



Privacy Notice

Commission for Victims of Crime

www.cvocni.org

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Block 4, Knockview Buildings
Stormont Estate
Belfast
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Telephone: 028 9052 6607

Email: office@cvocni.org

Data Protection Officer Name: Tom Clyde (DoJ)

Telephone: 02890 378617

Email: DataProtectionOfficer@justice-ni.x.gsi.gov.uk

Introduction

The Commissioner Designate for Victims of Crime is a “joint controller” together with the Department of Justice as the sponsor body, and are registered with the Information Commissioner as a “data controller”.

This Privacy Notice outlines what kind of personal information we may collect, our legal basis for doing so, how and why we may collect it, and how we handle the personal information that we hold. This Privacy Notice also outlines how to exercise your data protection rights and how to complain if you are unhappy with how CVOC has managed your personal information.

The type of personal information we collect

We currently collect and process the following information:

- Preferred name and contact details;
- Information to meet equality monitoring obligations under section 75 of the Northern Ireland Act 1998 such as your age, gender, marital status, disabilities, etc.;
- Information relating to a crime committed against you, or someone you are corresponding with the CVOCNI on behalf of, or from a criminal justice agency that you have highlighted to us as being involved in your case (for example, crime type, charges, date of incident, location of incident, interaction with criminal justice agencies);
- Details of your experience of crime and the criminal justice system and how these impacted you; and
- Online identifiers (e.g. cookies/IP addresses) where you have provided us with information via an online survey or our website.

Lawful Basis for Processing Personal Data

Our lawful basis for processing personal data is that we do so with your consent.

Consent is a core principle of data protection law and the GDPR sets a high standard for this. It must be a freely given, specific, informed and unambiguous indication of the data subject's wishes, by a statement or by a clear affirmative action, which signifies agreement to the processing of personal data relating to the individual.

You will be offered a consent form to complete when we are collecting your data from you. The consent form outlines full details of what you are consenting to with regards to your data. You have the right to withdraw this consent at any time and to request that your personal information erased.

Conditions for processing personal data

In order to process personal data, organisations must satisfy a specific condition (from a limited range set out in Article 9(2) of the GDPR). The following condition applies to personal processed by the CVOcNI:

- Article 9(2)(a): with the explicit consent of the data subject.

“The data subject has given explicit consent the processing of those personal data for one or more specified purposes”

Special category data

In addition to personal data, we process ‘special category data’ in accordance with the requirements of Article 9 of the General Data Protection Regulation (‘GDPR’).

Special category data is defined at Article 9 GDPR as personal data revealing:

- Racial or ethnic origin;
- Political opinions;
- Religious or philosophical belief;
- Trade union membership;
- Genetic data;
- Biometric data for the purpose of uniquely identifying a natural person;
- Data concerning health; and
- Data concerning a natural person’s sex life or sexual orientation

Lawful basis for processing special category data

Our lawful basis for processing special category data is that we do so with your consent.

Consent is a core principle of data protection law and the GDPR sets a high standard for this. It must be a freely given, specific, informed and unambiguous indication of the data subject's wishes, by a statement or by a clear affirmative action, which signifies agreement to the processing of personal data relating to the individual.

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Conditions for processing special category data

In order to process special category data, organisations must satisfy a specific condition (from a limited range set out in Article 9(2) of the GDPR). The following condition applies to special category data processed by the CVOONI:

- Article 9(2)(a): with the explicit consent of the data subject.
"The data subject has given explicit consent the processing of those personal data for one or more specified purposes"

Lawful basis for processing data of Children (under 18 years of age)

Children have all the same basic rights as adults and some additional specific protection.

When we refer to a child we mean anyone under the age of 18. This is in accordance with the UN Convention on the Rights of the Child which defines a child as everyone under 18 unless, "under the law applicable to the child, majority is attained earlier" (Office of the High Commissioner for Human Rights, 1989). The UK has ratified this convention.

When we refer to someone with parental responsibility for a child we mean someone who, according to the law in the child's country of residence, has the legal rights and responsibilities for a child that are normally afforded to parents. This will not always be a child's 'natural parents' and parental responsibility can be held by more than one natural or legal person.

The lawful basis for processing data of children under the age of 18 by the Northern Ireland Commissioner for the Victims of Crime will be consent:

- An individual has given consent for their personal data to be processed for a specific purpose.

Consent - Children under 18 years of age

When we are processing the data of a child under 18 years of age, we will first consider whether the individual child has the competence to understand and consent for themselves – a process often referred to as the ‘Gillick Test’. In the event that a particular child (of any age under 18 years) is determined to lack capacity to consent for themselves we will take steps to verify parental consent.

However, as has been made clear in the Transparency Guidelines issued by the Article 29 Working Party, children do not lose their rights as data subjects to transparency just because consent has been given by a holder of parental responsibility. When relying on consent we will make sure that the child understands what they are consenting to.

Where we are dealing with children’s personal data we will:

- Design our processing with children in mind from the outset;
- Always use age appropriate language;
- make sure that the processing is fair and complies with the data protection principles;
- As a matter of good practice, use Data Protection Impact Assessments to help us assess and mitigate the risks to children; and
- We will not exploit any imbalance in power in the relationship between us.

Accountability

The CVOONI has to be able to demonstrate that we are accountable for the personal data we process, that we are responsible for complying with our obligations under data protection legislation, and that we can demonstrate that compliance.

To demonstrate our compliance and accountability we will:

- Document our processing activities and keep these records up to date;
- Keep a record of personal data breaches;
- Complete a Data Protection Impact Assessment for any high risk personal data processing; and
- Implement processes to make sure that personal data is only collected, used or handled in a way that is compliant with data protection legislation.

Where do you get my personal data from and why are you processing my personal information?

The personal information we process is predominantly provided to us directly by you, and could be used for one of the following reasons:

- To confirm/verify your identity;
- Reviewing your complaints about the criminal justice system in Northern Ireland;
- To allow for statistical analysis which will inform our policy development and campaigning work;
- Corresponding with you in respect of stakeholder engagement;
- Respond to any queries or concerns that you have submitted to us;
- Processing your request to access information;
- Providing you with updates on the work of CVOCNI;
- To inform our work;
- To respond to any queries or concerns you have submitted to us
- For research, screening and analysis purposes;
- To ensure we meet our statutory obligations including those related to equality and diversity;
- To prevent and detect fraud or crime; and
- Where necessary, to protect individuals from harm or injury: and
- Emergency response management - Data matching may also be used to assist the Commission in responding to emergencies or major incidents, by allowing us, in conjunction with the emergency services, to identify individuals who may need additional support in the event of an emergency.

Whilst we take measures to prevent it, we may occasionally receive personal information indirectly, from the following sources in the following scenarios:

- Criminal Justice Organisations - Personal data related to complaints processed by various criminal justice service providers which CVOC are discussing upon your direction;
- The CVOCNI website - We automatically receive and save certain types of information whenever you interact with the Commission's website. We use the information to monitor website traffic and to assist with the navigation and user experience of the website. Information that we will automatically receive includes:
 - Requested URL (Uniform Resource Locator)
 - IP (Internet Protocol) address (this may or may not identify a specific computer)
 - Domain name from which you access the internet
 - Referring URL
 - Software (browser/operating system) used to access the page
 - Date and time pages were visited



How we handle your personal information (Storage, Sharing and Deleting)

We handle personal information according to the requirements of UK GDPR and Part 3 of the UK Data Protection Act 2018.

Storage

Your personal information held on our systems and in our files, is secure and is accessed on a need to know basis by our staff, and any data processors working on our behalf.

We will ensure that your personal information is handled fairly and lawfully with appropriate justification. We will only use your information for lawful purposes and in connection with our requirement to

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, and adequacy and will not be excessive. We will attempt to keep it as up to date as possible and will protect your data from unauthorised access or loss.

Sharing

We will not disclose any information that you provide 'in confidence' to us, to anyone else without your permission, except in situations where disclosure is required by law, or where we have good reason to believe that failing to share the information would put someone else at risk. You will be told about this.

Deleting

Your personal data will be retained for a minimum of 12 months after your last contact with us or up to 36 months if you are willing to be contacted for research purposes. Further details of can be found in our Retention and Disposal Schedule. Following this time, all data will then be destroyed (or transferred to the Public Records Office for Northern Ireland, if applicable).

We may keep data about your general experience of crime on our system indefinitely to help inform our policy and campaigning work.

Do you transfer my personal data to other countries?

It will not be necessary to transfer your personal information, internationally, within the UK or the Republic of Ireland.

Your Data Protection rights

Under data protection law, you have rights which include:

- Your right of access - You have the right to ask us for copies of your personal information.
- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.

More detailed information in relation to your rights and our responsibilities are detailed in our Data Protection Policy.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

If you wish to make a request to exercise your data protection rights, please contact us at:

Commission for Victims of Crime
Block 4, Knockview Buildings
Stormont Estate
Belfast
BT4 3SJ

Tel: 028 9052 6607

Email: office@cvocni.org

Further information about your rights can be found on the ICO website:

<https://www.ico.org.uk>



How to complain

If you have any concerns about our use of your personal information or the contents of this privacy notice, full details of how to complain are outlined in the CVOCNI Complaints Policy which is available upon request or via our website.

You can make a complaint to us verbally or in writing using the contact details above

You may also complain to the Department of Justice Data Protection Officer at:

Data Protection Officer Name: Tom Clyde

Telephone: 02890 378617

Email: DataProtectionOfficer@justice-ni.x.gsi.gov.uk

If you are unsatisfied with our response to your complaint or how we have used your data, you have the right to complain to the Information Commissioners Office (ICO) at:

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

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>