carrying out of our tasks as a public authority.

### Equal Opportunity Monitoring

Special category data may be processed by us where it is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in Schedule 1, Part 2, paragraph 8(2) of the Data Protection Act 2018. This processing will be with a view to enabling equality to be promoted or maintained and is not carried out for the purpose of measure or decisions with respect to a particular data subject. Such processing will not be carried out where consent has been declined or you have given notice that you do not wish your data to be processed for these purposes. It will only be carried out where it is not likely to cause substantial damage or distress to an individual. Any data used for this purpose will be anonymised.

### Legitimate Interests

There are some circumstances where we will process special category data on the basis that the IOPC has a legitimate interest in doing so. For example, when we collect information about who to contact in an emergency and CCTV monitoring is used in workplace premises. We consider that ensuring we have contact details in the event of an emergency involving our staff and safeguarding the security of our premises and the information held in them are legitimate interests.

We will always seek to balance our legitimate interests with the fundamental rights and freedoms of data subjects.

[You can find our appropriate policy document here.](#) This provides further details on our approach to the processing of special category data and criminal offence data.

### **Who we share your data with**

For the employment, contractual and related purposes set out above we will need to share your personal data with third parties. The categories of persons we share your personal data with are:

- our payroll provider
- our pensions provider
- work-related benefit providers (for example the administrators of our childcare voucher scheme )
- HMRC and other government departments
- public bodies
- our healthcare provider and / or our occupational health provider
- your bank (for example when you ask us to assist with a mortgage application)
- Disclosure Scotland and The Disclosure and Barring Service (for the purposes of security and other vetting procedures)
- the IOPC's Internal Investigations Unit (IIU)
- work place representatives

- employment agencies
- third-party suppliers and service providers (e.g. the providers of our Personal Security Devices and our internal HR function IT systems)
- the public (for example for the purposes of transparency the IOPC will publish relevant details of senior staff from its Hospitality and Gifts Register and Conflicts of Interests Register).

We are also required to share your data with third parties where there is a legal obligation to do so. We share information with other public bodies and government departments in order to facilitate the exercise of their statutory or other public functions. For example, to assist with the issue of a witness summons or where your name appears on material that we are legally bound to disclose for criminal or other legal proceedings. The categories of persons we share your data with are:

- coroners
- the Crown Prosecution Service
- courts and tribunals
- public bodies (for example, the College of Policing)
- the Information Commissioners' Office
- police forces and other law enforcement agencies
- regulatory bodies or ombudsmen including HMICFRS, HMIP, and the Health and Safety Executive
- professional advisers, experts and consultants

### **Automated decision making**

Our recruitment process includes some automated decision-making. For example, specified responses to questions such as your right to live and work in the UK will result in your application being automatically terminated.

### **How long we will keep your data**

The IOPC has a retention and disposal schedule which lists the data we hold and how long we hold it for. [To find out how long we keep your data please see our retention and disposal schedule here.](#)

### **Your rights in relation to the data we hold**

Data protection legislation provides you with a number of rights relating to your personal data. These rights are subject to some specific exemptions. Your rights may include:

- the right to access your data
- the right to have your data corrected if it is wrong or incomplete
- the right to request restrictions to the processing of your data
- the right to object to your data being processed
- the right to have your data erased
- the right to be informed about how your data is processed

- rights relating to automated decision making and data portability

You should keep us informed of any changes to your information so that we can be confident that the data we hold about you is accurate.

[To understand more about these rights are and how to exercise them please see our website.](#)

## **Our Data Controller and Data Protection Officer**

Our data controller is the Director General. The data controller has overall control over the purpose for which and the manner in which we obtain and process personal data.

The IOPC has a designated Data Protection Officer and a Freedom of Information and Data Protection Team. If you have any queries or concerns about exercising your data rights or the way in which we collect, handle or process your data, [please contact the team either via the contact us page of our website](#) or by emailing [dpo1@policeconduct.gov.uk](mailto:dpo1@policeconduct.gov.uk).

Alternatively you can contact our switchboard on 0300 020 0096 between 9am and 5pm, Monday to Friday.

## **Your right to complain to the Information Commissioner**

If you are unhappy with any aspect of the way in which we have processed your personal data, you have the right to make a complaint to the Information Commissioner's Office:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
[www.ico.org.uk](http://www.ico.org.uk)  
Tel: 0303 123 1113  
[casework@ico.org.uk](mailto:casework@ico.org.uk)

## **Feedback or complaints about our service or staff**

If you want to give us feedback or make a complaint about our service or staff [please contact our Internal Investigation Unit either through the contact us page of our website](#) or by emailing [IIU@policeconduct.gov.uk](mailto:IIU@policeconduct.gov.uk).

Alternatively you can contact our switchboard on 0300 020 0096 between 9am and 5pm, Monday to Friday or leave a voicemail message at any time on 0207 166 3261.

## **Review of this notice**

[This privacy notice will be regularly reviewed and may be revised. Please visit our website here to check for any updates.](#)