

1. Data Protection Regulations

The Prisoner Ombudsman is a data controller. This means that it is responsible for how personal data is held and used. From 25 May 2018, organisations that work with personal data must do so in accordance with a new data protection regulation, the General Data Protection Regulations (GDPR). GDPR provides greater accountability and transparency in regard to how an organisation processes an individual's personal data, including collection, use, storage, share, protection and disposal of data.

This notice summarises the most important aspects of how work in the Prisoner Ombudsman's Office involves processing personal data and importantly explains what rights you have in relation to your personal data. Personal data is any information from which an individual can be identified, for example a name or identification number.

2. Our Purpose and Authority to Process Data

The Prisoner Ombudsman's Office processes personal data on the following grounds:-

- 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 Prisoner Ombudsman by the Department of Justice.
- It is necessary for compliance with a legal obligation to which the Prisoner Ombudsman is subject.
- It is necessary in order to protect the vital interests of a data subject or some other person.
- It is necessary for the performance of a contract and/or
- Consent to processing has been given.

The purpose for processing is to investigate complaints: from prisoners held in Northern Ireland; from visitors to prisons in Northern Ireland; about serious adverse incidents that occur in Prison Service custody in Northern Ireland. The Prisoner Ombudsman's Office also investigates the circumstances surrounding all deaths that occur in Prison Service custody in Northern Ireland and, dependent on the individual circumstance, also investigates how imprisonment in Northern Ireland may have contributed somewhat to the death of a prisoner after release. Investigation includes reporting on the matter being investigated. The Prisoner Ombudsman's Office also provides advice when appropriate. In order to conduct investigations and provide advice, the office requires: staff; premises; services that support its staff and the functions of the office.

3. Reasons for Providing Personal Data

There are many different reasons for providing us with personal data however all will be for us to provide the service we are required to provide. Personal data is often provided in the completion of forms, phone calls, emails, letters, the recording of statements, the gathering of records already in existence, or in video and audio recordings.

The main reasons people provide personal data to our office are as follows:

- In making a complaint.
- In being subject to a complaint.
- In providing information potentially relevant to an investigation.
- As an employee/worker/service provider of the office at any time.
- During recruitment processes.
- As a service provider to the office in support of: staff, investigations, and office resources.

4. Types of Personal Data We Process

The types of personal data we process differ for each investigation and task, and are dependent wholly on the elements needed to complete each investigation or task. In completing the work we are required to do, we may process personal data obtained directly from you, from someone else, and from other organisations (including their employees) that are processing your data.

The main types of personal data we may process are as follows:

- Personal contact details such as name, title addresses, phone numbers, email addresses.
- Recorded data such as photographs, video footage or audio recording.
- Medical records and information.
- Prison Service records and information.
- Police Service records and information.
- Court Service records and information.
- Records and information about or associated with criminal convictions, offences and rehabilitation, including records generated in the management of offenders.

Other types of data we may process where an investigative need exists are:

- Personal detail such as DOB, marital status, race or ethnicity, nationality, religious belief or practice, gender, political opinion or practice.
- Personal interest details such as past-times, interests or hobbies.
- Personal circumstance details such as family circumstance, employment/educational/training history or earnings.

5. Who do we disclose data to?

Just as data is shared with us in order that we can complete our work as required, at times we will need to share personal data we hold with others. We will only share your personal data if it forms a part of completing our required work, or we are obliged to do so by law or regulation. Examples are HR forms, reporting a potential crime, reporting potential misconduct or taking action to keep someone safe.

The main organisations that we share personal data with are:

- The Northern Ireland Civil Service as an employer of the office staff.
- Northern Ireland Prison Service, staff and representatives.
- Persons interviewed as part of an investigation, and their representatives.
- Appropriate Family members in death in custody and serious adverse incident investigations.
- Health and Social Care Services (all Trusts), staff and representatives.
- Coroner's Service for Northern Ireland.
- Police Service for Northern Ireland.
- Legal representatives, legal practitioners & courts.
- Public Relations representatives.
- Transcription Services.
- Specialist advisers and other investigation bodies.
- Organisations that habitually, periodically or occasionally work in the prison environment. Examples are CJINI, PBNI and Chaplaincy Services.
- Organisations that provide a service to someone who is or has been in prison custody, or their family. Examples are NIHE, Start360 and the Prison Arts Foundation.

6. How long do we keep personal data

The length of time we keep data varies greatly as it is dependent upon the type of data. Our Retention Policy details how long each type of data is kept. Like any other policy, the Retention Policy is subject to periodic review and update. The policy is available on our website, or you contact our Data Protection Officer as detailed in paragraph 8 below. Most of the personal data we keep is in relation to complaints and death in custody investigations.

We keep personal data related to complaints for two years after the report has issued for factual accuracy checking. For death in custody investigations we keep information for five years after an inquest has been held. Before we dispose of information we must ask the Public Records Office if there is a public interest in it being kept

7. Rights available to you

The data protection principles of GDPR are maintained in a number of ways, one of which is providing you with certain rights over your personal data.

To exercise any of these rights, contact the Data Protection Officer as detailed in part 8. In relation to the work of the Prisoner Ombudsman's Office, GDPR provides you with the following rights:

- Access to Your Personal Data – you can ask the office to confirm whether we process your personal data and you are entitled to a copy of the data. To do so send a Subject Access Request to the office. We may withhold, anonymise or redact information where to do so would involve disclosing personal data of someone else, or would be in breach of data protection regulations.
- Rectification – you can ask for your personal data to be corrected if inaccurate, or completed if incomplete. If we rectify your data, we are obliged to notify any person or organisation to which the data has been disclosed.
- Restriction of Processing – under certain circumstances, you can ask for the processing of your personal data to be restricted. One example is asking for the data not to be shared as you consider it inaccurate. If we restrict use of your data, we are obliged to notify any person or organisation to which the data has been disclosed.
- Objection to processing – on grounds relating to your particular situation, you have the right to object to the processing of your personal data unless our legitimate grounds override your interests.
- Complaint – if you consider that we are not processing your personal data in accordance with GDPR, you may make a complaint to the Information Commissioner's Office. They will inform you of the progress, resolution and outcome of your complaint. Their contact details are below. However, our Data Protection Officer may be able to resolve the matter with you, prior to a complaint being made.

8. Data Protection Officer

If you have any questions about how we use your personal data, about this Privacy Notice or about exercising any of your GDPR rights, you can call or write to our Data Protection Officer as follows:

Data Protection Officer
The Prisoner Ombudsman for Northern Ireland
Unit 2 Walled Garden
Stormont Estate
Belfast
BT4 3SH

Tel: 02890 527771 or 0800 7836317

Email: PA/Prisoner.Ombudsman@justice-ni.x.gsi.gov.uk

9. Data Breaches

If there is a data breach by us which is likely to result in a high risk to your rights and freedoms, we must notify you as soon as possible. We must tell you clearly what has happened and what we are doing about it. We are also required to notify the Information Commissioner's Office within 72 hours of becoming aware of the breach.

You can call or write to the Information Commissioner at:

The Information Commissioner's Office – Northern Ireland
3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Telephone: 028 9027 8757 or 0303 123 1114

Email: ni@ico.org.uk

10. Our Website

The website for the Prisoner Ombudsman's Office is www.niprisonerombudsman.gov.uk. Like almost all websites, Cookies are running on the website. They record and track visitor activity.

However, the only purpose and use of cookies on our website is to assist in managing the performance of the website.

11. Privacy Notice Updates

We will regularly review our Privacy Notice and may update it from time to time. The latest version is available on our website, www.niprisonerombudsman.gov.uk, or upon request. Our Privacy Notice was last updated on 27 January 2020.