

Policy on processing special categories of personal data and criminal convictions data

Introduction

- 1 This Policy is produced in accordance with Undercover Policing Inquiry obligations under the General Data Protection Regulation and the Data Protection Act 2018. It should be read alongside the Inquiry's Personal Information Asset Register and the Inquiry's Privacy Information Notice.
- 2 Article 9(1) of the General Data Protection Regulation prohibits the processing of special categories of personal data unless a condition in Article 9(2) is met, such as for reasons of substantial public interest (see Part 2, Schedule 1 of the Data Protection Act 2018).
- 3 Processing of special categories of personal data is only permitted by the Undercover Policing Inquiry, (the Inquiry) where it is necessary for:
 - a a function conferred on a person by an enactment or rule of law; or
 - b the exercise of a function of the Crown, a Minister of the Crown, or a government department and it is necessary for reasons of substantial public interest.
- 4 There is a further requirement that this condition will only be met if the sensitive processing is carried out in accordance with this policy. Undercover Policing team members must therefore have regard to this policy when carrying out sensitive processing on behalf of the Inquiry, when it is acting in its capacity as Controller of the special categories of personal data.
- 5 Personal data about criminal offences and convictions are dealt with in Article 10 of the General Data Protection Regulation. The Data Protection Act 2018 states that the processing of such data meets the requirements of Article 10 only if it meets a condition set out in Parts 1, 2, or 3 of Schedule 1, which requires the controller to have an appropriate policy in place when processing is carried out, Inquiry staff must have regard to this policy.

Purpose

- 6 The purpose of this policy is to explain:
 - a Undercover Policing Inquiry procedures which are in place to secure compliance with the General Data Protection Regulation data protection principles when relying on substantial public interest conditions in Part 2 of Schedule 1 Data Protection Act 2018; and
 - b Retention and erasure policies concerning the processing of special categories of data on the grounds of substantial public interest.

Compliance with six data protection principles

Lawful, Fair and Transparent

- 7 The lawfulness of the Inquiry's processing is derived from its official functions as a statutory inquiry under the Inquiries Act 2005 set up by the Home Secretary in 2015.
- 8 Transparency is provided using a layered approach, such as using a short notice containing key information, with links to the more detailed information.
- 9 Detailed information about how the Inquiry uses personal data, including special category data is published in the Inquiry's Privacy Information Notice. Additional information is also provided in the Inquiry protocols for: the provision of information to the Inquiry by the Metropolitan Police Service; the imposition of restrictions to the publication of documents and other evidence, and witness statements.

The purposes of processing be specified, explicit and legitimate

- 10 The Inquiry only processes personal data when permitted to do so by law. Personal data is collected for explicit and legitimate purposes such as looking into the deployment of undercover officers in the past, their conduct and the impact of their activities on themselves and others. Additionally, the Inquiry's forms or other methods of collecting information from data subjects make it clear what must be provided, and the reason why it is needed.

Be adequate relevant and not excessive

- 11 The Inquiry will not ask for personal information that is not potentially required, or potentially necessary for the Inquiry to deliver its terms of reference. Inquiry internal guidance, training and policies require staff to use only the minimum amount of data required to enable specific tasks to be completed.
- 12 Where processing is done for research or analysis purposes, wherever possible this is done using anonymised or de-identified datasets.

Be accurate and kept up to date

- 13 Providing complete and accurate information is a core undertaking of a public inquiry. Data Subjects are required to notify the Inquiry of relevant changes to their circumstances, such as changes of address.
- 14 Where permitted by law, and when it is reasonable and proportionate to do so the Inquiry may check this information with other organisations – for example sponsors.

Be kept for no longer than is necessary

- 15 The Inquiry will retain information relevant to the work of Inquiry in accordance with legislation and the retention schedule for the records of public inquiries. Some documents will be transferred for permanent preservation to The National Archives for example: transcripts of court hearings, correspondence between the Inquiry team and members of the public, relatives and other government bodies, restriction notices. The Inquiry website is preserved as part of the UK Government Web Archive.

Be processed in a secure manner

- 16 The Inquiry has a range of security standards and policies based on industry good practice and national UK government requirements to protect information from relevant threats. These standards are applied whether the Inquiry data is being processed by our own team members or by a processor on our behalf.
- 17 All team members handling Inquiry information are security cleared to the standard appropriate for the material handled and required to complete annual training on the importance of information security and how to handle information appropriately.
- 18 In addition to having information security guidance and policies embedded throughout Inquiry operations, the Inquiry also has specialist security, cyber and resilience team members to protect information from risks of accidental or unlawful destruction, loss, alteration, unauthorised disclosure or access.

Review

- 19 This policy will be reviewed six months after its introduction and twice yearly thereafter.