

Privacy Notice – Criminal Justice Services Division / Custody

Who we are

The Police Service of Scotland is a constabulary established under the Police and Fire Reform (Scotland) Act 2012. Its headquarters is located at Tulliallan Castle, Kincardine, FK10 4BE, United Kingdom, and you can contact our Data Protection Officer by post at this address, by email at: dataprotection@scotland.pnn.police.uk, and by telephone on 101.

About this notice

This notice is to advise you of how your personal information will be dealt with (processed) by Police Scotland and your rights in relation to the processing. This notice covers information processed for a non-crime purpose.

The Chief Constable of the Police Service of Scotland is the controller of your personal information and is the authority that decides the purposes for which your personal information will be processed. Police Scotland can be contacted by telephoning 101.

The tables below provide you with details of:

- why we process your personal information
- what our lawful basis is for having it
- the categories of people the information relates to
- the categories of personal information we hold
- the source of the information
- what would happen if we did not have it
- the length of time we will keep your information
- who we will share it with

Purpose and basis for processing

Purpose of processing	Lawful basis for processing	Categories of individuals	Categories of personal data	Source of personal data	Consequences of failing to provide information
Ensuring the health and wellbeing of a suspect or accused whilst in custody	Public task – Police and Fire Reform (Scotland) Act 2012 Provision of health or social care <i>or</i> Substantial public interest – safeguarding	Suspect / accused	Name, date of birth, address, contact details, alleged offences Health information	Data subject	Police Scotland may fail to take necessary steps to protect the health of an individual in custody.
Referring a suspect or accused to a statutory partner agency when appropriate (via a Police Scotland Concern Hub)	Public task – Police and Fire Reform (Scotland) Act 2012 Provision of health or social care <i>or</i> Substantial public interest – safeguarding	Suspect / accused	Name, date of birth, address, contact details, alleged offences Health information	Data subject	Police Scotland may fail to take necessary steps to protect the health of an individual in custody.
Referring a suspect or accused to a non-statutory third-sector partner agency when appropriate (via a Police Scotland Concern Hub)	Consent Explicit consent	Suspect / accused	Name, date of birth, address, contact details, alleged offences Health information	Data subject	Police Scotland may fail to take necessary steps to protect the health of an individual in custody.

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Purpose of processing	Lawful basis for processing	Categories of individuals	Categories of personal data	Source of personal data	Consequences of failing to provide information
Handling reports of lost property and ensuring its return to its owner or person who found it	Consent	Members of the public	Name, date of birth, address, contact details	Data subject	Item may be destroyed or auctioned if neither the owner nor the person who found the item can be traced.
Ensuring the safety of individuals within custody by monitoring and recording CCTV	Public task – Police and Fire Reform (Scotland) Act 2012	Suspect / accused Police officers / staff Members of the public	Visual and audio identification	Not applicable	Not applicable

Keeping and sharing your information

In this section, we explain how long we keep (retain) your information and who we might share it with:

Category of information	Length of storage period (Reference to the Record Retention SOP)	International Sharing	Recipients of personal information (organisations we pass personal information to)
Suspect or accused in custody – name, date of birth, address, contact details, alleged offences and health information	Section 6 – Crime and Productions, subsection 1.1	None	Crown Office and Procurator Fiscal Service; Security contractor (for transfer to and from court) Local authority (e.g. if suspect is a child subject to a supervision order); NHS; Healthcare Provider.
Lost and found property records – name, DOB, address, contact details	1 year from last action taken on lost property report e.g. report / return	None	None
CCTV recordings – visual and audio identification	Section 15 – Operations, subsection 1.17	None	Crown Office and Procurator Fiscal Service

Your Rights

You have certain rights in relation to how we process your personal information. These are listed below.

1. Right of access – this is called making a subject access request

This means that you are entitled to, amongst other things, a copy of the information we hold on you, although there are exceptions to this. For further information and details on how to make a subject access request please click [here](#) or visit the Police Scotland website at www.scotland.police.uk/access-to-information/data-protection/subject-access-requests.

2. Right to rectification

We must correct without delay, any personal information we hold on you which is not accurate. If you think anything is wrong, you should contact us by post or e mail. There are exceptions to when we have to correct the information, and you will be advised if we have to apply them. If it is not possible to establish the accuracy of the personal information, we will restrict how we process it, for example restrict who can see your information, or who we disclose it to.

3. Right to erasure, restriction of processing or right to object

You have a right to request that we delete your personal information, but this will only be done when we are legally required to do so. On occasion it may be more appropriate to restrict how we process it, for example restrict who can see your information, or who we disclose it to.

You also have the right to object to the processing we carry out, if our legal basis for doing so (as detailed above) is for carrying out a task in the public interest, exercising our lawful duty or we believe it is in our legitimate interests.

4. Right to withdraw consent

Where we process your personal information for a particular purpose on the basis of your consent (see the 'Purpose and basis for processing' table above), you have the right to withdraw your consent. You can inform us of your wish to withdraw consent by contacting the department to which you originally gave the consent, or by telephoning 101.

The relevant personal data will be destroyed on receipt of the withdrawal of consent unless there is an overriding purpose for continued processing.

For more information about any of these rights, go to www.scotland.police.uk/access-to-information/data-protection/your-rights or email information.assurance@scotland.pnn.police.uk.

If we refuse to carry out your requests in full under paragraphs 1, 2, 3 or 4 above, you have the right to ask the Information Commissioner to check whether our decision is correct.

If you are unhappy in any way with how we have dealt with your information, you have the right to complain to the Information Commissioner.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate)

www.ico.org.uk