

Privacy Notice

Purpose

This privacy notice sets out the standards that you can expect from the Sentencing Council when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Sentencing Council ("the Council") is the data controller for the personal information we hold. The Council collects and processes personal data for the exercise of its own and associated public functions. These include:

- developing sentencing guidelines and monitoring their use;
- assessing the impact of guidelines on sentencing practice. It may also be required to consider the impact of policy and legislative proposals relating to sentencing, when requested by the Government;
- promoting awareness amongst the public regarding the realities of sentencing and publishing information regarding sentencing practice in magistrates' courts and the Crown Court; and,
- considering the impact of sentencing decisions on victims.

About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include information about court cases you may have been involved with, and details of any offences and convictions.

We know how important it is to protect individuals' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

Types of personal data we process

We only process personal data that is relevant for the services we are providing. This may include:

- personal details;
- financial details;
- employment and education details;
- racial or ethnic origin;
- offences, including alleged offences;
- criminal proceedings, outcomes and sentences;
- nationality and immigration status; and,
- opinions or views.

Purpose of processing and the lawful basis for the process

There are six lawful bases for processing information. Given the fundamental importance of research and consultation to the public functions that the Council has a statutory basis for undertaking, the Council has determined that the following three bases apply:

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(b) Contract: processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

The Council's main statutory duties are set out in the Coroner's and Justice Act 2009 and include:

- The preparation of sentencing guidelines - an essential part of this process is research and analysis of sentencing data which may contain sensitive personal data;
- The requirement to consult on draft guidelines – consultations are public and responses may be received from individuals which contain personal information (including, on occasion, sensitive personal information). A link to this privacy notice will be included in all consultation documents;
- A duty to assess the likely impact of sentencing guidelines on correctional resources – this requires an analysis of sentencing data which may include sensitive personal information; and,
- A duty to monitor the effect of sentencing guidelines including assessing the factors which influence sentencing – this requires an analysis of sentencing data which may include sensitive personal information.

Who the information may be shared with

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. For example, for the Council's employees, it may be necessary to share information with current, past or prospective employers; and we may need to share data collected from consultation and research respondents with externally commissioned contractors for the purposes of data analysis. Where this is necessary we will comply with all aspects of the data protection laws.

Retention period for information collected

The Council has a retention and deletion policy, which complies with data protection requirements. In general information is kept for as long as is necessary for the Council to perform its statutory functions, and deleted when no longer needed.

Access to personal information

How to request a copy of your personal data

The data protection laws allow you to find out what information we hold about you on computer and in some paper records. This is known as the 'right of subject access', and a request for a copy of your personal information is called a 'subject access request', or SAR.

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If we do hold information about you, we will:

- give you a description of it,
- tell you why we have it,
- tell you who it could be given to, and;
- let you have a copy of the information in a readable form.

So we can answer your subject access request you must send us 3 things:

- A description of where your personal data may be held: please ensure that you provide details of where in the department organisation your personal data may be held to help us to trace your records. For example, details of which court you may have had business with, including any relevant case reference numbers and dates. Please be as specific as possible.
- Contact details, including an email address or postal address for us to send the information to, and a way for us to get in touch with you if we have any questions about your request.
- Valid identification - acceptable forms of ID include:
 - a photocopy of your passport or driving licence,
 - an electricity bill (the original bill, not a copy),
 - a gas bill (the original bill, not a copy),
 - a council tax bill (the original bill, not a copy), or,
 - any other bill in your full name (the original bill, not a copy).

Any bill you send must be less than 6 months old.

How and where to send your request

Send your request to us directly at the email address or postal address given below. Remember to include your proof of ID as described above.

Subject Access Request
Data Protection Officer
Office of the Sentencing Council
EB16
East Block
Royal Courts of Justice
Strand
WC2A 2LL

info@sentencingcouncil.gov.uk

When we ask you for personal data

When we ask you for personal data, we promise to:

- Inform you of why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive;
- Protect it and make sure no unauthorised person has access to it;
- Only where appropriate and necessary share it with other organisations for legitimate purposes;

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- Make sure we don't keep it longer than is necessary;
- Not make your personal data available for commercial use without your consent; and
- Consider your request to correct, stop processing or erase your personal data.

You can withdraw consent at any time, where relevant, and you can lodge a complaint with the supervisory authority if you are dissatisfied with the way we have handled your data or dealt with your request.

You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date;
- How to make a complaint; and
- How to contact the Ministry of Justice Data Protection Officer.

For more information about the above issues, please contact us:

Data Protection Officer
Office of the Sentencing Council
EB16
Royal Courts of Justice
Strand
WC2A 2LL

info@sentencingcouncil.gov.uk

For more information on how and why your information is processed please see the information provided when you accessed our services or were contacted by us.

Cookies

You can find details of how we use cookies when you visit the Sentencing Council website at: <https://www.sentencingcouncil.org.uk/cookies/>.

Complaints

When we ask you for information, we will keep to the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
www.ico.org.uk