



Essex Restorative and Mediation Service (ERMS) Privacy Notice

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Introduction

The Essex Restorative and Mediation Service (ERMS) is provided by the Police, Fire and Crime Commissioner for Essex (PFCC Essex) and aims to facilitate effective communication between those involved in crime or conflict to help find a positive resolution and repair harm that has been caused.

We are committed to ensuring the privacy and security of your personal data. The following Privacy Policy sets out the personal data that we collect about you as a partner or user of our Restorative and Mediation Service; including how and why we process your personal data, who we share it with, and your rights and choices when it comes to your personal data.

The PFCC Essex is a Data Controller registered with the Information Commissioners Office (ICO) Registration Number: Z3451171.

Our address is Kelvedon Park, London Road, Rivenhall, Witham, Essex, CM8 3HB.

Our full privacy notice outlines your rights and our obligations to handle your data correctly, please visit the website: <https://www.essex.pfcc.police.uk/contact-us/privacy-notice/>

What information do we collect about you and how do we use it

When you engage with our services we will ask you for your personal information such as your name, contact information, DOB, gender, criminal records, crime details and relevant warning markers, any specific factors relating to the physical, physiological, genetic, mental, economic, cultural or social identity of the individuals concerned and notes of our discussions with you. This information ensures that we are able to maintain contact with you, and that facilitators, staff and participants in the process are kept safe. names, addresses, email addresses and contact telephone number(s).

If it involves children and child access arrangements, it will be necessary to record their information. Any child, aged 13 years and above, has to give consent to their data being processed.

We will use your information to progress the service we have agreed with you. This may include making referrals to agencies you have agreed we can contact and generally, to make sure that your case is progressing. We may also use your contact details to follow up after the process has closed, or to enquire whether you wish to tell your story further such as in the media or at relevant events or opportunities.

Your information will only be seen by those who provide the service to you, or our partners, and with whom there is a confidentiality agreement in place.

With your consent we may record more sensitive personal data such as appropriate medical information, your racial or ethnic origin and religion but only where it will assist the service that we provide.

The information collected during the restorative justice process will not be used for any other purposes for example fundraising campaigns and marketing.

If you are a mediator we may collect, use and share information about you, your professional status, and your interaction with the ERMS. This may be collected from you directly, from someone acting on your behalf or from another professional partner.

We'll process data information about mediators to:

provide services, deal with any of your transactions, maintain our own accounts and administration requirements, to meet compliance obligations, to manage our relationship with you including contact preferences and provide information about mediators' professional status and qualifications.

Our lawful basis to process your personal data

ERMS has statutory functions in administrating the restorative justice process across Essex.

The primary lawful basis for ERMS to process your personal data is under Article 6(1)(e) of the UK GDPR which allows ERMS a lawful basis for processing where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The ERMS Restorative Justice service carries out a specific task in the public interest which is laid down by law and is exercising official authority under the PFCC for Essex's tasks, functions, duties or powers.

These are established in legislation; for example in the Crime and Courts Act 2013 and the Powers of Criminal Courts (Sentencing) Act 2000.

On the rare occasions we may process sensitive personal data during the ERMS process, which includes racial or ethnic origin; political opinions; religious or philosophical beliefs and data concerning health, the additional bases for processing that we rely on is reasons of substantial public interest (with a basis in law) Article 9(2)(g) and Schedule 1 of the Data Protection Act 2018 (6) for statutory purposes and (7) the administration of justice.

If you do not provide sufficient personal data for us to provide this service we will be unable to carry out our statutory functions to facilitate effective communication between those involved in crime or conflict to help find a positive resolution and repair harm that has been caused.

Who we may share your information with

The information provided will be used to process Restorative Justice Referrals and mediation provision to progress the service we have agreed with you. This may include making referrals to and engaging with other statutory and non-statutory agencies to make sure that your case is progressing. We may also use your contact details to follow up after the process has closed, or to enquire whether you wish to tell your story further such as in the media or at relevant events or opportunities.

Your information will only be seen by those who provide the service to you, or our partners with whom there is a confidentiality agreement in place.

ERMS may need to address the needs of the victim or offender through our partners and lead agencies. These may include:

<ul style="list-style-type: none">• Essex Police• Essex County Fire and Rescue Service• Community Safety Partnerships• Community Rehabilitation Company	<ul style="list-style-type: none">• Her Majesty's Prison and Probation Services• Restorative Justice (RJ) providers across the country where one or more parties in the process is, or has been, residing outside of Essex.
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Your information may be handled by various staff members in our office. Your information is also passed to our specific mediators, who are allocated to your case. Correspondence between the office staff may be either by telephone or via an encrypted email service. Mediators are obliged to keep relevant personal data secure when they visit you. This is achieved by written information being anonymised, i.e. information that could identify you is removed.

Your information will only be shared when necessary and where this is relevant to the service that we have agreed with you.

There are exceptional circumstances where we may have to disclose information without your permission. These are

- i. If we believe that either you or someone else is at risk of significant harm. For example ERMS mediators and staff have a duty to report any issues relating to child protection, adult safeguarding or in relation to a suspicion that a person is engaged in money laundering or involved in the commission of a terrorist related offence, and;
- ii. Where there is another legal obligation to disclose your information.

How long your information will be held

Personal information will only be kept as long as it is required for the particular purpose or purposes for which it is held in accordance with our retention and disposal processes. A copy of our Retention and Disposal Policy is available on request and to view on the website – www.essex.pfcc.police.uk. We destroy volunteer data after 12 months and participant data after 6 years.

Where your information is stored and how it is kept secure

We store personal data securely on Essex police servers and on a dedicated, secure case management system with appropriate technical and security measures in place to protect your personal data from loss, misuse, unauthorised access and disclosure. We ensure that physical and remote access to the information contained in our ERMS systems is restricted to only those staff who need access to carry out their roles.

Our staff and volunteers have received Data Protection and Confidentiality training and have individual passwords and limited access via encrypted systems.

Your rights

Under the UK General Data Protection Regulation, and the Data Protection Act 2018 you have the following rights:

- to be informed about the collection/use of your data.
- of access to your data.
- of rectification of any errors.
- to erase your data (the right to be forgotten) under certain conditions.
- to restrict processing of your data in some situations.
- to data portability, for example if you moved area and wanted to engage with another RJ provider.

Further details of these rights can be found on our main Privacy Notice, see link above.

Cookies

We use cookies to compile aggregate data about site traffic and site interactions in order to offer better site experiences and tools in the future. We may also use trusted third-party services that track this information on our behalf. Further details can be found on our main Privacy Notice, see <https://www.essex.pfcc.police.uk/contact-us/privacy-notice/>

How to make a complaint to us and our supervisory authority

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

Police, Fire and Crime Commissioner for Essex,
1st Floor, Kelvedon Park,
London Road, Rivenhall,
Witham, Essex
CM8 3HB

Call us: 01245 291600

Our office hours are: Mon-Fri: 8.30am to 4.30pm | Sat/Sun: Closed

Email us: pfcc@essex.police.uk

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. You also have the right to pursue a complaint through the UK Courts of Law should you wish to do so.

This Privacy Notice was last revised in June 2021.