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**POLICE
SCOTLAND**
Keeping people safe

POILEAS ALBA

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Dear Convener

POLICE SCOTLAND'S INTERIM VULNERABLE PERSONS DATABASE

I refer to your letter of 15 March 2019, and previous correspondence with the Justice Committee regarding Police Scotland's Interim Vulnerable Persons Database (iVPD). With regard to the specific questions asked in your most recent letter, I trust the following information will be helpful.

iVPD Weeding and Retention

A Weeding & Retention Policy for the iVPD was approved in January 2018; this ensures that personal information is not kept longer than necessary in compliance with data protection legislation. The associated technical solution was fully implemented on 4 February 2019, when weeding of the iVPD commenced. I can confirm the iVPD complies with relevant data protection legislation.

Information Sharing

Police Scotland relies on a number of lawful bases for sharing personal information, which are compliant with the new legislation. These include provisions within the Police and Fire Reform (Scotland) Act 2012, which outline the purpose of policing in Scotland as being, inter alia, 'to improve the safety and wellbeing of persons, localities and communities'.

Police Scotland's approach, based on extensive legal review and advice, is that information sharing with non-statutory partners should be predicated on consent. This works in practice by Police Scotland Divisional Concern Hubs assessing and sharing relevant, necessary, justifiable and proportionate information with partners to enable appropriate interventions and support in compliance with statutory requirements and national guidance.

Police Scotland's approach to the collection and sharing of information with partner agencies, including 3rd sector, was fully documented and submitted to the Information Commissioner's Office (ICO) by way of a Data Protection Impact Assessment (DPIA). This position was also shared with the Scottish Government; both of whom Police Scotland maintains regular dialogue with, as well as other criminal justice partners.

Following feedback and discussion with the ICO regarding the processes outlined in the DPIA, and a visit to the Edinburgh Division Concern Hub by staff from the ICO, Police Scotland is content the current force policy, i.e. sharing of information with non-statutory partners on the basis of consent, remains the most appropriate way of ensuring compliance with the new legislation and protecting the rights of the individuals concerned. That said, Police Scotland continues to work closely with central and local government departments, inspecting authorities and other partners to identify and consider what options could be explored / developed (such as amendment(s) to the Victims & Witnesses (S) Act 2014, revised information sharing arrangements, commissioned based approaches to service / support) relative to individuals assessed as being on a pathway to harm, but who fall below thresholds for child or adult protection measures.

All individuals have the right to be informed about the collection and use of their personal data. This means that on attending an incident where police are required to record personal information on the iVPD, officers must inform the member of the public that information from the incident will be recorded and assessed on police systems and that Police Scotland may share relevant information with appropriate statutory agencies, who work in partnership with us to help keep people safe.

Individuals are also informed that, with their consent, their information can be shared with local 3rd sector support and advocacy services. In order to do this, Police Scotland is required to record an individual's explicit consent for this sharing to take place. If a person consents, Police Scotland will pass their name, address, date of birth, other relevant information and details of the incident to the 3rd sector organisation(s) concerned.

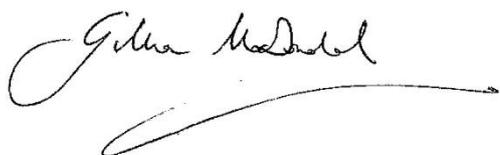
Individuals also have the right to withdraw consent at any time in relation to the sharing of their personal information with 3rd sector support and advocacy services. Police Scotland shares information as soon as reasonably practicable, therefore individuals have a limited time in which to withdraw their consent before this will have taken place. This does not, however affect an individual's right to withdraw consent at any time. The process for withdrawal of consent can be completed via web access and submission of a form noting such of withdrawal, or via direct contact and a request being made of a police officer or member of police staff.

Also available is a dedicated telephone number, with an answer machine facility, where individuals can leave a message informing withdrawal of their consent. The form is thereafter completed by an officer. Where consent is provided for sharing of information with a 3rd partner or advocacy agency, the individual will be provided with a withdrawal information card which will provide the above details regarding the withdrawal process.

The publication of privacy notices is a mandatory requirement under the new data protection legislation; members of the public are advised that Police Scotland's privacy notices are available to view on the Police Scotland website. This provides individuals with ready access to clear and understandable material which sets out how their personal information is processed.

Finally, Police Scotland's overall compliance with the provisions of the new data protection legislation is monitored through the work of the Data Protection Reform Project Board, by Police Scotland's Data Protection Officer and regular interaction with the ICO. Reports on progress have been submitted to the Scottish Police Authority and are available on the SPA's website.

Yours sincerely



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