

PFCC Decision Report

<p>Report reference number: 027/2020</p> <p>Classification (e.g. Not protectively marked/restricted): Not protectively marked</p>
<p>Title of report: Volunteer Privacy Notice</p>
<p>Area of county / stakeholders affected: All volunteers of the Police, Fire and Crime Commissioner for Essex</p>
<p>Report by: Anna Hook (Head of Performance and Scrutiny – Policing and Crime, DPO)</p> <p>Date of report: 21 February 2020</p> <p>Enquiries to: Anna Hook (Data Protection Officer)</p>

1. Purpose of the report

To approve for adoption the Volunteer Privacy Notice attached at Appendix 1.

2. Recommendations

That the Police, Fire and Crime Commissioner (PFCC) for Essex approves the Volunteer Privacy Notice attached at Appendix 1.

That the Data Protection Officer works with the appropriate officers who manage volunteer programmes in the PFCC's office to establish and maintain an auditable process for issuing the Volunteer Privacy Notice to all existing and new volunteers to whom it applies.

3. Benefits of the proposal

Implementation of the recommendations above will ensure the PFCC's compliance with their mandatory obligations under the General Data Protection Regulation (GDPR) to provide their volunteers with specified information relating to the collection and processing of their personal data.

4. Background and proposal

The PFCC already publishes a generic Privacy Notice which provides residents and service users with information about how the organisation collects and processes their personal data. However the General Data Protection Regulation (GDPR) requires notices to be issued to all data subjects that the organisation may handle personal data in relation to, including employees, job applicants and volunteers.

The proposed Volunteer Privacy Notice attached at Appendix 1 will meet the PFCC's residual obligations and demonstrates good practice and continuous regard to the Data Protection Act 2018 by explaining to new and existing volunteers what personal data the PFCC processes about them, how and why. It contains the following mandatory information "types" that employers are obliged to communicate to their employees, and in this case similarly to volunteers, typically through a Privacy Notice:

- The identity and contact details of the employer / host organisation of the volunteer scheme
- A description of the personal data collected
- The purposes for processing the data
- The legal basis on which processing will take place
- Who the personal data is shared with
- Whether personal data is transferred out of the European Economic Area (EEA) and, if so, details of the safeguards that are in place to protect the security of the data
- How long the personal data will be kept for
- The rights that volunteers have in relation to that personal data, e.g. the right to request that the employer / host organisation rectifies any incorrect information.

5. Alternative options considered and rejected

As an employer and the host of several volunteer schemes in order to undertake their duties, the PFCC is under a mandatory obligation under the GDPR to provide certain information to staff and volunteers (outlined in section 4 above) relating to the collection and use of their personal data. It is also a core GDPR principle for employers and hosts of volunteer schemes to process HR related data in a fair and transparent way. Issuing a bespoke and adequately informative Privacy Notice to all data subjects that the organisation may handle personal data in relation to is therefore a key element of achieving GDPR compliance. As such, there is no alternative available to the Commissioner but to adopt the proposed, or an amended, Volunteer Privacy Notice.

6. Police and Crime Plan

Whilst there is no direct link between this decision and the Police and Crime Plan, implementation of the recommendations set out above will discharge some of the PFCC's mandatory obligations in respect of its workforce, of which volunteer support is essential and is of course one of the key resources available to deliver the Plan.

7. Police operational implications

There are no operational implications arising for Essex Police as a result of this report.

The Volunteer Privacy Notice attached at Appendix 1 references the processing of personal data that Kent and Essex Police's shared support services undertake on behalf of the PFCC under a data processor agreement.

8. Financial implications

There are no financial implications arising from this report.

9. Legal implications

The PFCC's mandatory obligations in respect of the provision of information to their staff and volunteers relating to the processing of their personal data are set out in the General Data Protection Regulation (GDPR) 2016, which came into effect in the UK on 25 May 2018.

10. Staffing implications

Once adopted, the Volunteer Privacy Notice will apply to all volunteers across all PFCC supported volunteer schemes. The Data Protection Officer will support the managers of the volunteer schemes to put in place an auditable process to ensure that it is issued to all of those to whom it applies.

11. Equality and Diversity implications

The Volunteer Privacy Notice attached at Appendix 1 details how sensitive special category data, including that relating to equal opportunities monitoring, will be collected from volunteers, retained, protected and utilised by the PFCC.

12. Risks

If, as an employer and the "responsible organiser" of volunteer schemes, the PFCC does not have a clearly documented record of having issued a Volunteer Privacy Notice and is either subject to an Information Commissioner's Office (ICO) inspection or dealing with the ICO for some other reason, a failure to provide this information will likely adversely affect the ICO's assessment of the PFCC's overall compliance with data protection legislation and regulations. The recommendations set out within this report mitigate against this risk.

13. Governance Boards

The Volunteer Privacy Notice in draft was discussed at the PFCC's SMT meeting on 18 February 2020. At this meeting it was agreed that this Volunteer Privacy Notice should be updated to be consistent with the Employee Privacy Notice. This work has been completed and reflected in the Volunteer Privacy Notice attached at Appendix 1.

14. Background papers

Appendix 1 – Volunteer Privacy Notice

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign: [Signature]

Print: P. Best - Sherwood

Date: 28 FEBRUARY 2020

Chief Finance Officer / Treasurer

Sign: N/A - No FINANCIAL IMPLICATIONS

Print:

Date:

Publication

Is the report for publication?

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

.....
..... N/A

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input checked="" type="checkbox"/>

If 'YES', please provide details of required redaction:

.....
..... N/A

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: *Jane Gardner*

Print: *JANE GARDNER*

PFCC/Deputy PFCC

Date signed: *28/02/2020*

I do not agree the recommendations to this report because:

.....
.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed:

Volunteer Privacy Notice

Introduction

The Essex Police, Fire and Crime Commissioner's office collects and processes personal data relating to its volunteers to manage the volunteering relationship. We are committed to being transparent about how we collect and use data and to meeting our data protection obligations. This volunteer privacy notice informs you of how information is obtained, used, and retained. We have an obligation to highlight the following:

Data Controller: The Police, Fire and Crime Commissioner for Essex, Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB.

Data Protection Officer: Anna Hook (Head of Performance and Scrutiny - Policing and Crime), Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB

1. Data Protection Principles

1.1 We will comply with data protection laws and give particular attention to the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), particularly Article 5, which says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely and confidentially.

2. What information does the organisation collect about you?

2.1 We collect and process a range of personal and sensitive (special category) information about you. This can include:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- a copy of your passport or similar photographic identification and / or proof of address documents;
- a signed copy of your volunteer agreement or memorandum of understanding;

- details of your relevant qualifications, skills, experience and employment / volunteering history. We will also keep records of any training that you undertake as a volunteer with the Commissioner's office;
 - details of your bank account including account name, sort code and account number;
 - information about your next of kin and emergency contacts;
 - details of your availability to carry out the role;
 - information about your nationality and entitlement to work in the UK;
 - details of any complaints in which you have been involved (whether as a party or a witness), including any warnings issued to you and related correspondence;
 - notes from any supervision meetings, group meetings or one to one discussions relating to your volunteering role or other personal information which you have provided which may be relevant to your volunteering role or well-being;
 - information about relevant medical or health conditions, including Occupational Health referrals and reports, medical screening; risk assessments; health management questionnaires, and details of whether or not you have declared a disability for which we need to make reasonable adjustments. Medical screening data is held by the shared Essex and Kent Police Occupational Health and Welfare department;
 - signed records of any equipment that you hold which is property of the Police, Fire and Crime Commissioner's office, or Essex Police;
 - details of expenses or other payments claimed;
 - information obtained from the monitoring of standards relating to the acceptable use of IT and entry to and exit from our premises;
 - information about any accident whilst carrying out your volunteering role including accident reports, employer's liability claims, records relating to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and the Control of Substances Hazardous to Health (COSH) Regulations;
 - equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.
 - information about your entitlement to live and work in the UK;
 - information about your criminal record, and also includes details of family members (not just next of kin and dependents) for vetting purposes;
- 2.2 We collect this information in a variety of ways. For example, data is collected through application forms; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during your volunteering role; from correspondence with you; or through interviews, meetings or other assessments.

- 2.3 In some cases, we collect personal data about you from third parties, such as references supplied by former employers or character references, information from employment background check providers, and information from criminal records checks permitted by law.
- 2.4 Data is stored in a range of different places, including in your personnel file, the Police payroll system and in other IT systems (including the Essex Police email system from which we operate).

3. Why does the organisation process personal data?

- 3.1 We need to process your data to work to a volunteering agreement such as to pay you expenses in line with our volunteer policy.
- 3.2 In some cases, we need to process your data to ensure that we are complying with our legal obligations. For example, we are required to check a volunteer's entitlement to live and work in the UK and to comply with health and safety laws. It is also necessary to carry out criminal records checks and vetting to the requisite level to ensure that individuals are permitted to undertake the role in question.
- 3.3 In other cases, we have a legitimate interest in processing personal data before, during and after the end of the volunteering relationship. Processing volunteer data allows us to:
- maintain accurate and up-to-date records and contact details (including details of who to contact in the event of an emergency);
 - obtain occupational health advice, to ensure compliance with duties in relation to individuals with disabilities; to meet our obligations under health and safety law, and to ensure that volunteers are receiving the expenses or other benefits to which they are entitled, and to ensure acceptable conduct;
 - assess compliance with corporate policies and procedures and ensure the security of premises, IT systems and employees;
 - ensure effective general business administration to enable access to Police equipment, IT and expenses;
 - conduct engagement surveys;
 - provide references on request for current or former volunteers;
 - deal with any volunteer related disputes, including responding to and defending against legal claims, and
 - maintain and promote equality, diversity and inclusion.
- 3.4 Where we process other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring as permitted by the Data Protection Act 2018. You can ask us to stop processing this data at any time.

- 3.5 When appropriate, we will provide a “just in time” notice to cover any additional processing activities not mentioned elsewhere in this document.

4. The legal basis for processing

- 4.1 The PFCC will only process data relating to volunteers in order to fulfil its duties as the ‘responsible organisation’ of the volunteer, or where it has a legal obligation to process personal data in accordance with a statute or court order.
- 4.2 Most of the processing of personal data the PFCC undertakes as the ‘responsible organisation’ and in accordance with employment law (including in relation to information about volunteers’ criminal convictions and offences) relies on article 6 of the GDPR. Article 6(1)(c) relates to the PFCC’s legal obligations as an employer; article 6(1)(d) relates to the protection of your vital interests and those of other people; article 6(1)(e) relates to the performance of our public tasks, and article 6(1)(f) refers to the purposes of our legitimate interest.
- 4.3 For processing special category data, the PFCC relies on the provisions under article 9 (obligations in the field of employment, or to establish, exercise or defend legal claims) or article 89 (where there is substantial public interest or for statistical purposes) of the GDPR.
- 4.4 In addition, the PFCC relies on the processing conditions set out within Schedule 1, Part 1, paragraph 1 and Schedule 1, Part 1, paragraph 2(2)(a) and (b) of the Data Protection Act 2018. These relate to the processing of special category data for employment purposes (or as the ‘responsible organisation’ for volunteer organisations), preventative or occupational medicine and the assessment of your working capacity as an volunteer.
- 4.5 Volunteering is a role carried out in the public interest. The PFCC must process your data to support and manage this role. The PFCC must process your health data:
- for public health reasons, such as keeping members of the public and other volunteers safe, and
 - to fulfill its duty of care for volunteers under Section 3 of the Health and Safety at Work Act 1974

5. Who has access to data?

- 5.1 Your information will be shared internally, including with members of Essex and Kent Police shared support service (including payroll), managers in the business area in which you volunteer and IT staff if access to the data is necessary for performance of their roles.
- 5.2 We share your data with third parties in order to obtain references from other organisations where relevant, to obtain background checks from third-party providers and to obtain necessary criminal records checks from Essex Police Vetting Department. In those circumstances the data will be subject to confidentiality arrangements.

- 5.3 If we consider that you are a risk to others, we may share misconduct or discipline records with a new employer, the Disclosure and Barring Service (DBS), other police forces or government agencies.
- 5.4 We will also disclose your personal data to other bodies and individuals when required to do so by or under any act of legislation, by any rule of law, or under any court order.
- 5.5 We also share your data with third parties, such as the shared Essex and Kent Police support services that process data on our behalf in connection with payroll and the provision of occupational health services.
- 5.6 We will not transfer your data to countries outside the European Economic Area.
- 5.7 We will always record our reasons for sharing and who we have shared your personal data with. You can lodge an objection to this by contacting the Data Protection Officer, whose contact details are provided above

6. How do we protect data?

- 6.1 We will ensure that the personal data we collect about you is kept to the minimum that is necessary for the processing purpose.
- 6.2 We take the security of your data seriously. We have internal policies and controls in place to safeguard against your data being lost, accidentally destroyed, misused or disclosed, or accessed except by employees in the performance of their duties.
- 6.3 Information held by Kent and Essex Police must demonstrate compliance with the standards set by the National Policing Information Risk Management Team (NPIRMT), the National Police Chiefs Council's (NPCC's) Community Security Policy (CSP) and relevant parts of the ISO2700I Information Security Standard, regardless of where it comes from. Electronic and digital security of systems which use or manage police information adhere to the Kent and Essex Police Baseline Security Requirement.
- 6.4 Technical safeguards are enforced within the IT infrastructure through tools and techniques including firewalls, data encryption, end point detection and response solutions, protective monitoring, segregation of data and role based authorised system access. Physical access controls ensure authorised and appropriate access to buildings and files.
- 6.5 We may use anonymised or pseudonymised data for statistical or research purposes. When using anonymised data, all identifying characteristics such as your name and age will be taken out. When using pseudonymised data, all such identifying characteristics will be taken out and an identifying number used instead.
- 6.6 Where we engage third parties to process personal data on our behalf, such as the Kent and Essex Police shared support services, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data. These requirements are set out in a data processor agreement.

7. For how long do we keep data?

7.1 We will hold your personal data in accordance with records retention and disposal policies. Please contact the Police, Fire and Crime Commissioner's Office should you wish to view these policies.

8. Your rights

8.1 As a data subject, you have a number of rights:

- The right to be informed – You have the right to be informed about the collection and use of your personal data. You must be informed of the purpose for processing your personal data; retention periods for that data and who it will be shared with. This information must be provided at the time at which personal data is collected. This Volunteer Privacy Notice is one of the key means through which the PFCC ensures this right is complied with. Further details can be found under articles 13 and 14 of the GDPR.
- The right of access – You have the right to request access to and obtain a copy of your personal data (also known as a subject access request). Further information on this right can be found under section 45 of the Data Protection Act 2018 and article 15 of the GDPR;
- The right to rectification – You have the right to apply to us to change incorrect data or to complete incomplete data. Your data can be corrected when we have recorded any of your personal data incorrectly; your details have changed; we were provided with incorrect data from someone or somewhere else, or we have recorded information against your name that refers to someone else. Your data cannot be changed when an investigation is live and any corrections will compromise this; where it relates to a malicious or false allegation; if an individual has said something about you that you disagree with, or you have deliberately provided false details. Further information on this right can be found under section 46 of the Data Protection Act 2018 and under Article 16 of the GDPR;
- The right to erasure ("the right to be forgotten") – You have the right to request that your personal data is deleted. Further details can be found under section 47 of the Data Protection Act 2018 and under article 17 of the GDPR;
- The right to restriction – You have the right to request restriction or suppression of your personal data. When processing is restricted, personal data is stored but cannot be used. Further details about this right can be found under section 47 of the Data Protection Act 2018 and under article 18 of the GDPR;
- The right to data portability – You have the right to request and reuse the personal data you provide to us for your own purposes across different services. This will allow data to be moved, copied or transferred from one IT environment to another in a safe and secure way without affecting its usability. Data will be provided in a format that is structured, commonly used and machine readable. Further information about this right can be found under Article 20 of the GDPR;
- The right to object to the processing of your data in certain circumstances set out in article 21 of the GDPR; and

- The right to apply not to be subject to automated decision making, based on automated processing, if it produces an adverse legal effect or otherwise significantly affects you. Further information about this right can be found under section 49 of the Data Protection Act 2018 and article 22 of the GDPR.
- 8.2 The rights of data subjects under the GDPR above are not absolute, and in certain situations requests cannot be granted. For example, the right to restrict data processing does not apply when data is processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences. The same applies to the processing of personal data in the prevention of threats to public security.
- 8.3 If you would like to exercise any of these rights or make a complaint, please contact the Data Protection Officer (DPO), Anna Hook, at Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB or by emailing anna.hook@essex.police.uk
- 8.4 You can make a subject access request by completing a form which can be accessed on our website. There is no legislative requirement to complete the form, but doing so will ensure that we have all the details needed to fulfil your request, including the required identification validation. This will help to ensure that your request is dealt with as quickly as possible.
- 8.5 If after contacting the DPO, you believe that we have not complied with your data protection rights, you can complain to the Information Commissioner.

9. What if you do not provide personal data?

- 9.1 Certain information, such as contact details, your right to work in the UK, and payment details, have to be provided to enable us to enter a volunteer agreement with you.

10. Related policies and procedures

- 10.1 This Volunteer Privacy Notice should be read in conjunction with:

The PFCC's global privacy notice (available to view at <https://www.essex.pfcc.police.uk/contact-us/privacy-notice/>)

The Disposal and Retention Schedule for Essex Police Records

The PFCC's Data Protection Policy

The PFCC's Access to Information Policy

