

PRIVACY NOTICE

Use of your Personal Data in connection with the investigation and prosecution of crime and the investigations of deaths

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other reporting agencies and then decide what action to take, including whether to prosecute someone and seizing the proceeds of crime. We also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

COPFS plays a pivotal part in the justice system, working with others to make Scotland safe from crime, disorder and danger. We take into account the diverse needs of victims, witnesses, communities and the rights of those accused of crime and aim to provide services that meet the information needs of victims, witnesses and next-of-kin, in co-operation with other agencies.

The Crown Office and Procurator Fiscal Service (COPFS) and our Data Protection Officer

We are COPFS (including the Lord Advocate, the Crown Agent, and all Procurators Fiscal), Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA. We are a data controller of your personal data.

We have a dedicated data protection officer ("DPO"). You can contact the DPO by writing to the above address marking it for the attention of the DPO, or by email: RIU@copfs.gov.uk

1. What kinds of personal information about you do we process?

Personal information that we'll process, if relevant, includes:

- **Personal and contact details**, such as title, full name, contact details and contact details history
- **Your date of birth, gender and/or age**
- **Your nationality**
- **Your protected characteristics in terms of the Equalities Act 2010**

- **Family members**, including bereaved nearest relatives (next of kin)
- **Records of your contact with us** including face to face meetings, telephone calls, emails and written correspondence
- **Forms of identification** to enable us to verify your identity if you make a request for your own personal data (known as a Subject Access Request)
- **Criminal records information**
- **Information we obtained from third parties (allegations of crimes)** including criminal reports submitted to us from the police and other reporting agencies; death reports submitted to us from the police; all evidential material including witness statements, records from relevant authorities (including medical, social work, school and housing); forensic reports, autopsy reports and analysis reports by the Scottish Police Authority (SPA)
- Information about your employment and financial status

2. What is the source of your personal information?

We'll collect personal information from the following general sources:

- From you directly and any information from family members
- From the police and other reporting agencies when they submit reports to us
- From your legal representative or other named representative acting on your behalf
- From analysis of evidence seized by the police or other reporting agencies, including fingerprints, DNA, and mobile telephone content

3. What do we use your personal data for?

- If you are accused of a crime, to investigate the crime and consider prosecutorial action against you and to conduct all criminal prosecutions in Scotland
- To investigate deaths (Bereaved nearest relatives)
- To investigate complaints against the police
- As evidence in case if you are a witness
- Where we determine that it is in your vital interests to do so, we will share your personal data with the emergency services including the Police Service of Scotland and/or the Scottish Ambulance Service in order to establish your safety or the safety of others
- To improve your experience of our Service
- To monitor and to keep records of our communications with you and our staff
- For management and auditing of our business operations including accounting
- To comply with legal and regulatory obligations, requirements and guidance

4. What are the legal grounds for our processing of your personal information (including when we share it with others)?

We rely on the following legal grounds to use your personal data:

- **Our public task** includes processing of personal data necessary for the administration of justice and the exercise of a function of the Crown
- **Our legal obligations**, such as the disclosure of information to your legal representative in the course of preparation of your defence, disclosure of information to third party agencies such as police, social services etc., disclosure of information to expert witnesses, doctors, psychiatrists, the completion of subject access requests etc.
- **Vital Interests**
- **Contract**
- **Your consent** where you have contacted us regarding a general enquiry which is more appropriately answered by a third party organisation, we will ask you if we may forward this information on to another authority on your behalf who may in a position to assist you
- to prevent criminal activity, fraud and money laundering

5. When do we share your personal information with other organisations?

We may share information with the following third parties for the purposes listed above including:

- The Police Service of Scotland
- The Scottish Courts and Tribunal Service (SCTS)
- Governmental and regulatory bodies such as the Scottish Public Services Ombudsman (SPSO), the Information Commissioner's Office, the Scottish Information Commissioner's Office, the SLCC, General Medical Council (GMC), General Teaching Council (GTC), Disclosure Scotland, Disclosure and Barring Service
- the Law Society of Scotland, the Scottish Legal Aid Board
- Police Investigations and Review Commissioner
- SCRA
- the National Probation Service, Scottish Prison Service, Scottish Government, the State Hospital, SSSC, NHS Scotland, local authority councils, the Armed Forces, Care Inspectorate
- Other organisations and businesses who provide services to us such as back up and server hosting providers, IT software and maintenance providers, document storage providers and suppliers of other back office functions

6. How and when can you withdraw your consent?

Most of the grounds on which we process personal data are referred to in paragraph 4 above and we do not require your consent. Should we rely upon your consent to process personal data, you can withdraw this at any time by contacting us by email: RIU@copfs.gsi.gov.uk

7. Is your personal information transferred outside the UK or the EEA?

We are based in Scotland, but sometimes your personal information may be transferred outside the European Economic Area. If we do so, we'll make sure that suitable safeguards are in place, for example ensuring that the recipient is another judicial or law enforcement authority, by conducting due diligence before transfer and through use of secure electronic transfer.

8. What should you do if your personal information changes?

You should tell us so that we can update our records. The contact details will be on correspondence that we send to you during the course of our involvement with you. We'll then update our records where appropriate.

9. Do you have to provide personal information to us?

Most of the personal data we hold is for the processing of law enforcement activities and do not require your consent. In circumstances where consent is required, we may be unable to fulfil our obligations if you do not provide certain information to us.

10. Do we do any monitoring involving processing of your personal information?

In this section, monitoring means any: listening to recording of, viewing of, intercepting of, or taking and keeping records (as the case may be) of calls, email, text messages, social media messages, in person face to face meetings and other communications.

We may monitor where permitted by law and we'll do this where the law requires it, or to comply with regulatory rules, to prevent or detect crime, in the interests of protecting the security of our communications systems and procedures, and for quality control and staff training purposes. This information may be shared within COPFS and with third parties, for the purposes described above.

11. What about automated decision making?

We do not make automated decisions about the investigation and prosecution of crime and the investigation of deaths.

12. For how long is your personal information retained by us?

Unless we explain otherwise to you, we'll hold our personal information based on the following criteria:

- For as long as we have reasonable business needs to retain it
- Retention periods in line with legal, regulatory requirements and our Records Retention Policy. This can be found in our Records Management Manual on our website
<http://www.copfs.gov.uk/images/Documents/About%20us/Records%20Management/Records%20Management%20Manual%20June%202017%20website.pdf>

13. What are your rights under data protection laws?

Here is a list of the rights that all individuals have under data protection laws. They don't apply in all circumstances. If you wish to use any of them, we'll explain at that time if they are engaged or not. The right of data portability is only relevant from May 2018.

- The right **to be informed** about your processing of your personal information
- The right to have your personal information **corrected if it is inaccurate** and to have **incomplete personal information completed**,
- The right **to object** to processing of your personal information
- The right **to restrict processing** of your personal information
- The right **to have your personal information erased** (the "right to be forgotten")
- The right to **request access** to your personal information and to obtain information about how we process it
- The right to **move, copy or transfer your personal information** ("data portability") and
- Rights in relation to **automated decision making which has a legal effect or otherwise significantly affects you.**

You have the right to complain to the Information Commissioner's Office which enforces data protection laws - <https://ico.org.uk/>

14. Your right to object

If you believe the personal data that COFPS is processing about you is incorrect then you have right to have that data corrected. You have the right to ask for your personal data to be erased or to restrict processing of that data. However, we will only erase personal data when it is no longer necessary for us to process the data.

You can write to us at the Response and Information Unit, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or by email: RIU@copfs.gsi.gov.uk

15. Changes to this privacy notice

We may change this privacy notice from time to time by updating this page in order to reflect changes in the law and/or our privacy practices. We encourage you to check this privacy notice whenever you revisit our website – <http://www.copfs.gov.uk/privacy-notice>

16. Contact Us

If you have any questions about this privacy notice, or if you wish to exercise your rights or contact the DPO, you can write to us at the Response and Information Unit, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or by email: RIU@copfs.gsi.gov.uk

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