

Privacy Notice – Case File Material

1. Data Controller

1.1. The Data Controller is:

Public Prosecution Service, 93 Chichester Street, Belfast BT1 3JR

The Data Protection Officer for PPS can also be contacted by email (dpo@ppsni.gov.uk) or telephone (028 9089 7100).

2. Why are you processing my personal information?

- 2.1. We are processing your data for the purpose of the prosecution of offenders. This is because you are involved in a criminal case in some way as a victim, witness or defendant.
- 2.2. This processing of this data is consistent with the statutory purpose of the PPS as set out in Sections 29-39 of the Justice (Northern Ireland) Act 2002. In particular, Section 31 sets out the Director's responsibility for conducting prosecutions.
- 2.3. In addition, this processing is for "law enforcement" purposes consistent with Part 3 of the Data Protection Act 2018.

3. What categories of personal data are you processing?

- 3.1. The exact nature of the data processed about you will depend on the circumstances of the case. However, this may include:
 - identifying data such as name, address, date of birth
 - family, lifestyle and social circumstances
 - financial details
 - employment and education details
 - physical or mental health details
 - racial or ethnic origin
 - religious or other beliefs of a similar nature
 - sexual life
 - previous offences (including alleged offences)
 - details of criminal proceedings, outcomes and sentences

4. Where do you get my personal data from?

4.1. The majority of PPS data used in the processing of case files comes from the investigating authorities. In most cases, this is the Police Service of Northern Ireland, but other investigatory authorities include:

- Local councils
- Other Government Departments
- British Transport Police
- Belfast Harbour Police
- National Crime Agency

A full list of organisations that have provided data to the PPS for the purpose of prosecuting offenders is available on the PPS website.

4.2. PPS may also process additional information provided by you and your legal representatives.

5. Do you share my personal data with anyone else?

5.1. Under Section 36(3) of the Data Protection Act 2018 (DPA 2018), the PPS may share your data with other law enforcement agencies (These are known as “competent authorities” and are defined in Section 30 and Schedule 7 of the DPA 2018). This includes the Police Service of Northern Ireland, the Northern Ireland Prison Service, the Probation Board for Northern Ireland (PBNI), the Northern Ireland Court Service and the Forensic Science Agency for Northern Ireland, but may include other authorities when carrying out law enforcement activity.

5.2. The PPS may share your data with independent Counsel appointed by the PPS to conduct prosecutions. This is consistent with the powers granted to the Director in Section 36 of the Justice (Northern Ireland) Act 2002.

5.3. If you are a victim or witness, the PPS shares your data for the purpose of victim and witness support services with:

- National Society for the Prevention of Cruelty to Children; or
- Victim Support Northern Ireland.

This is consistent with Section 36 and Schedule 3, Section 2 of the Justice Act (Northern Ireland) 2015.

5.4. PPS shares personal data on victims and defendants with PBNI for the purpose of victim information schemes, consistent with Section 36 and Schedule 3, Section 3 of the Justice Act (Northern Ireland) 2015.

- 5.5. PPS may share your personal data with the Criminal Cases Review Commission if the case is subject to review. This is consistent with the powers granted to the CCRC to obtain evidence in Part 2 of the Criminal Appeal Act 1995.
- 5.6. PPS may share your personal data with the Crown Solicitors Office if your case is subject to Judicial Review. The CSO provides legal representation to the PPS under the terms of the Crown Proceedings (NI) Order 1981.
- 5.7. If you are a defendant, and subject to a Restraint or Confiscation Order, your personal data may be shared with a Receiver appointed by the High Court to enforce these orders. This is consistent with the powers granted in Parts 4 and 5 of the Proceeds of Crime Act 2002.
- 5.8. PPS may share your data with third parties for the purpose of historical or statistical research. This is permitted under paragraph 27 of Schedule 2 of the Data Protection Act 2018.

6. Do you transfer my personal data to other countries?

- 6.1. Your data may be transferred abroad where the PPS makes a “Letter of Request” for mutual legal assistance to obtain evidence from abroad to assist in criminal investigations or proceedings. This is carried out in line with the terms of the Crime (International Co-operation) Act 2003.
- 6.2. Your data may also be transferred abroad if you are not in the UK and subject to extradition proceedings. The PPS shares your personal data with the Crown Solicitor’s Office for ongoing transmission to the relevant country. This is carried out in line with the terms of Part 3 of the Extradition Act 2003.

7. How long do you keep my personal data?

- 7.1. The PPS retains your data for as long as necessary to meet its business needs. This varies depending on the nature of the case. The PPS Retention and Disposal Schedule describes the retention periods for different categories of files.
- 7.2. In line with the Public Records (Northern Ireland) Act 1923, some data is passed to the Public Records Office of Northern Ireland for permanent retention. Details of which files may be preserved for permanent retention are also in the Retention and Disposal Schedule. Note that PRONI make the final decision over whether to retain an individual file.

8. What rights do I have?

- 8.1. As this data is being processed for the purpose of law enforcement, your rights are more limited. However, they include the following:

- To obtain confirmation that your data is being [processed, and access to your personal data](#). However, the PPS is able to restrict this right to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- To have personal data [rectified if it is inaccurate or incomplete](#);
- To have personal data erased and to prevent processing, [in specific circumstances](#);
- You have rights in relation to [automated decision making and profiling](#). However the PPS does not carry out automated decision making with this data.

9. How do I complain if I am not happy?

- 9.1. If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the PPS Data Protection Officer (contact details as shown in paragraph 01).
- 9.2. If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Email: casework@ico.org.uk
Web: <https://ico.org.uk/global/contact-us/>