



Force Disclosure Unit

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005

www.wiltshire.police.uk
disclosure@wiltshire.police.uk

Date: 17th January 2022

Your Ref: FOI

Our Ref: FOI 2021/1040

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 17th December 2021 concerning Data Protection agreements and data breaches.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and after having consulted the Assistant Data Protection Officer and Recruitment – I am now able to respond as follows.

You wrote and **our response:**

1. Copies of any Data Protection agreement(s) that police constables or police staff ('police employee') sign or agree when they join the force, and before they handle (or have access to) the personal data of the public, personal data acquired while in their role as police employees ('personal data').

Please see attached copies of the Data Protection Act 2018 and General Data Protection Regulation (GDPR), and the Official Secrets Act 1989 agreement. Please note, that the Official Secrets Act Declaration has been redacted (under Section 40(2) of the Freedom of Information Act 2000) in order to eliminate any possibility of identifying individuals and to protect their rights and entitlements.

2. Any internal police guidance, procedures or policies for police employees that mishandle or allegedly mishandle personal data. ('data breach') that was acquired while in the role of a police employee.

Please see attached copies of the Data Protection Policy and Data Breach Procedure.

3. Please include for a data breach while on duty, off duty or after the cessation of employment, by any means.

As per response for question 2.

4. Please indicate who is responsible for investigating and/or taking appropriate action against any police employee (ex-employee) for such mishandling of personal data? Please include the same for on-duty, off duty or after employment cases.

The answer to this question depends on the nature of the breach. The Chief Constable is the Data Controller and is therefore ultimately accountable for Wiltshire Police data

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INVESTOR IN PEOPLE

breaches. On identification of a data breach, the individual is responsible for alerting the Data Protection Officer (DPO). The DPO will then work with the reporting individual to identify the next steps that need to be taken. In some circumstances, the DPO will work alongside the Counter Corruption Unit and/or Professional Standards Department if the breach in question has involved a breach of conduct. Where data breaches reach the threshold for notification to the Information Commissioners Office (ICO), the ICO may issue actions that need to be taken by the Force/individual to mitigate the breach.

5. Who is responsible for a said data breach? Again, this is for police employees on-duty, off-duty and after employment.
[As per response for question 4.](#)
6. Who is accountable for a said data breach? Again, this is for police employees on-duty, off-duty and after employment.
[As per response for question 4.](#)
7. Who is responsible for holding the police employee under any of these circumstances.
[As per response for question 4.](#)

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kay Moore
Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should

contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk