

Information Commissioner’s Office

Survey:

Processing of personal data relating to criminal convictions

Start date: 20 January 2020

End date: 28 February 2020

Introduction

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| Organisations may process personal data relating to criminal convictions and offences, or related security measures (Article 10 data), for many reasons. For example, to safeguard vulnerable individuals or children, assess people’s suitability for employment, or assess whether a person can access services such as housing or insurance. The processing of Article 10 data is governed by a complex legislative framework.  The ICO is conducting a survey to find out if gaps exist in controllers’ awareness and understanding of the data protection requirements for processing Article 10 data.  If you are a controller and you process Article 10 data, we want to hear from you. The survey should only take 15 minutes to complete and will remain open until 28 February 2020 |

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| **Privacy statement**  For this consultation we may publish all responses received from organisations except for those where the response indicates that they are an individual acting in a private capacity (eg a member of the public). All responses from organisations and individuals acting in a professional capacity (eg sole traders, academics etc) will be published but any personal data will be removed before publication (including email addresses and telephone numbers).  For more information about what we do with personal data please see our [privacy notice](https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/). |

Please email your responses to article10survey@ico.org.uk

Q1 Does your organisation process Article 10 data?

|  |  |
| --- | --- |
|  | Yes |
|  | No, but it may in the future |
|  | Not sure |
|  | No - go to Q11 |

If not sure: this covers a wide range of information about criminal activity and proceedings. It includes not just data which is obviously about a specific criminal conviction, allegation or trial, but also any other personal data ‘relating to’ criminal convictions and offences.   
  
‘Relating to’ should be interpreted broadly, and covers any personal data which is clearly linked to criminal offences, or which is specifically used to learn something about an individual’s criminal record or behaviour

Q2 For what purpose(s) do you process Article 10 data?

|  |  |
| --- | --- |
|  | Employment |
|  | Insurance |
|  | Financial services |
|  | Housing |
|  | Education |
|  | Safeguarding |
|  | Charity/providing support |
|  | Other |

If other please state

Q3 On a scale of 1 to 5, with 5 being the very confident, how confident are you about making decisions when processing Article 10 data?

|  |  |
| --- | --- |
|  | 1 |
|  | 2 |
|  | 3 |
|  | 4 |
|  | 5 |

Q4 What are the key challenges you face when processing Article 10 data?

|  |  |
| --- | --- |
|  | Unclear about level of checks (through Disclosure & Barring Service/ Disclosure Scotland/ Access NI) |
|  | Unclear about the intersection between data protection and other legislative requirements |
|  | Compliance with data protection principles - please state which (e.g. storage limitation - how long to retain) |
|  | Difficulty with identifying an Article 6 lawful basis/ Article 10 schedule condition |
|  | All of the above |
|  | Other |
|  |  |

If other please state

Q5 Which of the following data protection requirements are you aware of

when processing Article 10 data? (Select all that apply)

|  |  |
| --- | --- |
|  | Article 6 lawful basis |
|  | Article 10 schedule condition |
|  | Quality principles (data minimisation, accuracy & storage limitation) |
|  | Necessity threshold |
|  | Appropriate Policy Documentation |
|  | None |
|  | Other |

If other, please state:

Q6 What would assist your further understanding of data protection

requirements when processing Article  10 data? (Select all that apply)

|  |  |  |  |
| --- | --- | --- | --- |
|  | | Detailed guidance | |
|  | | Webinars, videos, or podcasts | |
|  | | An industry code of conduct | |
|  | | Workshops | |
|  | | Other | |

If other please state:

Q7 When you have a query about processing Article 10 data, which organisations do

you ask? (Select all that apply)

|  |  |
| --- | --- |
|  | The DBS/ Disclosure Scotland/ Access NI |
|  | Charities working with ex-offenders |
|  | Registered/ umbrella bodies |
|  | Trade bodies |
|  | Representative bodies for the sector |
|  | The ICO |
|  | Other |

Which charities?

Which trade bodies?

Which representative bodies?

If other, please state:

Q8 What sector do you represent?

|  |  |
| --- | --- |
|  | Accommodation |
|  | Building/Construction |
|  | Education |
|  | Financial Services |
|  | Trade bodies |
|  | Health Care/Social Care |
|  | Personnel/Recruitment |
|  | Retail |
|  | Other |

If other, please state:

Q9 Are there any challenges related to processing Article 10 data that are unique

to the sector you work in?

Q10 (If possible) please provide an example of best practice when processing

Article 10 data.

# About you

Q11 How did you find out about this survey?

|  |  |
| --- | --- |
|  | ICO Twitter account |
|  | ICO Facebook account |
|  | ICO LinkedIn account |
|  | ICO website |
|  | ICO newsletter |
|  | ICO staff member |
|  | Colleague |
|  | Personal/work Twitter account |
|  | Personal/work Facebook account |
|  | Personal/work LinkedIn account |
|  | Other  If other please specify: |

Q12 This survey will inform future work at the ICO, such as the development of

guidance or events. If you would like to hear more about this work leave your details below.

Email address:

Alternatively, you can sign up to the ICO’s [e-newsletter](https://ico.org.uk/about-the-ico/news-and-events/e-newsletter/) to find out more about all aspects of our work.

Thank you for taking the time to complete the survey