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**How we use Personal INFORMATION – PRIVACY NOTICE.**

**Introduction**

This document explains how the Isle of Man Constabulary obtains, holds, uses and discloses information about people (their personal information), the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal information handled by the Isle of Man Constabulary. It has been updated to take into account the General Data Protection Regulation (GDPR) and Law Enforcement Directive (LED) as they are presented in Isle of Man Legislation, the Data Protection Act 2018.

The use and disclosure of personal information is governed in the Isle of Man by the Data Protection Act 2018 (‘the Act’). The Chief Constable of the Isle of Man Constabulary is registered with the Information Commissioner on the Isle of Man and in the United Kingdom as a ‘data controller’ for the purposes of the Act. The Constabulary are obliged to ensure that the Isle of Man Constabulary handles all personal information in accordance with the Act.

The Isle of Man Constabulary takes that responsibility very seriously and takes great care to ensure that personal information is handled appropriately in order to secure and maintain individuals’ trust and confidence in the force. The Constabulary only keeps that personal information which they are lawfully required to process.

The Constabulary holds both information for the General Data Protection Regulation and the Law Enforcement Directive. It is fair to say that the majority of the information held by the Constabulary is within the Law Enforcement Directive (LED). It is important to understand that processing requirements placed on the Constabulary in respect of the LED information are different from those under the GDPR.

**How and why we ask you to share your personal information?**

The Isle of Man Constabulary obtains, holds, uses and discloses personal information for specific purposes established in law commonly referred to as the Policing Purpose. These 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 we work in partnership with.

We need details such as name, address, date of birth in order to process these kinds of information.

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. The Policing Purpose is, by its nature a broad piece as the nature of Policing is broad. The definitions under the LED are concerned with information concerning preparation, investigation, collection, prosecution, securing and preserving evidence. Protecting life and property. The legal basis for holding this information comes from the Police Act 1996, Police Powers and Procedures Act 1998, Firearms Licensing Act 1948, Police Performance Regulations 2015, Human Rights Act 2001, Custody Act 1995, Regulation of Surveillance Etc (ROSE) Act 2006, Children and Young Persons Act 2001, Criminal Procedures and Investigation Act 2016, Official Secrets Act 1989, Public Records Act 1999. Common Law.

It is important to remember that the Constabulary is the provider of the de-facto criminal record to the judiciary and is empowered to do so under regulation of the Police Powers and Procedures Act 1998.

1. The provision of services to support the Policing Purpose, information held under the GDPR aspect of the legislation are managed separately from our obligations under the LED. The GDPR held information includes:
* Staff administration, occupational health and welfare;
* Management of public relations, journalism, advertising and media;
* 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.

Retention, disposal and other matters concerning staff information will be coordinated and dealt with in conjunction with the Office of Human Resources of the Isle of Man Government.

In order to carry out its purposes above the Isle of Man Constabulary may obtain, use and disclose personal information 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; suspects;
* Witnesses;
* Victims;
* Locations;
* Business information;
* IMEI numbers of computer forensics;
* 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 information necessary to fulfil a particular purpose or purposes. Personal information 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.

**Our legal basis for processing your information**

The Isle of Man Constabulary will only process your personal information if there is a legal reason for us to do so.

We may rely on legislation and the law to do this but it should be recognised that the role of the Constabulary is relatively broad.

The Constabulary primarily concerns itself with:

1. The need to prevent and detect crime
2. The need to apprehend and prosecute offenders
3. The need to secure and preserve evidence for the Constabulary and other law enforcement agencies.
4. The need to act as safeguarding professionals
5. The need to secure the vital interests of individuals
6. The need to act in the public interest
7. The need to act in line with the principles of Policing and the strategic aim of the Constabulary of “Keeping People Safe”
8. Any archiving in accordance with the management of Police Information.
9. The need to preserve documents in the interest of the Public Records Act 1999.
10. Specific legislation applies to the Constabulary:
	1. The Applied Law Enforcement Directive within the Data Protection Act 2018.
	2. Police Act 1993,
	3. Police Powers and Procedures Act 1998,
	4. Custody Act 1995, Human Rights Act 2001,
	5. Part V of the Police Act 1997,
	6. Regulation of Surveillance ETC (ROSE) Act 2006,
	7. Criminal Procedure and Investigations Act 2016,
	8. Children and Young Persons Act 2001,
	9. Common Law,
	10. Privacy Tort,
	11. Computer Misuse Act 1990,
	12. Official Secrets Act 1989,
	13. Equality Act 2017,
	14. Shotguns and Air Weapons Act 1996,
	15. Firearms Licensing under Firearms Licensing Act 1948,
	16. Licensing Act 1995,
	17. Road Traffic Act 1985
	18. and other statutory instruments.

**Types of personal information we collect about you?**

In order to carry out its purposes the Isle of Man Constabulary may obtain, use and disclose personal information relating to or consisting of the following:

* Personal details such as name, address and biographical details;
* Computer details;
* Mobile phone numbers;
* Landline phones;
* E Mail;
* Social Media;
* 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.
* Evidential material

The Isle of Man Constabulary will only use appropriate personal information necessary to fulfil a particular purpose or purposes. Personal information 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.

Where do we obtain personal information from?

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

* Other law enforcement agencies;
* International law enforcement agencies and bodies;
* The Financial Intelligence Unit;
* 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; including the Emergency Services Joint Control Room (ESJCR)
* Individuals themselves;
* Insurance companies;
* Relatives, guardians or other persons associated with the individual;
* 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;
* Witnesses to events and incidents;
* Data Processors working on behalf of the Isle of Man Constabulary.

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

**How long do we keep your personal information?**

In order to achieve the aims and principles of policing the Constabulary applies the principles of the Management of Police Information Guidance in the College of Policing Authorised Professional Practice. A link to this guidance can be found here:

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/>

In order to achieve the purposes the Isle of Man Constabulary will handle personal information in accordance with the Data Protection Act 2018 (the Act). In particular we will ensure that personal information is handled fairly and lawfully with appropriate justification. We will ensure that any personal information 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).

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 guidance above.

Unlike the United Kingdom the Constabulary is the holder of the de-facto criminal record by order of Tynwald as part of the regulations under the Police Powers and Procedures Act 1998.

**Public records:**

Your personal information may be permanently retained for research use at the Isle of Man Public Record Office if the records containing your personal information 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 information 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 information. Your personal information 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 Enterprise and can be contacted at: public.records@gov.im, or Unit 40A Spring Valley Industrial Estate, Braddan, Isle of Man, IM2 2QS.

**How we keep your personal information secure?**

The Isle of Man Constabulary takes the security of all personal information 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 information contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

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 in this document.

**Who do we disclose personal information to?**

In order to carry out the purposes described under paragraph 1 above the Isle of Man Constabulary may disclose personal information to a wide variety of recipients in any part of the world, including those from whom personal information 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 including other Government departments with similar or aligned responsibilities, 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. Information provided to Victim Support will only be provided on the basis of consent of the individual.

Disclosures of personal information will be made on a case-by-case basis, using the personal information 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 information 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 information 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 information 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 information on a discretionary basis for the purpose of, and in connection with, any legal proceedings or for obtaining legal advice.

**What are your rights?**

**To ask if we hold personal information about you:**

You can ask to see what information we hold about you by submitting a Subject Access Request to the Office Data Protection Officer.

**You can review your personal information and ensure it is accurate**

Where possible we will provide you with access to the information we hold about you so that you can view this information and provide a means for you to have this information changed if it is not accurate.

Alternatively you can ask for the information we hold about you to be changed by making a request to the Constabulary Data Protection Officer.

**To remove your personal information**

In certain circumstances you can ask for your information to be deleted. Please note that as part of the Isle of Man Government statutory functions some information may need to be retained.

**You can request this by contacting the Constabulary Data Protection Officer.**

**To make a complaint**

The Constabulary takes its approach to information management and its commitments and statutory obligations under the Act very seriously. We try to ensure we get things right but sometimes things can go wrong. Generally if individuals have any concerns regarding the way their personal information is handled by the Isle of Man Constabulary or the quality (accuracy, relevance, non-excessiveness etc.) of their personal information you can submit a complaint to the Constabulary Data Protection Officer who will work with you to resolve any issues.

The Information Commissioner is the independent authority responsible for upholding the public's information rights and promoting and enforcing compliance with the Island's information rights legislation. Further information can be found on the Information Commissioner's website.

You have the right to request the Information Commissioner to undertake an assessment as to whether the processing of your personal data has been carried out in accordance with the provisions of the Data Protection Act 2018.

**Will this privacy notice change?**

This Privacy Notice may change. We will not reduce your rights under this Privacy Notice without your consent. If any significant change is made to this Privacy Notice we will provide a prominent notice on this website so that you can review the updated Privacy Notice.

This privacy notice was last updated in May 2018.

**How to request access to your personal information**

The most commonly exercised right is that used by individuals to obtain a copy, subject to exemptions, of their personal information processed by the Isle of Man Constabulary. Alternatively individuals may contact the Isle of Man Constabulary Data Protection Officer. It should be noted that the rights of subject access for the LED are different from those available within the GDPR. The Constabulary does have a form for this purpose which is available upon request but requests will be processed through contact with the Data Protection Officer.

Under the Act you have a right of access to your personal information and to check the accuracy of that data by making a **Subject Access Request**.

A subject access request is made by contacting the Data Protection Officer below.

In certain circumstances a charge may apply.

Subject access requests must be responded to promptly and in any event within a maximum of 1 month.

**Address – Isle of Man Constabulary.**

Data Protection Officer,

ISLE OF MAN CONSTABULARY

Police Admin Centre

Tromode

Isle of Man

IM2 5PA

Tel: 01624-631410 or 01624 631212.

Email address: DPO-Police@gov.im