



PRIVACY NOTICE

West Midlands Police and Crime Commissioner is 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, a colleague or a user of our services, 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.

In this Privacy Policy, when we refer to "personal data", we mean information which could directly identify you (for example, your name or email address) and information which could indirectly identify you, meaning that it could identify you when combined with other information which we hold about you (for example, your gender or date of birth). "Process" or "processing" means just about any conceivable use of personal data, including recording, storing, viewing or disclosing personal data.

The Police and Crime Commissioner is the data controller of your personal data (referred to in this Policy as 'the Commissioner' or "we").

The Commissioner will comply with data protection law. You can view our Data Protection Policy on the Police and Crime Commissioner's website [here](#). This policy includes details about our data retention rules here. More information about data protection and your rights can be found on the Information Commissioner's website: <https://ico.org.uk/for-the-public/>

Your rights and your personal data

You have the following rights with respect to your personal data:

- 1) ***The right to access personal data we hold on you***
At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- 2) ***The right to correct and update the personal data we hold on you***
If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3) ***The right to have your personal data erased***
If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- 4) ***The right to object to processing of your personal data or to restrict it to certain purposes only***
You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5) ***The right to data portability***
You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6) ***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).



7) The right to lodge a complaint with the Information Commissioner's Office.

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.

How long do we keep your personal data?

Our data retention schedule states how long we keep different categories of data. The Schedule forms part of our Information and Records Management Policy and can be viewed on the Police and Crime Commissioner's website [here](#).

Changes to processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on the Commissioner's website: www.westmidlands-pcc.gov.uk

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Contact

If you have any questions about your personal data which are not answered by this Policy, please contact:

Data Protection Officer
West Midlands Police and Crime Commissioner
Lloyd House
Colmore Circus
Queensway
Birmingham
B4 6NQ
Email: wmpcc@west-midlands.pnn.police.uk

Contents of this privacy notice:

We process personal data for a number of different purposes. Click on the link below to see the most appropriate paragraphs of this privacy notice:

- [Letters or emails to the PCC with requests, suggestions and complaints](#)
 - [Complaint Reviews](#)
- [Attending our meetings or events, contact and circulation lists](#)
- [Application for funding, or recipient of our funding](#)
- [Staff, volunteers, members of Accountability and Governance Board, members of PCC committees and groups and contractors](#)

Letters or emails to the PCC with requests, suggestions or complaints

When you contact us, we:

- Will retain and store your details, including copies of everything you send to us.
- May also share your personal data and any of the information you have provided with other organisations if we need to do so in order to deal with your contact properly. Most commonly this would be West Midlands Police, but it may include other organisations if required in order to deal with your contact (e.g. local authorities, or the Police and Crime Panel).
- Will contact you to discuss the matters you have raised with us.
- Complaints about West Midlands Police officers or staff must be dealt with by the appropriate authority which is the Professional Standards Department (PSD). If your complaint is about a police officer or member of police staff **we will refer it to PSD**.
- If your complaint is about the Chief Constable, we will contact West Midlands Police in order to investigate your complaint and gather all of the information we need in order to do so. This may include us sharing details of your complaint with the Chief Constable.
- If your complaint is about someone who works for the PCC, we may share details about your complaint with the member of staff concerned, or with other staff within in the office, where it is necessary for us to do so in order to investigate the complaint.

What personal information will we collect if you contact us?

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to your query/suggestion or complaint, we may ask for and process other information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

We use your personal data for some or all of the following purposes:

- To follow up with you after correspondence;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how policing and other services are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the Commissioner;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;

- To notify you of changes to our news, facilities, services, events and staff, Board members and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives.

Third Party Consent

- If we are contacted by an elected representative who is acting on behalf of, and at the request of their constituent, and who:
 - requests information on behalf of their constituent, or
 - requests that we make direct contact with their constituent
 - the following arrangements will apply.
- Personal information related to the constituent may be shared with the elected representative and/or with the constituent. In such cases, our condition for processing the information is reliance upon public task UK GDPR Article 6 (1) (e).
- If the request includes the processing of special category data, our additional condition for processing the information will be UK GDPR Article 9 (2) (g), which allows processing for reasons of substantial public interest, when elected representatives are carrying out casework on behalf of their constituent.
- If the request includes criminal offence data, our additional condition for processing will be UK GDPR Schedule 1, paragraph 23 (1), as the processing is being carried out in response to a request from an individual that the processing is carried out by the elected representative on behalf of the individual.

Complaint Reviews:

- We have a statutory responsibility as the Relevant Review Body for some complaints dealt with by PSD in accordance with the Police Reform Act 2002, where the complainant is unsatisfied with the way that their original complaint has been handled. PSD will provide details of how a review can be requested from the relevant review body in their original outcome letter to the complainant.

What personal information will we collect to process your complaint review?

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to your complaint, we may ask for and process other information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation;
- Complaint details and original complaint documentation;
- Allegations of misconduct.

We use the personal information processed for your complaint review for the following purposes:

- To identify your original complaint and to conduct a review of the way your complaint has been handled;

- To provide learning recommendations to West Midlands Police where the review has identified further action or improvement;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury.

What is our legal basis for processing your personal data?

The Commissioner is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Commissioner's public powers and duties. We will always take into account your interests and rights.

For the complaint review function, our legal basis for processing your personal data is to perform a public task with official authority under the following legislation: Policing and Crime Act 2017 and the Police Reform Act 2002 (Part 2 and Schedule 3, paragraph 25). This is supported by the Police Complaints and Misconduct Regulations 2020.

Sharing your personal data

If it is necessary we may share your personal data with third parties. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. They may include:

- West Midlands Police
- Local authorities
- Home Office
- West Midlands Police and Crime Panel
- Other police forces
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Employment agencies

We may need to share your personal data we hold with them so that they can carry out their responsibilities to us, and enable the Commissioner to fulfil his public duty or his legal obligations. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the Commissioner and the other data controllers may be "joint data controllers" which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

Attending our meetings or events, circulation and contact lists

Our meetings and events



Most of our meetings, summits and events are held in public, and many are also webcast. Copies of webcasts are available for public viewing from the PCC's website. We sometimes take photographs of meetings and events, and people who attend may appear in these photographs. In addition we normally take notes of meetings and events and these notes may include the names or other information about people who attend.

This means that if you attend one of our meetings or events:

- You may appear on the webcast
- You may appear in photographs of the event
- Your name may be included in the notes/minutes

What legal basis do we rely upon?

Meetings and events take place to support the Commissioner in undertaking his public task. We will rely upon contractual obligation for people who are regular members of our boards, groups or committees. For other events we shall obtain consent from those present before commencing webcasting, photography or including personal data in our notes or minutes.

We will always respect your privacy, and take the following steps:

- Before webcasting commences everybody present will be informed and if they prefer not to be webcast they will have the opportunity to withdraw or to sit in a part of the room not covered by the webcast.
- Members of our regular boards or groups (most notably the Accountability and Governance Board and the Audit Committee, but this may also include other groups which have a regular membership) will have a contract with us which includes being included in webcast, photographs, notes and minutes of meetings.

Contact and circulation lists

If you attend one of our meetings or events we will ask you for the following information:

- Name
- Contact email and telephone number
- Your organisation and your position
- Accessibility and dietary requirements

We will use these to provide you with information about the meeting or event; to help us plan and also for health and safety planning in case of fire or other emergency. We will not share this information with any third party without your prior consent.

We may use a third party such as Eventbrite to help us organise events. In such cases, the third party is a data processor for your data, and will be responsible for your data. If we use a third party to help us in this way, you shall receive a separate privacy notice from them.

Circulation lists

We hold a number of lists of people's contact details. We hold lists so that we can invite people to suitable events and meetings and also so that we can contact people with information and news. You will be asked for your consent for your name and other contact details to be included on our circulation list. You may withdraw this consent at any time and your details will then be removed from our list.

Public petitions and questions at Accountability and Governance Board

The Commissioner invites members of the public to submit questions and petitions to meetings of the Accountability and Governance Board. More information on the process for this can be found on the website: www.westmidlands-pcc.gov.uk



If you submit a petition or question, your personal details may be shared with West Midlands Police or any other third party necessary in order to address the question or the petition. Your name and other details may be included in the notes of the meeting, and if you attend the meeting you may appear in the webcast and photographs of the event.

Application for funding, or recipient of our funding

Applicants for funding will normally be required to provide us with personal data including:

- Name, address, email and other contact information
- Details of the people and organisation making the application
- Bank and other financial information
- For some projects or applications, sensitive personal information (where this is relevant to the project)

We use your personal data for some or all of the following purposes:

- To follow up with you after correspondence;
- To assess your application for funding;
- To monitor progress of projects that have been funded;
- To make payments to you in accordance with our agreement;
- To provide publicity, media releases and information on the Commissioner's website.
- To confirm your identity;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp or similar);
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the Commissioner;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our news, facilities, services, events and staff, Board members and other role holders;
- To share with internal or external auditors, for the purpose of undertaking an audit, or undertaking an investigation in accordance with their legal obligations and powers.
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives.

What is our legal basis for processing your personal data?

The Commissioner is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Commissioner's public powers and duties.

If personal data is used in publicity materials about a project, in most cases we do so in reliance upon the terms of the contractual agreement between us. If this is not covered by the

agreement between us, we shall seek your consent before using personal data in any publicity materials. We will always take into account your interests and rights.

Sharing your personal data

If it is necessary we may share your personal data with third parties. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. They may include:

- West Midlands Police
- Local authorities
- Home Office
- West Midlands Police and Crime Panel
- Other police forces
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Employment agencies

We may need to share your personal data we hold with them so that they can carry out their responsibilities to us, and enable the Commissioner to fulfil his public duty or his legal obligations. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the Commissioner and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

Staff, volunteers, members of Accountability and Governance Board, members of PCC committees and groups, suppliers and contractors

*“Staff” means employees, workers, agency staff and those retained on a temporary or permanent basis

**This also includes applicants or candidates for any of these roles.

What personal data will we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed, and invoice payments.



- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- Your public use of social media.
- CCTV footage and other information obtained through electronic means such as smartcard or swipecard records.
- Information about your use of our information and communications systems.
- Information about your time keeping and attendance.

We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and undertaking regular audit processes.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud and/or corruption.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.

- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer a register of gifts, hospitality and personal interests
- To provide a reference.
- It is paramount that the public have trust and confidence in the Police and Crime Commissioner, and we will monitor your public use of social media in order to ensure that you do not bring the organisation into disrepute.
- We will assess social media use for all potential employees, volunteers or contractors and we may use this as part of our recruitment/appointment decision making.
- We will also assess and monitor your public use of social media in order to check that you are properly fulfilling your employment contract. For example, most posts are politically restricted, and we will check that your social media is compliant with this.
- We will use information about your time keeping and attendance to assess your work performance, and it may also be used in decisions about pay increments, and in disciplinary proceedings.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

How we use sensitive personal data

We may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- West Midlands Police, which runs or hosts many of our HR functions.
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software;
- Other persons or organisations operating within local community.
- internal or external auditors, for the purpose of undertaking an audit, or undertaking an investigation in accordance with their legal obligations and powers.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- pension providers
- Former and prospective employers
- National and local vetting services
- Recruitment Agencies
- Professional advisors

- Trade unions or employee representatives

In addition, The Police and Crime Commissioner is engaged with the National Fraud Initiative. This is an exercise managed by the Cabinet Office that matches electronic data between public and private sector bodies to prevent and detect fraud. This is a government backed initiative to protect public funds. If you would like to know how your information is used in this initiative please read more on [NFI Privacy](#).'

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.