

Privacy Notice for clients of the UK Protected Persons Service (UKPPS)

As a protection provider and in order to provide protection services to you we need to process personal information about you so that we are able to perform our functions. We may also process personal data about members of your family including your children where it is necessary to do so in order to provide protection services to you and to them as required.

Personal data is any data that can be used to identify a living individual, on its own or in combination with other available information. References to names, identification numbers and location data are all personal data.

Particularly sensitive personal information is referred to as “special categories of personal data” and includes your racial or ethnic origin, political opinions, religious, philosophical or similar beliefs, trade union membership, physical or mental health, sexual life, commission of criminal offences and/or involvement in criminal proceedings. Processing means anything we do with the data and includes collecting, storing, and sharing.

This Privacy Notice explains why and how we collect and use your personal information in accordance with the Data Protection Act 2018 and the GDPR. It relates to processing of personal data for protection purposes but can include processing for law enforcement purposes. You can also read the NCA’s main privacy notice on our website.

Key Contacts

Data Controller

The Director General NCA is the controller for any personal data processed by the NCA.

Data Protection Officer

The Data Protection Officer can be contacted by email at DP0@nca.gov.uk.

How to get in touch

The NCA’s Data Protection and Privacy Team manages the NCA’s data protection compliance and can be contacted at DataProtection@nca.gov.uk.

What information do we collect about you?

As a protection provider, the NCA UKPPS needs to collect and process information about you for protection purposes. The level of protection measures required will dictate the volume and nature of the information collected.

We will keep and use this information to enable us to manage our relationship with you effectively, lawfully and appropriately;

- during the assessment process,
- whilst you are protected by us,
- when your protection is cancelled or
- whilst your case is dormant e.g. you are settled and no longer require regular contact with us.



This includes using information to enable us to act in accordance with your legal rights as well as to comply with our legal obligations.

The personal data we collect from you and process may include information such as your:

- Name
- Address
- Date of birth
- Telephone number
- Gender
- National Insurance number
- Bank account details and financial records
- Education history
- Work history
- Proof of identity, such as a photocopy of your driving license or passport.
- Online identities and account details.
- Marital status, family circumstances and dependents.
- Next of kin and emergency contact details.
- Photographs of you and your family in the protection arrangement.
- Health records and reports concerning you and other family members included in the protection arrangements, including information required to process and risk manage protection measures provided.

We may also collect special categories of personal data including:

- 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

We may collect and process criminal conviction data or alleged criminal behaviour data for our assessments and risk assessment processes.

Much of the information we hold will have been provided by you directly, but some may come indirectly from other sources, such as government departments and in some cases, external sources, such as non-Government agencies and police forces.

Your personal information will be contained in NCA documents and records that are produced by us for management of your case and providing you with protection arrangements.

Information about you is likely to be held in various forms, including electronically in emails and in the NCA's electronic filing systems, as well as in paper-based records.

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes during your relationship with us.

Why do we use your information?

Your personal data is processed by the NCA to carry out all functions relating to your protection under the relevant legislation, including the general administration of protection arrangements and matters necessary for the management and oversight of protection arrangements provided by the NCA UKPPS. These could include:

- Conducting reviews and managing risk assessments in relation to protection arrangements;
- Liaising with pension providers, banks and insurance companies concerning relevant financial matters;
- Using medical history and similar information to manage your risk assessments including information such as GP records, hospital referrals and reports;
- Making decisions about your continued protection arrangements or engagement;
- Making protection arrangements to ensure the safety of your online identity and digital data;
- Making arrangements for the termination of our relationship;
- Dealing with legal matters involving you or other members of the protected family such as adoption, maternity, paternity, shared parental responsibilities and court decisions.

We will only use information relating to criminal convictions or alleged criminal behaviour when the law allows us to do so. This can arise when it is necessary for us to comply with the law, or where it is in the substantial public interest for us to exercise functions conferred on us by legislation such as the Serious and Organised Crime Act 2005.

Protection Assessment - We collect personal information about you through the completion of relevant documentation, either directly from you or sometimes from other sources as detailed above in the; what information do we collect about you section.

We will use your personal data to assess you for full protection measures or supported protection measures, including your suitability for protection; we will also use it to make decisions about your protection measures.

Health and Welfare - We process your data to assess your fitness and ability to undergo protection measures; this may include psychological assessments. Psychological assessments will be conducted by vetted and approved practitioners.

We will gather and keep information relating to your health, which could include special category 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.

All medical and psychological reports will be available to you and these will be recorded in your case records under secure conditions accessed only by those persons with a need to know.

Where we need to process health information about you and seek to obtain it from your GP or other medical professional involved in your care, we must seek your agreement for the medical professional to release the information to the NCA. We will ask you to sign a form agreeing that the necessary medical reports and other relevant records can be disclosed to the NCA. Following disclosure of this information, you have the right to object to the continued processing of this information but should understand that the NCA may have compelling grounds such as the safety of you or your family or the wider public interest for continuing to process your personal data. We may also use this data in certain circumstances such as a medical emergency, where it is in your vital interests, or those of another person, that we do so.

Digital Data – We may process your online accounts and/or digital data, where justified and proportionate, for risk management purposes. This may include the necessary collection of authentication details and the transfer of sentimental data for retention.

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.

We do this for the integrity of our processes and management of your protection, and will refer to these communications should there be a need to clarify any point in the future.

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

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

We need your data to:

- Enable us to perform protection arrangements for you;
- Enable us to comply with our legal obligations;
- Enable us to carry out our functions as a non-departmental public body; or
- Where it is necessary to do so in the public interest;
- Where it is in your vital interests or those of another person for us to process your personal data.

Some of the purposes for using your data will overlap and there can be several lawful conditions for processing your personal data.

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.

If you fail to provide certain information when requested, we will not be able to fully perform the protection arrangement we have entered into with you, or we could be prevented from complying with our legal obligations (such as crime prevention or ensure the health and safety of our officers).

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 administration 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).

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 Act 2018 and the GDPR. It is likely that we will use your special category data in the following circumstances:

- Where processing is necessary to comply with Sec. 82 to 94 of the SOCPA 2005, or where it concerns a medical diagnosis, or a medical assessment.
- Where it is necessary for the purpose of assessing your capacity to undergo protection measures.
- Where it is processed 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 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.

Using your consent as a legal basis to obtain your personal data

Occasionally, where appropriate, the NCA may ask for your consent in order to process your personal data. An example of this could be accessing your medical records and online accounts.



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 is a genuine choice about offering your data.

However, you must also understand that, once you have given your consent for personal information about you to be supplied by a medical practitioner or other person and that information has been provided, the NCA will then be processing the information for the purposes of the exercise of the NCA's functions in the substantial public interest. It will therefore not be possible to withdraw your consent once given in these circumstances and we will continue to process your data in line with the purposes and lawful bases set out above.

How do we share your personal data?

Your personal data will be shared with relevant NCA staff both during the initial assessment of your suitability for protective measures and during the implementation of those measures. 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.

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 include:

- HM Revenue and Customs
- Shared service providers
- Pension services providers
- External auditors
- Third party service providers
- Government Legal Department (GLD)
- Non-Government Organisations (NGOs)

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.

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.

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.

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.

We may seek to retain personal data, limit access to it, or limit amendment or erasure of it, where it is necessary and proportionate to:

- 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.

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 GDPR legislation and on the Information Commissioner's Office website: www.ico.org.uk



To exercise any of these rights please contact the Statutory Disclosure Team at: StatutoryDisclosureTeam@nca.gov.uk

OR

Statutory Disclosure Team, PO Box 58345, London, NW1W 9JJ

Complaints and further queries:

The NCA tries to meet the highest standards when processing personal data. We take complaints very seriously. Section 164A, Data Protection Act affords you the right as the data subject to make a complaint to the NCA if you consider that the NCA have infringed on your data rights set out in UK GDPR or Part 3 of the Data Protection Act 2018.

If you have any concerns about the way that we have handled your personal data please bring it to our attention via:

Email: DP0@nca.gov.uk

Post: The Data Protection Officer, PO Box 58358, London, NW1W 9LA

If you submit a complaint, please provide as much detail as possible about your concern and any relevant correspondence, so we can investigate effectively.

We will:

- acknowledge receipt of your complaint within 30 calendar days;
- investigate your concerns and keep you informed as appropriate; and
- provide you with a response explaining the outcome of our investigation.

If you remain dissatisfied with our response, you have the right to raise your complaint with the Information Commission, the UK's independent authority for data protection.

Further information about your rights and how to complain to the Information Commission can be found at: <https://ico.org.uk>. They can also be contacted via:

Post: The Information Commission, Wycliffe House, Wilmslow, Cheshire SK9 5AF

Telephone: 0303 123 1113

Email: icocasework@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 DP0@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.