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**Privacy Notice – Digital Evidence Sharing Capability (DESC)**

Date of completion of this notice 11/01/2023

**About Digital Evidence Sharing Capability (DESC)**

The Digital Evidence Sharing Capability (DESC) Programme is a national solution for the collection, management and sharing of digital evidence, being a technical software deployment of implementation services and operational services and also a package of work to enable operational and legislative change for the collection, management, editing and sharing of digital evidence at every stage of a criminal case and prosecution across the justice sector, delivering a digital pathway from ‘crime scene to court room’. It is a collaborative programme, being developed by and for criminal justice partners in Scotland.

**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.police.uk](mailto:dataprotection@scotland.police.uk), and by telephone on 101.

**About this notice**

This notice is to advise you (you are also referred to as the data subject) of how your personal data (information) will be dealt with (processed) by Police Scotland for law enforcement purposes and your rights in relation to that processing.

The Chief Constable of the Police Service of Scotland is a controller of your personal information and decides the purposes for which your personal information will be processed along with SPA, COPFS and SCTS. Police Scotland can be contacted by telephoning 101.

Law enforcement purposes are the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

The tables below provide details of:

* our lawful basis for processing personal information
* the types of information we may process for law enforcement purposes
* the categories of individuals affected
* the length of time we will keep the information
* who we may share it with

**What is personal data?**

“Personal data” is information that can identify and relates to a living individual, for example your name, date of birth and address. It also includes alleged or actual offending information.

There is also a type personal data referred to as “sensitive personal data” and this relates to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data, sex life or sexual orientation.

**What is Police Scotland’s lawful basis for processing personal and sensitive personal data?**

The Police and Fire Reform (Scotland) Act 2012 states that it is the duty of a constable:

* to prevent and detect crime
* to maintain order
* to protect life and property
* to take such lawful measures, and make such reports to the appropriate prosecutor, as may be needed to bring offenders with all due speed to justice
* where required, to serve and execute a warrant…. in relation to criminal proceedings, and
* to attend court to give evidence

The Criminal Procedure Scotland Act 1995 places a statutory duty on Police Scotland to reveal relevant evidence to the Crown.

Under Schedule 7 of the Data Protection Act 2018, the Chief Constable of the Police Service of Scotland is a competent authority, and Part 3 of the Act permits law enforcement processing by competent authorities.

This processing is strictly necessary for law enforcement purposes and is supported by Data Protection Act 2018 Schedule 8 (1)(a) and (b). The Police Scotland Appropriate Policy Document is available from the Police Scotland website.

**Whose personal and sensitive personal data is processed for law enforcement purposes?**

In order to carry out our law enforcement functions, we process information relating to a variety of individuals including:

* Victims of crime
* Witnesses of crime
* Suspects
* Accused persons
* Children under the age of 12 who may have caused harm
* Members of the public (including those submitting evidence on behalf of corporate bodies and those captured in content data)
* Consultants and other professional experts
* Officers and staff

**What personal and sensitive personal data is processed for law enforcement purposes?**

Types of personal data we process may include information such as;

Documents and multimedia (including video, audio and images) containing imagery and audio of persons, names, address, correspondence address, date of birth, date of death, Hospital Record Number (or other NHS identifiers), telephone number, email address, accessibility requirements/preferences, nationality, residency details and related information, immigration status, details of medical conditions and medical history, details of functional abilities and impairments, details of existing or previous care and living arrangements, school details (child only), medical records, and equalities data (sex/gender/race etc.)

Types of sensitive personal data we process may include information such as;

* racial or ethnic origin
* political opinions
* religious or philosophical beliefs
* trade union membership
* genetic data
* biometric data
* health data
* sex life or sexual orientation

**How long will Police Scotland retain the personal and sensitive personal data processed for law enforcement purposes?**

Personal and sensitive personal data processed for law enforcement purposes are retained in accordance with the [Police Scotland Record Retention Standard Operating Procedure](https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.pdf)

‘Relevant’ data will be retained until instruction is received from Crown Office Procurator Fiscal Service.

The disposal of ‘Non-Relevant’ data will be undertaken once approval is provided by Crown Office Procurator Fiscal Service and the Judiciary.

**Who will Police Scotland share the personal and sensitive personal data with?**

When necessary or required for law enforcement purposes;

* Crown Office and Procurator Fiscal Service (COPFS)
* Scottish Police Authority (SPA)
* Scottish Courts and Tribunals Service (SCTS)
* Other police forces in the UK including non-Home Office forces
* Scottish Criminal Cases Review Commission
* Police forces outwith the UK
* Prisons
* Local and central government departments
* Licensing authorities
* Press and media
* Police Investigations and Review Commissioner
* Other law enforcement and prosecuting authorities
* Legal representatives
* Defence solicitors
* Partner agencies involved in crime and disorder strategies, and public protection
* Professional advisers
* International agencies concerned with the safeguarding of international and domestic national security anywhere in the world
* Third parties involved in investigations relating to the safeguarding of national security.

The above list is not exhaustive and may vary on a case-by-case basis. More information on non DESC processing of information can be found in our other Privacy Notices.

[www.scotland.police.uk/access-to-information/data-protection/privacy-notices](http://www.scotland.police.uk/access-to-information/data-protection/privacy-notices).

**Your Rights**

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

1. **Right of access** – you can make what is called a subject access request to us. 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 visit the Police Scotland Website at; [www.scotland.police.uk/access-to-information/data-protection/subject-access-requests](http://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests)
2. **Right to rectification** (correction)

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 email, where possible by completing the form on our website at; <https://www.scotland.police.uk/access-to-information/data-protection/your-rights> telling us what you think is wrong and why. 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.

1. **Right to erasure or restriction of processing**

You have a right to request that we delete your personal information, but this will only be done when we are not legally required to keep it. 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 can find more information on our website at; <https://www.scotland.police.uk/access-to-information/data-protection/your-rights>

1. **Right to withdraw consent**

Where we process your personal information for a particular purpose on the basis of your consent 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](http://www.scotland.police.uk/access-to-information/data-protection/your-rights) or email [information.assurance@scotland.police.uk](mailto:information.assurance@scotland.police.uk).

If we refuse to carry out your requests in full under paragraphs 1 to 5 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](http://www.ico.org.uk/)

Date of next review of this document 01/04/2023