



Privacy Notice: United Kingdom Protected Person Service

This Privacy Notice explains how and why we collect, and process your personal information in accordance with Part 3 of the Data Protection Act 2018.

'Personal data' is any data that can be used to identify a living individual, on its own or in combination with other available information.

'Processing' means anything we do with the data including collection, storing, and sharing.

Key Contacts

The Director General of the National Crime Agency is the controller for any personal data processed by the NCA.

The **Data Protection Officer** is the head of Data and Information Operations and can be contacted via DPO@nca.gov.uk.

What information do we collect about you?

As a protection provider, the NCA UKPPS collects and processes information, including personal data, about you for protection and law enforcement purposes. This enables us to effectively manage our relationship with you during the lifetime of any protection arrangement, up to and including cancelled and/or dormant arrangements. We also use information to comply with your legal rights and our legal obligations.

If we need to use your personal information for an unrelated or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

Personal data may include information such as your:

- Name
- Address
- Date of birth
- Telephone number
- Gender
- National Insurance number
- Bank account and financial details
- Education history
- Work history and employment details
- Proof of identity documentation.
- Marital status, family circumstance and dependents
- Next of kin and emergency contact details
- Photographs.
- Medical records.
- Sound recordings, visual images
- Intelligence material
- Complaint, incident and accident details
- Online identifiers such as IP addresses

This list is not exhaustive and is required to process and risk manage any protection measures provided. Much of this information will be provided by you. Information may also be collected from other sources.

We will also collect and process 'special category' data such as:

- Racial or ethnic origin
- Political opinions
- Religious beliefs, or those of a similar nature
- Trade union membership
- Physical or mental health including medical data
- Sex life or sexual orientation



- Genetic or biometric data
- Criminal conviction and/or involvement in criminal proceedings

We may also collect and process criminal conviction data or alleged criminal behaviour data for our assessment processes. We will only use this information in accordance with Data Protection Legislation, and only when it is necessary, for example where it is in the substantial public interest for us to exercise our functions.

It is important that the personal information we hold about you is accurate and up to date. We will therefore regularly ask you to inform us if your personal information changes during our relationship with you.

Where do we collect your data from?

We can collect data from a range of sources, agencies and counterparts. This data can be acquired from:

- Investigations
- Partner Agencies
- Direct reporting from the public
- Any information that is publicly available
- Online interactions
- Personal data that is obtained through administrative functions

Why do we use your information?

It is necessary for the NCA to process your personal data to carry out the following functions:

Protection Management - to carry out all functions relating to your protection under the relevant legislation, including the general administration of protection arrangements and for matters necessary for the management and oversight of protection arrangements provided by the NCA UKPPS.

Protection Assessment - we collect information about you through the completion of relevant documentation, either directly from you or sometimes from other sources. We use this information to make decisions about your protection measures, including your suitability for full or supported protection measures.

Health and Welfare – we process your data to assess your fitness and ability to undergo protection measures; this may include psychological assessments. We will gather and retain information relating to your health, which could include sensitive data. This information will be used in order to comply with our legal obligations, including whether any reasonable adjustments might be appropriate. We will also need this data to administer and manage any special arrangements required by a medical condition.

Security – we process your data using secure systems and methodology ensuring the integrity and security of the NCA and you are maintained. All processing is legitimate, proportionate and appropriate for your protection measures.

Administration and Management of your data is governed by the Data Protection Act 2018, Part 3 of which concerns the processing of personal information for law enforcement purposes.

Communications between you and UKPPS officers - all communications between you and your assigned case officers and managers will be recorded and stored securely within NCA systems, regularly reviewed and archived at the finalisation or cessation of the protection measures.



Internal Monitoring, Review and Auditing – all data collected from you will be subject to regular internal monitoring, review and audit by officers authorised to perform those functions. This is for the purpose of maintaining reviewing or finalising protection measures. All processes are governed by NCA policies and procedures.

Equality and Diversity – all data will be given due respect in relation to equality and diversity including special category data as described above:

Health and Safety – your data may be used to complete individual risk assessments that are prepared for your safety and for officer safety.

Your data may also be entered into accident / incident records, should you be involved in any accident or incident whilst in the company of NCA case handlers.

In order to fully perform any of the protection arrangements, we rely upon the ability to obtain information when requested. If we are unable to obtain information we could be prevented from complying with our legal obligations (such as crime prevention or to ensure the health and safety of our workers). It is therefore vital that you provide as much information and assistance, when requested to do so, to ensure we are able to fully perform the protection arrangement we have entered into with you.

How do we process your data lawfully?

We will only use your personal information when the law allows us to and where it is necessary and proportionate to do so. For example, to consider appropriate protection measures and for the administrative purposes of performing that function. Most commonly, we will use your personal information in the following circumstances:

- Where it is necessary for performing the protection arrangements we have entered into with you;
- Where we need to comply with a legal obligation;
- Where it is in the public interest to do so; or for official purposes;
- Where we have a legitimate interest to do so, and it is necessary and balanced against your own interests, rights and freedoms;
- There may be rare occasions where it becomes necessary to use your personal information to protect your vital interests (or someone else's vital interests);
- Where you have given your explicit consent.

Special category data

Where we process special categories of your personal data, we will do so in accordance with the specific conditions of processing set out in the Data Protection Legislation. It is likely that we will use your special category data in the following circumstances:

- Where we have your explicit consent
- Where it is for the purposes of the exercise of the NCA's functions **and** it is in the substantial public interest.
- In some circumstances, we will process this information where it is needed in relation to legal claims or to protect you or someone else, or where you have already made it public.

Who we will share your data with?

We will share your personal information, including sensitive personal information, with third parties when required to do so by law, or in order to administer the protection relationship with



you; where it is in the public interest to do so or where it is necessary for the performance of our functions.

"Third parties" includes government departments and third party service providers (including contractors and designated agents), some of whom will be processing data on behalf of the NCA and are referred to as processors. It may be necessary to share data with other law enforcement agencies which could include: UK police forces, border force, HMRC, British Transport Police and The Serious Fraud Office.

A recipient third party is legally required to implement security measures to protect your personal information in line with our policies and data protection laws. We only permit third parties to process your personal data for specified purposes and in accordance with our instructions. We do not allow them to use your personal data for their own purposes.

Whenever we share your information it will be done in a secure manner that meets government standards.

We will not sell your information to third parties, or share your information with third parties for marketing purposes

Consent

Where appropriate we may ask for you to provide consent where, for example:

- It is required for the release of your medical records to the NCA.

This will only happen in specific and limited circumstances and when we do this, we will explain clearly what we are asking for and how we will use it. Consent must be freely given, specific and informed and there must be a genuine choice about providing your data. You do not have to give consent and may withdraw that consent at any time before the release of your information to the NCA.

Once the information is released, there is no longer an option for you to withdraw consent and the Agency is entitled to decline a request to restrict the use of your data and/or to have it erased.

The information released to the NCA will be retained and processed to the extent that it continues to be necessary to do so in connection with the management of the protection arrangement, and to the extent required by law.

It may also be necessary for us to provide copies, or allow inspection, of the records to others such as the Crown Prosecution Service or the legal representatives of a defendant to any charges brought in the case.

When we ask for your consent, we will tell you how we will process your data, how long we will keep it for and the steps we will take to delete it.

When do we use your personal data?

We need your data for the purposes listed under "What information do we collect about you" which includes enabling us to perform our arrangement with you, enabling us to comply with our legal obligations, to perform our functions as a non-departmental public body, or where it is necessary to do so in the public interest.

We will share your personal information with third parties where required by law, where it is necessary to administer the protection relationship with you; where it is in the public interest to do so or where it is necessary for the performance of our functions.



"Third parties" includes third-party service providers (including contractors and designated agents) and other government departments. Some of these will be processing data on behalf of the NCA and are called data processors.

External parties could include both Government Departments (GD's), such as the HMRC or DWP, where we need to do so for assessment of benefits and pensions. Also Non-Government Organisations (NGO's) such as housing providers or charitable institutions.

This may, in some circumstances, involve sharing special categories of personal data and, where relevant, data about criminal convictions/allegations.

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies and data protection laws. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Your contact details will be made available to other NCA staff through authorised processes for the purpose of providing officer resilience in your protection arrangements.

In all disclosures we will have regard to your privacy and individual rights and our duty of confidentiality as a protection provider. All disclosures will be carried out in a secure manner that meets government standards.

We will not:

- Sell your information to third parties
- Share your information with third parties for marketing purposes

We will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our duties to you.

We only permit them to process personal information for specified purposes.

Some of the bodies or individuals to which we may disclose personal information are situated outside of the European Union. If we do transfer personal data to outside of the EU, including any subsequent sharing of this data, we will ensure that the conditions laid down in data protection legislation are complied with.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

If we need to use your personal information for an unrelated or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that if necessary we will process your personal information without your knowledge or consent, where this is required or permitted by law.

How do we keep your data secure?

Your personal data will be processed securely. We have put in place appropriate technical and security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

In addition, we limit access to your personal information to those employees, contractors and other third parties who have a business need to know. They will only process your personal information in accordance with our instructions and in line with data protection laws.



How long do we keep your data?

Your personal data will be retained for as long as necessary for the purpose of your protection arrangements and in line with NCA retention schedules. Your data will be securely destroyed when no longer required.

In some circumstances we will anonymise or pseudonymise your personal information so that it can no longer be associated with you, in which case we will use such information without further notice to you. An example of where we may do this is where we are required to comply with our audit obligations.

In extraordinary circumstances the NCA may be required to retain certain data after the standard deletion period. This may, for example, be retained as evidence for a public enquiry. In this case your data will be retained for as long as necessary for the purpose for which it is being retained.

Is my data subject to automated decision making or profiling?

No. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

Your rights as a data subject:

Under the GDPR and data protection legislation you have a number of rights that you can exercise in relation to the data we process about you. Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a subject access request). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it and that it is accurate.
- **Request rectification** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no lawful reason for us to continue to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below)
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) or where we are processing your personal information for the performance of a task in the public interest and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.



In accordance with Part 3 of the Data Protection Act we may retain or limit the access, decline to amend or erase any of your data held where it is necessary and proportionate to:

- Avoid obstructing an official or legal inquiry, investigation or procedure;
- Avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- Protect public security;
- Protect National security; or
- Protect the rights and freedoms of others.

Where we retain material under any of the provisions above a record of that decision will be made and the reason provided to the Information Commissioners Office (ICO).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we are allowed under the law to charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we can refuse to comply with the request in such circumstances.

We sometimes need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Further information about these rights can be found within the Data Protection Act and on the Information Commissioner's Office website: www.ico.org.uk

To exercise any of these rights please contact the NCA's Data Protection Officer at DPO@nca.gov.uk

OR

Data Protection Office
PO Box 58320
NW1W 9HD

Complaints and further queries:

The NCA tries to meet the highest standards when processing your personal data. We take complaints very seriously. If you have any concern about the way that we have handled your personal data please bring it to our attention via the following means:

- NCA's Data Protection Officer at DPO@nca.gov.uk or

You are also able to submit complaints to the Information Commissioner's Office, advice on how to contact them based on the nature of your concern is available at <https://ico.org.uk/concerns/>



The ICO can be contacted via:

The Information Commissioner's Office,
Wycliffe House,
Wilmslow,
Cheshire,
SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

Further information about this privacy notice

This privacy notice has been created to be easily understood and as concise as possible.

As a result, it does not include exhaustive detail about what information we hold, every organisation we share data with, how the data is collected or how long the data is kept. For further information please contact the NCA's Data Protection Officer via DPO@nca.gov.uk.

We keep our privacy notice under regular review. If we plan to use personal data in a different way than we have outlined then we will update our privacy notice and advise you before we start any new processing.