

FOI-392

I write in connection with your request for information dated 25<sup>th</sup> July 2013 concerning the registration of the Police and Crime Commissioner for Wiltshire as a data controller.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

I can confirm that the information you have requested is held, in part, by the Office of the Police and Crime Commissioner.

Your request has been considered and I am able to respond as follows:

The Police and Crime Commissioner for Wiltshire could not apply for registration until the 22<sup>nd</sup> November when the post came into existence as successor to Wiltshire Police Authority. I enclose a copy of the application for registration. I refer you to Schedule 15 of the Police Reform and Social Responsibility Act 2011 which provides for transition from Police Authorities to Police and Crime Commissioners which can be found here: <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>. The registration for Wiltshire Police Authority has been provided to you in a previous FOI request.

The OPCC started processing data on 22<sup>nd</sup> November 2012.

With regard to the registration of the PCC for Wiltshire between 22<sup>nd</sup> November 2012 and 17<sup>th</sup> December 2012:

The Home Office, Association of Police and Crime Commissioners and the Information Commissioner's Office agree that the provisions of the statutory transfer arrangements within the Police Reform and Social Responsibility Act automatically transferred the duties and obligations of police authorities to Police and Crime Commissioners in relation to the Data Protection Act.

With regard to the following questions please could you clarify what information, i.e. recorded data, you require:

*Was the police and crime commissioner for Wiltshire office and staff fully compliant with all their legal duties and responsibilities under the data protection act and the foi act which the registration requirements cover prior to 17 december 2012 ?*

*I would also like to see what lessons were learned following the two previous requests I've mentioned within this request?*

LAURA NUTLAND  
OPCC  
LONDON ROAD  
DEVIZES  
WILTSHIRE  
SN10 2RD

22 November 2012

**Data Controller Name:** POLICE AND CRIME COMMISSIONER FOR WILTSHIRE

**Registration Number:** PZ3440868

**Security Number:** 10984204

**For the attention of:** LAURA NUTLAND

## **NOTIFICATION UNDER THE DATA PROTECTION ACT 1998**

We are writing to you following your request to notify.

**This pack of information contains forms to Notify under the Data Protection Act 1998.**

It consists of:

- A draft notification based on the information provided to us and your nature of business (Part 1)
- A form for the notification of additional information (Part 2)
- A handbook of information to help you submit your notification
- A leaflet explaining the notification tier assessment and relevant fees.

### **How to Approach this Form**

**Step 1** Review the draft notification which describes your data in very general terms (Part 1)

**Step 2** Read and complete the additional information form (Part 2)

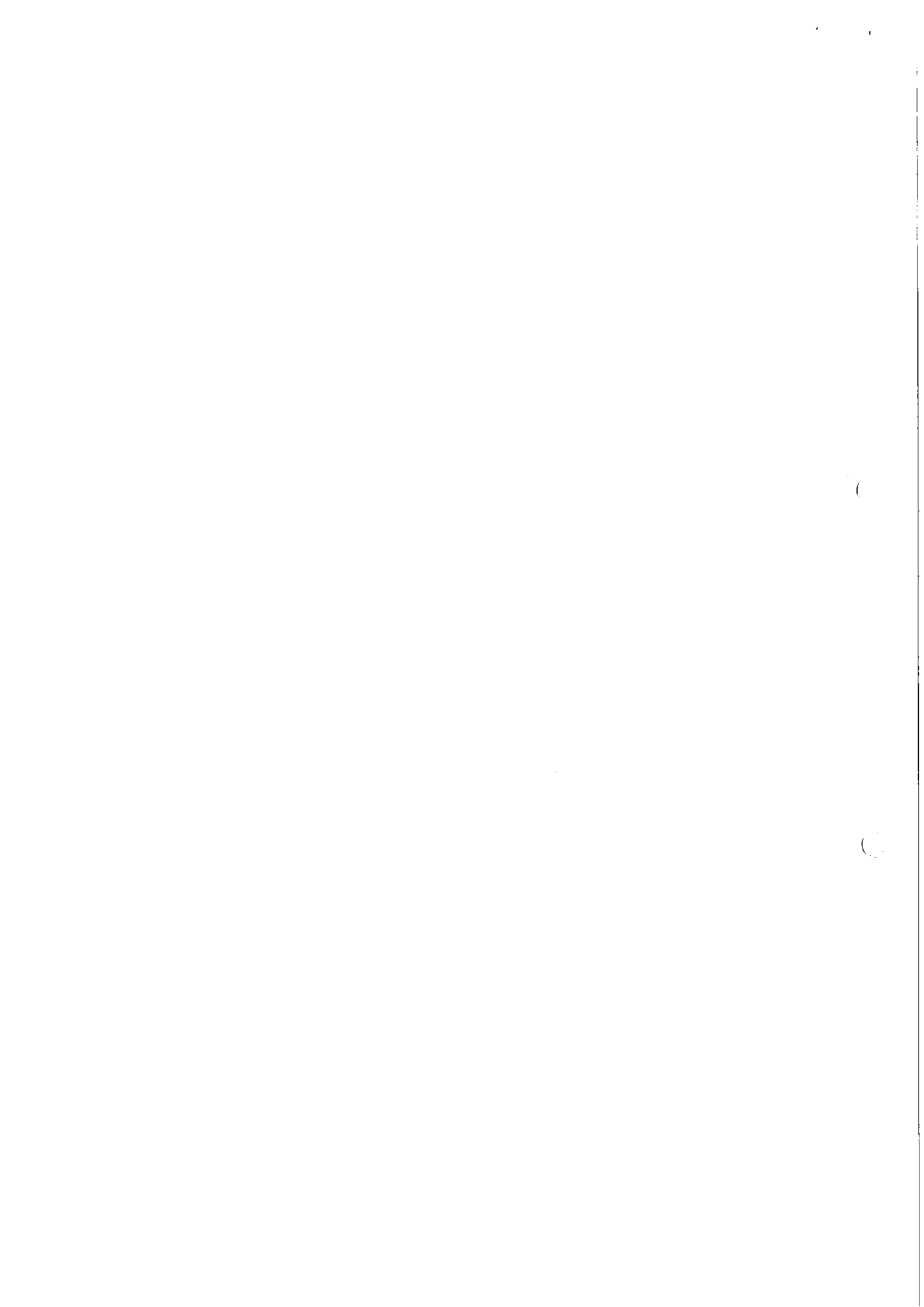
**Step 3** Return Part 1, Part 2 and the relevant fee

Your one year notification period will begin the day we receive your form. If you want your notification period to begin on a particular date, send by recorded delivery or registered post the day before you want your notification period to begin.

If you have any queries the Notification Handbook should provide the answers.

You may find it helpful to read the most commonly asked questions and answers section in the Notification Handbook before completing your form.

## **NOTIFICATION DEPARTMENT**



## **PART 1**

Draft Notification based on information provided to us and your nature of business

### **IMPORTANT INFORMATION**

**Z3440868**

The details shown below and on the following pages will appear in your register entry. Please check that they are accurate and complete.

**This Part 1 Form and a fully completed Part 2 Form must be returned together with the notification fee of £35 otherwise the notification you have sent will be returned to you as invalid.**

Your form will be given a preliminary check to ensure that all relevant information has been provided. We will write to let you know that we have received your form. If there is a problem we will contact you.

A copy of your register entry will be sent to you when we confirm acceptance of your notification.

All page numbers are references to the Notification Handbook.

**Data Controller: POLICE AND CRIME COMMISSIONER FOR WILTSHIRE**  
(See page 9) **OPCC**  
**LONDON ROAD**  
**DEVIZES**  
**WILTSHIRE**  
**SN10 2RD**

**Company Reg (optional)**  
**Number:**

**Contact Details: LAURA NUTLAND**  
(These details will not appear on the Register but will be used by us for all correspondence) **OPCC**  
**LONDON ROAD**  
**DEVIZES**  
**WILTSHIRE**  
**SN10 2RD**

**Tel. No: 01380 734022**

**Ext**

**Fax No: 01380 734025**

**Email Address: [laura.nutland@wiltshire.pnn.police.uk](mailto:laura.nutland@wiltshire.pnn.police.uk)**

**Registration Number: Z3440868**

**Page 1 of 8**

These are the purposes we have drafted for you based on your nature of business template no. N927 Police Authority (Please amend if incorrect).

They should reflect (in general terms) the type of processing you carry out. If you need to change any of the draft details please refer to the instructions on the final page. However please note that the Commissioner has determined that the level of detail provided in these draft purposes is sufficient for the purpose of notification, bearing in mind the overriding objectives referred to in the introduction to the Notification Handbook.

## 1 Accounts & Records

**Data Subjects are :** Customers And Clients  
Suppliers  
Members Or Supporters  
Complainants, Correspondents And Enquirers  
Advisers, Consultants And Other Professional Experts

**Data Classes are :** Personal Details  
Education And Training Details  
Employment Details  
Financial Details  
Goods Or Services Provided

**Recipients are :** Data Subjects Themselves  
Business Associates And Other Professional Advisers  
Employees And Agents Of The Data Controller  
Other Companies In The Same Group As The Data Controller  
Suppliers, Providers Of Goods Or Services  
Financial Organisations And Advisers  
Credit Reference Agencies  
Debt Collection And Tracing Agencies  
Police Forces  
Central Government

**Transfers :** None Outside The European Economic Area

## 2 Administration Of Membership Records

**Data Subjects are :** Members Or Supporters

**Data Classes are :** Personal Details  
 Family, Lifestyle And Social Circumstances  
 Education And Training Details  
 Employment Details  
 Racial Or Ethnic Origin  
 Political Opinions  
 Religious Or Other Beliefs Of A Similar Nature  
 Trade Union Membership

**Recipients are :** Data Subjects Themselves  
 Local Government  
 Central Government  
 Association Of Police Authorities

**Transfers :** None Outside The European Economic Area

### **3 Advertising, Marketing & Public Relations**

**Data Subjects are :** Customers And Clients  
 Members Or Supporters  
 Complainants, Correspondents And Enquirers  
 Advisers, Consultants And Other Professional Experts

**Data Classes are :** Personal Details  
 Family, Lifestyle And Social Circumstances  
 Employment Details  
 Financial Details

**Recipients are :** Data Subjects Themselves  
 Business Associates And Other Professional Advisers  
 Employees And Agents Of The Data Controller  
 Suppliers, Providers Of Goods Or Services  
 Survey And Research Organisations  
 Police Forces  
 Local Government

Central Government  
The Media

**Transfers :** None Outside The European Economic Area

## **4 Crime Prevention And Prosecution Of Offenders**

Includes Use Of Closed-Circuit Television For The Monitoring And Collection Of Sound And/Or Visual Images For The Purpose Of Maintaining The Security Of Premises, For Preventing Crime And Investigating Crime.

**Data Subjects are :** Staff Including Volunteers, Agents, Temporary And Casual Workers  
Customers And Clients  
Members Or Supporters  
Offenders And Suspected Offenders  
Those Inside, Entering Or In The Immediate Vicinity Of The Area Under Surveillance  
Members Of The Public  
All Users Of The Authority'S Premises

**Data Classes are :** Personal Details  
Offences (Including Alleged Offences)  
Criminal Proceedings, Outcomes And Sentences.  
Sound And/Or Visual Images  
Personal Appearance And Behaviour

**Recipients are :** Data Subjects Themselves  
Employees And Agents Of The Data Controller  
Police Forces  
Data Processors  
Security Organisations

**Transfers :** None Outside The European Economic Area

## **5 Information And Databank Administration**

**Data Subjects are :** Staff Including Volunteers, Agents, Temporary And Casual Workers  
 Customers And Clients  
 Suppliers  
 Members Or Supporters  
 Complainants, Correspondents And Enquirers  
 Advisers, Consultants And Other Professional Experts

**Data Classes are :** Personal Details  
 Family, Lifestyle And Social Circumstances  
 Education And Training Details  
 Employment Details  
 Financial Details  
 Goods Or Services Provided

**Recipients are :** Data Subjects Themselves  
 Employees And Agents Of The Data Controller  
 Data Processors

**Transfers :** None Outside The European Economic Area

## 6 Property Management

**Data Subjects are :** Staff Including Volunteers, Agents, Temporary And Casual Workers  
 Customers And Clients  
 Suppliers  
 Members Or Supporters  
 Advisers, Consultants And Other Professional Experts  
 All Users Of The Police Authority'S Premises

**Data Classes are :** Personal Details  
 Family, Lifestyle And Social Circumstances  
 Employment Details  
 Financial Details  
 Goods Or Services Provided  
 Racial Or Ethnic Origin  
 Religious Or Other Beliefs Of A Similar Nature



**Recipients are :** Data Subjects Themselves  
 Employees And Agents Of The Data Controller  
 Suppliers, Providers Of Goods Or Services  
 Credit Reference Agencies  
 Debt Collection And Tracing Agencies  
 Central Government  
 Data Processors  
 Tenants

**Transfers :** None Outside The European Economic Area

## 7 Research

**Data Subjects are :** Staff Including Volunteers, Agents, Temporary And Casual Workers  
 Customers And Clients  
 Suppliers  
 Members Or Supporters  
 Complainants, Correspondents And Enquirers  
 Advisers, Consultants And Other Professional Experts  
 Recipients Of Police Services

**Data Classes are :** Personal Details  
 Family, Lifestyle And Social Circumstances  
 Employment Details  
 Financial Details  
 Goods Or Services Provided  
 Racial Or Ethnic Origin  
 Religious Or Other Beliefs Of A Similar Nature

**Recipients are :** Data Subjects Themselves  
 Employees And Agents Of The Data Controller  
 Survey And Research Organisations  
 Traders In Personal Data  
 Police Forces  
 Central Government  
 Data Processors

**Transfers :** None Outside The European Economic Area

## 8 Trading / Sharing In Personal Information

**Data Subjects are :** Staff Including Volunteers, Agents, Temporary And Casual Workers  
Customers And Clients  
Suppliers  
Members Or Supporters  
Complainants, Correspondents And Enquirers

**Data Classes are :** Personal Details  
Employment Details  
Goods Or Services Provided  
Racial Or Ethnic Origin  
Religious Or Other Beliefs Of A Similar Nature

**Recipients are :** Data Subjects Themselves  
Employees And Agents Of The Data Controller  
Suppliers, Providers Of Goods Or Services  
Survey And Research Organisations  
Police Forces  
Local Government  
Central Government  
Ombudsmen And Regulatory Authorities  
The Media

**Transfers :** None Outside The European Economic Area

## 9 Staff Administration

**Data Subjects are :** Staff Including Volunteers, Agents, Temporary And Casual Workers  
Customers And Clients  
Members Or Supporters  
Relatives, Guardians And Associates Of The Data Subject  
Advisers, Consultants And Other Professional Experts

**Data Classes are :** Personal Details  
Family, Lifestyle And Social Circumstances  
Education And Training Details  
Employment Details  
Financial Details

Racial Or Ethnic Origin  
Religious Or Other Beliefs Of A Similar Nature  
Trade Union Membership  
Physical Or Mental Health Or Condition

**Recipients are :**

Data Subjects Themselves  
Relatives, Guardians Or Other Persons Associated With The Data Subject  
Current, Past Or Prospective Employers Of The Data Subject  
Healthcare, Social And Welfare Advisers Or Practitioners  
Education, Training Establishments And Examining Bodies  
Employees And Agents Of The Data Controller  
Financial Organisations And Advisers  
Local Government  
Central Government  
Employment And Recruitment Agencies

**Transfers :**

None Outside The European Economic Area

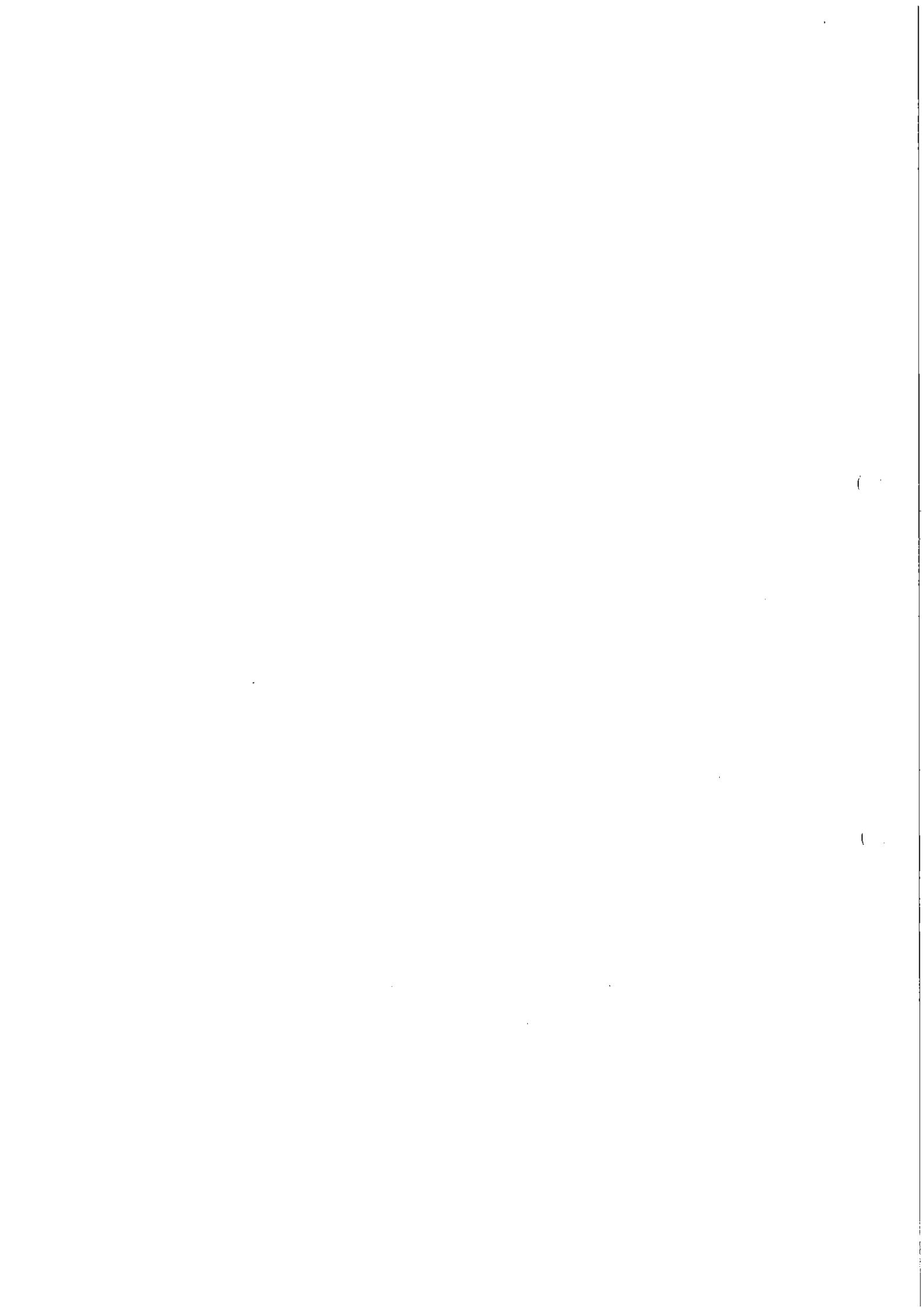
## How to change the draft details

- 1 **To delete:**
  - Cross through the text which requires deletion. To delete a whole purpose strike through with a diagonal line.
- 2 **To add:  
a subject, class, recipient or  
transfer to a draft purpose**
  - Using the codes listed on pages 15 to 18 write or type your additions on the purposes you wish to amend.
- 3 **To add a new purpose with its  
associated subjects, classes,  
recipients and transfers**
  - Use the New Purpose Form in section 7 and return with the Part 1.

### Example

#### **3 Staff Administration**

<b>Data Subjects are:</b>	Staff <b>S105, S106</b>
<b>Data Classes are:</b>	Personal Details Employment Information Education and Training Details <del>Trade Union Membership</del> <b>C205, C210</b>
<b>Recipients are:</b>	Data Subjects Themselves Current, Past or Prospective Employers of the Data Subject <del>Financial Organisations &amp; Advisers</del> <b>R404, R407</b>
<b>Transfers:</b>	Worldwide <b>None Outside the EEA</b>



## Declaration: all data controllers must complete this section

To the best of my knowledge and belief, the particulars given on this form are correct.

I confirm that ~~I am~~ / I am authorised to act on behalf of [delete as appropriate] the Data Controller.

I am aware that if false information is provided in a notification, this may be an offence under section 5 of the Perjury Act 1911, Article 10 of the Perjury (Northern Ireland) Order 1979 (SI 1979/1714 (NI 19) or section 44 (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (as applicable).

Signature	<i>Laura Nutano</i>
Name	LAURA NUTANO
Job Title	ADMINISTRATIVE ASSISTANT
Telephone No	01880 734 022
Date	12/12/12

## Checklist

You should now return **Parts 1 and 2** with the correct fee or direct debit form in the envelope provided.

### Have you:

- Checked the details in Part 1?
- Completed all the relevant sections in Part 2?
- Signed the Declaration?
- Attached the fee?

## What happens now?

- If we have queries or need further information we will contact you.
- We will write to confirm acceptance of your entry onto the register.
- If you have any questions please call our notification help line on 01625 545740, and quote your registration number.

## Part 2

Please complete, sign and return this form with Part 1

Registration Number

23440868

Further guidance on the completion of this form can be found in the Notification Handbook

## Security statement

This section must be completed. It is a requirement of the Act but will not form part of the public register.

Please tick the appropriate box

As part of the notification process a data controller is required to provide a general description of the security measures taken to guard against unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage.

Do the measures taken by you include:

**Adopting an information security policy?** (For example, providing clear management direction on responsibilities and procedures in order to safeguard personal data)

Yes  No

**Taking steps to control physical security?** (For example, locking the doors at the office or building where the computer equipment is held)

Yes  No

**Putting in place controls on access to information?** (For example, introduction of password protection on files containing personal data and encryption)

Yes  No

**Establishing a business continuity plan?** (For example, holding a backup file in the event of personal data being lost through flood, fire or other catastrophes)

Yes  No

**Training your staff on security systems and procedures?** (For example, are staff aware of their responsibilities, are they aware that personal data should only be accessed for business purposes?)

Yes  No

**Detecting and investigating breaches of security should they occur?**

(For example, producing audit trails that log access to personal data and can be attributed to a particular person)

Yes  No

## Trading names

If you have a trading name that is different to the data controller name and you wish it to be shown on your notification, please write it here.


## Statement of exempt processing

### This section must be completed.

Your description of processing is shown on the Part 1 Form.

Do the purposes shown on the Part 1 form include all of the processing of personal data carried out by the data controller?

Yes  No

If the description does not cover all your processing there is a legal requirement to include the following statement on your notification:

**"This data controller also processes personal data which are exempt from notification."**

If you have ticked 'NO' the above statement will be included on your register entry.

## Voluntary notification

If you are exempt from notification but you have decided to notify voluntarily please tick this box.

## Representative details

Data controllers who are not established in the UK or any other EEA State but who are using equipment in the UK must complete this section.

Name

Address

Postcode

## Fees

Tiered notification fees have been introduced by the Ministry of Justice and are effective for all notifications received by our office on or after 1 October 2009.

A data controller now has to make an assessment to determine which tier it falls within, and hence the fee it is required to pay. Full details of the tier conditions and criteria can be found in the enclosed leaflet.

### Tier Assessment

Q1. Does the data controller have fewer than 250 employees?

Yes  The data controller is in Tier 1. No  Go to Q2

Q2. Is the data controller a Public Authority as defined in the Data Protection Act 1998?

Yes  The data controller is in Tier 2. No  Go to Q3

Q3. Does the data controller have a turnover of £25.9M or more?

Yes  The data controller is in Tier 2. No  The data controller is in Tier 1.

(Please note there are some organisations that will always fall into Tier 1, you should refer to the enclosed leaflet for full details.)

### The data controller falls within:

Tier 1:  The notification fee in £35.00 Tier 2:  The notification fee is £500.00

Enter the amount you are required to pay in this box

Please note that notification fees are exempt from VAT

(VAT)

Total

£35
£ Nil
£ 35

### Payment Methods

- Cheques** should be made payable to **The Information Commissioner**, quoting the **registration number** shown on the Part 1 form on the back of the cheque.
- Direct Debit** We regret that due to constraints of our current system and during the transition to a new system we are unable to accept direct debit payments for notifications made by data controllers in Tier 2. If you are in Tier 1 and wish to pay for notification using this option please complete and return the enclosed direct debit instruction with this statement.