



## Hampshire Constabulary & Thames Valley Police

### Appropriate Document for the Processing of Sensitive Data and Criminal Personal Data for the Law Enforcement Purpose under the UK Data Protection Act 2018



This is the 'Appropriate Document' that sets out how Hampshire and Isle of Wight Constabulary and Thames Valley Police will protect sensitive personal data and criminal personal data in compliance with the Data Protection Act 2018 (DPA 2018); as modified by the Data Use and Access Act 2025. Within this document sensitive personal data and criminal personal data will be referred to as either 'sensitive data' or 'sensitive processing'. This document will be reviewed not less than six months after its introduction and annually thereafter.

Sensitive data is personal data that reveals:

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership,
- genetic data or biometric data for the purposes of uniquely identifying and individual,
- health,
- sex life and sexual orientation.

## 1. Introduction

Section 35(3) of the Data Protection Act 2018 (the first data protection principle: law enforcement processing) provides sensitive processing is permitted only in the two cases set out in section 35(4) and (5). For Hampshire and Isle of Wight Constabulary and Thames Valley Police (in its capacity as the Competent Authority and data controller), the sensitive processing will only be permitted where:

- the data subject has given consent to the processing for the law enforcement purpose; and
- at the time, the processing is carried out the controller has an 'appropriate document' in place.

or

- the processing is strictly necessary for the law enforcement purpose; and
- the processing meets at least one of the conditions in Schedule 8, and
- at the time, the processing is carried out the controller has an 'appropriate document' in place.

## 2. Purpose

The purpose of this document is to explain:

- Hampshire and Isle of Wight Constabulary and Thames Valley Police procedures which are in place to secure compliance with the six data protection principles set out in Part 3 of the DPA 2018 when the processing is carried out by each force (in its capacity as controller) in reliance of one of the conditions set out in Schedule 8; and
- Hampshire and Isle of Wight Constabulary and Thames Valley Police policies about the retention and erasure of such personal data processed in reliance on a condition specified in Schedule 8 to the DPA 2018.

This 'appropriate document' reflects the requirements to have safeguards in place for sensitive processing carried out for a law enforcement purpose as set out in section 42 and Schedule 1 (Part 4) of the DPA 2018.

## 3. Compliance with data protection principles

### a) 'Lawfulness and fairness'

The lawfulness of the sensitive processing carried out by Hampshire Constabulary and Thames Valley Police is derived from its official functions as a public body.

As permitted by section 35 of the DPA 2018 Hampshire and Isle of Wight Constabulary and Thames Valley Police will carry out sensitive processing that is authorised by law for:

- a) the 'law enforcement purpose' (defined in section 31 of the DPA 2018 as: 'The prevention, investigation detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security'); and
- b) in reliance on the following conditions set out in Schedule 8 to the DPA 2018:
  - 1 Statutory purposes.
  - 2 Administration of Justice.
  - 3 Protecting individual's vital interests.
  - 4 Safeguarding of children and individuals at risk.
  - 6 Legal claims.
  - 8 Preventing fraud.
  - 9 Archiving, research and statistics in the public interest.

Where the sensitive processing is based on the data subjects consent given for the law enforcement purpose, there is no obligation to satisfy a condition from Schedule 8 to the DPA 2018.

Information about the sensitive data processing carried out by Hampshire and Isle of Wight Constabulary and Thames Valley Police is made available to data subjects via its Privacy Notice which is available to view on each respective force's website.

#### **b) 'Law enforcement purpose limitation'**

Hampshire and Isle of Wight Constabulary and Thames Valley Police are authorised by law to carry out sensitive processing of personal data for any of the law enforcement purposes. Each force may process sensitive data collected for one of these purposes (whether collected by the force or another controller) and further use it for any of our other law enforcement purposes, providing the processing is necessary and proportionate to that purpose.

Hampshire and Isle of Wight Constabulary and Thames Valley Police will only use sensitive data collected for a law enforcement purpose for purposes other than law enforcement, where it is 'authorised by law' as required by section 36(4) of the DPA 2018.

#### **c) 'Data minimisation'**

Hampshire and Isle of Wight Constabulary and Thames Valley Police only collect sensitive data that is necessary and proportionate to carry out the law enforcement purpose. It is processed in the context of carrying out processes which enable us to meet our stated law enforcement purposes for processing.

Additionally, Hampshire and Isle of Wight Constabulary and Thames Valley Police's internal guidance, training and policies require staff to use only the minimum amount of data required to enable specific tasks to be completed.

Where sensitive data processing is for research purposes, wherever possible this is done using anonymised or de-identified data sets.

#### **d) 'Accuracy'**

Where key sensitive data is provided directly by individuals, its accuracy is checked where the expediency of the required police response does not prevent it. Data is kept up to date where new information is provided or obtained however it is also necessary to retain historic data for effective delivery of the law enforcement function.

Where possible the development and procurement of IT systems in Hampshire and Isle of Wight Constabulary and Thames Valley Police seeks to design in data validation and data quality tools to ensure accuracy of information

Hampshire and Isle of Wight Constabulary and Thames Valley Police take reasonable steps to ensure that sensitive data, which is inaccurate, incomplete or out of date is not transmitted. If it is discovered, after transmission that the data was incorrect or should not have been transmitted, then we will tell the recipient as soon as possible. If an individual contacts Hampshire and Isle of Wight Constabulary or Thames Valley Police to question the accuracy of their data, we respond to the request in accordance with section 46 of the DPA 2018. Where we decide not to erase or rectify the data, we will document our decision.

As far as possible, Hampshire and Isle of Wight Constabulary and Thames Valley Police distinguish between sensitive data based on facts and personal data based on personal assessments or opinions. This is often clear due to the source of the information or type of document. For example; personal information captured by a CCTV camera will be an obvious matter of fact whilst the views provided in a witness statement will clearly be a matter of the witness's opinion.

The key law enforcement systems used by Hampshire and Isle of Wight Constabulary and Thames Valley Police make it possible to distinguish between sensitive data relating to different categories of data subject, where it is relevant to do so, such as:

- people suspected of committing an offence or being about to commit an offence;
- people convicted of a criminal offence;
- known or suspected victims of a criminal offence;
- witnesses or other people with information about offences.

#### **e) 'Storage limitation'**

[The College of Policing's Authorised Professional Practice on Information Management](#) (Retention, Review and Disposal) is applicable to Hampshire and Isle of Wight Constabulary and Thames Valley Police's retention of personal, sensitive or criminal data processed for operational policing purposes and can be viewed via the above link. The retention schedule recognises that the records of the most serious offenders need to be kept the longest and the use of designated 'clear periods' prevent forces from having to justify the continued retention of information related to prolific offenders for as long as they continue to offend.

[The National Police Chiefs Council Retention Schedule](#) is applicable to Hampshire and Isle of Wight Constabulary and Thames Valley Police's retention of personal, sensitive data and criminal data of police records and can be accessed via the above link. It provides retention periods for police records that are not managed under the above College of Policing's Authorised Professional Practice on Information Management. The retention schedule incorporates and balances the retention periods the police require various types of information to be retained for, with other specific legislative retention requirements.

Emails, documents and unstructured data will be subject to time-based disposal unless they are formally captured as records in a record management system. Typically, retention of this material is 7 years.

Where routine review and disposal is not feasible or cost-effective, safeguards will be put in place to minimise any detriment caused by continued retention of sensitive data and requests from individuals in regard to their rights to rectification and/or erasure will be dealt with by exception.

In accordance with section 35 of the Inquiries Act 2005, Chief Constables must ensure that all material which may be relevant to a public inquiry is identified, preserved and not altered, concealed or destroyed, and is made available to the inquiry where required.

#### **f) 'Integrity and confidentiality'**

Hampshire and Isle of Wight Constabulary and Thames Valley Police comply with the relevant parts of the legislation relating to security and seek to comply with the [College of Policing Information Assurance Authorised Practice](#), and relevant parts of the ISO27001 Information Security Standard.

Hampshire and Isle of Wight Constabulary and Thames Valley Police ensure that appropriate policy, training, technical and procedural measures are in place. These will include, but are not limited to, ensuring force buildings are secure and protected by adequate physical means. The areas restricted to police officers and force staff are only accessible by those holding the appropriate identification and having legitimate reasons for entry. Audits of our building security are carried out to ensure that they are secure. Hampshire and Isle of Wight Constabulary and Thames Valley Police standard operating procedures and policies make clear what use may be made of any sensitive data contained within them. Hampshire and Isle of Wight Constabulary and Thames Valley Police IT systems meet appropriate industry and government security standards.

All force staff are subject to pre-employment police vetting checks and periodical vetting checks once in post. All force staff have to undergo mandatory data protection and security training.

Any security incidents involving sensitive data are fully and corporately recorded, investigated and assessed for whether they should be reported to the Information Commissioners Office.

#### **4. Requirement to keep records**

Where sensitive processing is carried out by Hampshire and Isle of Wight Constabulary and Thames Valley Police (as the data controller), the following information is recorded in its Record of Processing Activities:

- whether the sensitive processing is carried out in reliance on the consent of the data subject, or if not, which condition in Schedule 8 is relied on;
- how the processing satisfies section 35 (lawfulness of processing); and
- whether the sensitive data is retained and erased in accordance with the policies described above in section 3 of this document, and, if it is not, the reasons for not following those policies.

This Appropriate Processing Document will be retained for 6 months beyond the cessation of processing of all sensitive personal data however it is envisaged that Hampshire and Isle of Wight Constabulary and Thames Valley Police will always be processing such data due to the nature of its public function. To ensure the Appropriate Processing Document remains up to date it will be reviewed annually and any relevant information from the Record of Processing Activities will be included where it is appropriate to do so.

#### **5. Further Information**

For further information about our compliance with data protection law or if you wish to contact our Data Protection Officer, please contact us using the contact details below:

**Hampshire and Isle of Wight Constabulary Data Protection Officer:**

Mottisfont Court  
Tower Street  
Winchester  
Hampshire  
SO23 8ZD

Email: [public.access@hampshire.police.uk](mailto:public.access@hampshire.police.uk)

**Thames Valley Police Data Protection Officer:**

Thames Valley Police  
Public Access Office  
Oxford Road  
Kidlington  
OX5 2NX

Email: [publicaccess@thamesvalley.police.uk](mailto:publicaccess@thamesvalley.police.uk)