How we use Personal Information

Introduction

This document explains how British Transport Police obtains, holds, uses and discloses information about people - their personal information1 -, the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal information handled by British Transport Police2.

The use and disclosure of personal information is governed in the United Kingdom by EU Regulation 2016/679 (‘General Data Protection Regulation – ‘GDPR’”) and the Data Protection Act 2018. The Chief Constable of British Transport Police is registered with the Information Commissioner as a ‘data controller’ [registration number Z4882139]. As such he is obliged to ensure that the British Transport Police handles all personal information in accordance with the appropriate legislation.

British Transport Police takes that responsibility very seriously and takes great care to ensure that personal information is handled appropriately in order to secure and maintain individuals’ trust and confidence in the force.

British Transport Police is required under Article 37 of GDPR to designate a ‘Data Protection Officer’. The Head of Information Management is designated to this position. Contact details may be found in section 11.

1. Why do we handle personal information?

British Transport Police obtains, holds, uses and discloses personal information for two broad purposes:

1. The Policing Purpose – which includes the prevention and detection of crime; apprehension and prosecution of offenders; protecting life and property; preserving order; maintenance of law and order; rendering assistance to the public in accordance with force policies and procedures; and any duty or responsibility of the police arising from common or statute law.

2. The provision of services to support the Policing Purpose – which include:
   - Staff administration, occupational health and welfare;

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1 Personal Data’ and ‘Processing’ are defined under Article 4 of GDPR. In practical terms it means information handled by British Transport Police that relates to identifiable living individuals. It can include intentions and expressions of opinion about the individual. The information can be held electronically or as part of paper records, and can include CCTV footage and photographs.

2 This document is designed to help satisfy the ‘Fair Processing Requirements’ as required by Articles 13 and 14 of GDPR and may be regarded as a generic over-arching ‘Fair Processing Notice’ for British Transport Police. Additional more specific Fair Processing Notices may appear in other circumstances such as on forms, force policies, email footers, or CCTV signage.
Management of public relations, journalism, advertising and media;
Management of finance;
Internal review, accounting and auditing;
Training;
Property management; Insurance management;
Vehicle and transport management;
Payroll and benefits management;
Management of complaints;
Vetting;
Management of information technology systems;
Legal services; Information provision;
Licensing and registration;
Pensioner administration;
Research, including surveys;
Performance management;
Sports and recreation;
Procurement; Planning;
System testing;
Security; Health and safety management

2. Whose personal information do we handle?

In order to carry out the purposes described under section 1 above British Transport Police may obtain, use and disclose (see section 7 below) personal information relating to a wide variety of individuals including the following:

- Staff including volunteers, agents, temporary and casual workers;
- Suppliers;
- Complainants, correspondents and enquirers;
- Relatives, guardians and associates of the individual concerned;
- Advisers, consultants and other professional experts;
- Offenders and suspected offenders;
- Witnesses;
- Victims;
- Former and potential members of staff, pensioners and beneficiaries;
- Other individuals necessarily identified in the course of police enquiries and activity.

British Transport Police will only use appropriate personal information necessary to fulfil a particular purpose or purposes. Personal information could be information which is held on a computer, in a paper record such as a file, as images, but it can also include other types of electronically held information such as CCTV images.

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3 British Transport Police is required to conduct Customer Satisfaction Surveys to evaluate our performance and effectiveness. We may contact individuals, such as victims of crime or those reporting incidents, and ask them to give us their opinion of the service we are providing to the public. We use the information given to improve our service wherever we can. British Transport Police, like many police forces uses a private company to undertake such surveys on our behalf with strict controls to protect the personal data of those involved.
3. What types of personal information do we handle?

In order to carry out the purposes described under section 1 above, British Transport Police may obtain, use and disclose (see section 7 below) personal information relating to or consisting of the following:

- Personal details such as name, address and biographical details;
- Family, lifestyle and social circumstances;
- Education and training details;
- Employment details;
- Financial details;
- Goods or services provided;
- Racial or ethnic origin;
- Political opinions;
- Religious or other beliefs of a similar nature;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Offences (including alleged offences);
- Criminal proceedings, outcomes and sentences;
- Physical identifiers including DNA, fingerprints and other genetic samples;
- Sound and visual images;
- Licenses or permits held;
- Criminal Intelligence;
- References to manual records or files;
- Information relating to health and safety;
- Complaint, incident and accident details.

British Transport Police will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information i.e. CCTV images.

4. Where do we obtain personal information from?

In order to carry out the purposes described under section 1 above British Transport Police may obtain personal information from a wide variety of sources, including the following:

- Other law enforcement agencies;
- HM Revenue and Customs;
- International law enforcement agencies and bodies;
- Licensing authorities;
- Legal representatives;
- Prosecuting authorities;
British Transport Police may also obtain personal information from other sources such as its own CCTV systems or correspondence.

5. How do we handle personal information?

In order to achieve the purposes described under section 1 British Transport Police will handle personal information in accordance with the Act. In particular we will ensure that personal information is handled fairly and lawfully with appropriate justification.

We will strive to ensure that any personal information used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and non-excessiveness, is kept as up-to-date as required, is protected appropriately, and is reviewed, retained and securely destroyed when no longer required. We will also respect individuals’ rights under the Act (see section 8 below).
6. How do we ensure the security of personal information?

British Transport Police takes the security of all personal information under our control very seriously. We will comply with the relevant parts of the Act relating to security, and seek to comply with the National Police Chiefs’ Council’s Community Security Policy, HMG Security Policy Framework and relevant parts of the ISO27001 Information Security Standard.

We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and inspection, to protect our manual and electronic information systems from data loss and misuse, and only permit access to them when there is a legitimate reason to do so, and then under strict guidelines as to what use may be made of any personal information contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

7. Who do we disclose personal information to?

In order to carry out the purposes described under section 1 above British Transport Police may disclose personal information to a wide variety of recipients in any part of the world, including those from whom personal information is obtained (as listed above). This may include disclosures to other law enforcement agencies, partner agencies working on crime reduction initiatives, partners in the Criminal Justice arena, Victim Support, and to bodies or individuals working on our behalf such as IT contractors or survey organisations. We may also disclose to other bodies or individuals where necessary to prevent harm to individuals.

Where required, or appropriate to do so, personal data may be shared with the office of the Police and Crime Commissioner (including the Commissioner, its staff, agents or appointed volunteers) to facilitate and support policing and to deliver applicable statutory functions. Disclosures of personal information will be made on a case-by-case basis, using the personal information appropriate to a specific purpose and circumstances, and with necessary controls in place. Some of the bodies or individuals to which we may disclose personal information are situated outside of the European Union - some of which do not have laws that protect data protection rights as extensively as in the United Kingdom. If we do transfer personal information to such territories, we will take proper steps to ensure that it is adequately protected as required by the Act.

British Transport Police will also disclose personal information to other bodies or individuals when required to do so by, or under, any act of legislation, by any rule of law, and by court order. This may include disclosures to the Child Support Agency, the National Fraud Initiative, the Home Office and to the Courts.

British Transport Police may also disclose personal information on a discretionary basis for the purpose of, and in connection with, any legal proceedings or for obtaining legal advice.

8. What are the rights of the individuals whose personal information is handled by British Transport Police?

Individuals have various rights enshrined in the Data Protection legislation. It is worth noting that the legislation includes certain provisions which may mean in a particular
case that British Transport Police can continue to handle the personal information as intended despite the representation of the data subject or that the right may not apply to certain circumstances.

Requests or representations relating to any of the rights detailed below may be addressed to British Transport Police’s Information Governance Unit (see section 11 below).

**Subject Access**

The most commonly exercised right is that used by individuals to obtain a copy, subject to exemptions, of their personal information processed by British Transport Police (enshrined in Article 15 of GDPR). Details of the application process, known as ‘Subject Access’ can be found on the Data Protection pages of the British Transport Police website:

[www.btp.police.uk/about_us/your_right_to_information/data_protection.aspx](http://www.btp.police.uk/about_us/your_right_to_information/data_protection.aspx)

Alternatively individuals may contact British Transport Police’s Information Governance Unit (see section 11 below) for advice or guidance.

**Right to Rectification**

Article 16 of GDPR entitles an individual to obtain rectification of inaccurate personal data or to ensure completion of incomplete personal data concerning themselves.

**Right to Erasure**

Article 17 of GDPR entitles an individual to obtain erasure of personal data concerning themselves in certain circumstances.

**Right to Restriction of Processing**

Article 18 of GDPR entitles an individual to obtain restriction of the processing of personal data concerning themselves in certain circumstances.

**Right to Data Portability**

Although British Transport Police is unlikely to carry out any processing of personal data in circumstances that apply, Article 20 of GDPR entitles an individual to have personal data concerning themselves transmitted to another controller where the processing is carried out by automated means and the basis for processing is the consent of the data subject.

**Right to Object**

Article 21 of GDPR entitles an individual to object to the processing of personal data concerning themselves if it is being processed by a public authority for performance of a task carried out in the public interest, processed for the purposes of the legitimate interests of the data controller or processing is based on the consent of the data subject.
Rights in Relation to Automated Decision-taking, Including Profiling

Although British Transport Police is unlikely to carry out any automated decision-taking that does not involve some human element, under Article 22 of GDPR, and subject to certain exemptions, an individual has the right to require that British Transport Police ensures that no decision that would significantly affect them is taken by British Transport Police or on its behalf purely using automated decision-making software. If there is a human element involved in the decision-making the right does not apply.

Right to Lodge a Complaint With The Information Commissioner

Under Article 77 of GDPR, an individual may lodge a complaint with the Information Commissioner if they believe that processing carried out by British Transport Police of personal data relating to them infringes any part of the data protection legislation. Such requests should be made direct to the Information Commissioner whose contact details can be found below.

Generally if individuals have any concerns regarding the way their personal information is handled by British Transport Police or the quality (accuracy, relevance, non-excessiveness etc.) of their personal information they are encouraged to raise them with the Information Governance Unit or the Data Protection Officer (see section 11 below).

The Information Commissioner is the independent regulator responsible for enforcing the Act and can provide useful information about the Act’s requirements. The Information Commissioner’s Office may be contacted using the following:

By post:
The Information Commissioner’s Office,
Wycliffe House,
Wilmslow,
Cheshire,
SK9 5AF
Telephone: 01625 545700

Website: www.ico.gov.uk

9. How long does British Transport Police retain personal information?

British Transport Police keeps personal information as long as is necessary for the particular purpose or purposes for which it is held. Our information is held in accordance with our Record Retention Schedule, adhering to the Management of Police Information (MOPI) guidelines 2010 and National Police Chief Council (NPCC) retention guidance.

Personal data which is placed on national police systems namely, the Police National Computer, National DNA Database or National Fingerprint Database are managed in accordance with NPCC: Deletion of Records from National Police Systems

10. Monitoring

British Transport Police may monitor or record and retain telephone calls, texts, emails and other electronic communications to and from the force in order to deter, prevent and
detect inappropriate or criminal activity, to ensure security, and to assist the purposes described under section 1 above.

11. Contact Us

British Transport Police is required under Article 37 of GDPR to designate a Data Protection Officer. The Data Protection Officer is the Head of Information Management.

Any individual with concerns over the way British Transport Police handles their personal information may contact the Information Governance Unit as below:

Telephone: 02920 525338

Email: dataprotection@btp.pnn.police.uk

By post:

Information Governance Unit,
British Transport Police,
Second Floor,
3 Callaghan Square,
Cardiff,
CF10 5BT