

Email

# ICO Case reference: IC-108170-P1J8

Regarding

IC-108170-...Worked By

Status Reason

Sent



Activity Marker

Direction

Outgoing

Email

**From** ICO Casework

**To** DPO@sussex.police.uk

**Cc**

**Subject** ICO Case reference: IC-108170-P1J8

**Display Name** ICO decision to DC

**Date Received** 07/11/2022 11:39

Email Address

7 November 2022

Case Reference: IC-108170-P1J8

Dear Sir/Madam,

Please see attached decision letter concerning the complaint raised with the ICO about Sussex Police.

Please feel free to contact me if necessary.

Yours sincerely,

Case Officer  
 Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
 F. 01625 524510 [ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

For information about what we do with personal data see our [privacy notice www.ico.org.uk/privacy-notice](http://www.ico.org.uk/privacy-notice)

If you would like to provide us with feedback of any kind, please let me know.

ICO Statement

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ATTACHMENTS

File Name	Followed	File Size (Byte...)	
ICO outcome to DC.docx	No	55,857	

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7 November 2022

Our Reference: **IC-108170-P1J8**

Dear Sir/Madam,

I am now in a position to provide the ICO's view on the concerns raised about the processing of [REDACTED] personal data.

### **The concern**

To re-iterate, a third-party individual reported that [REDACTED] vehicle had been involved in a RTA causing damage to Sussex Police Collisions Unit, and that [REDACTED] had failed to provide his contact details, as required by Section 170 of the Road Traffic Act 1988.

[REDACTED] personal data was then disclosed to the other party. [REDACTED]

### **Lawful basis**

In order to progress our investigation we asked you to provide further information, including the lawful basis used to disclose [REDACTED] personal data.

You initially stated that [REDACTED] details were first obtained from DVLA under GDPR, and then further processed by Sussex Police for Law Enforcement purposes (Part 3 DPA 18). Due to the lawful requirement to make the disclosure under the Road Traffic Act, the information was further processed as it was compatible and necessary for the performance of a task carried out for that purpose by a competent authority.

You later clarified this to mean that [REDACTED] details were disclosed to the other party under Article 6(1)(e) UK GDPR 'Public Task'.

### **Re-use of personal data**

DPA Section 36(1) states that the second data protection principle is that personal data must not be processed in a manner that is incompatible with the purpose for which it was collected.

DPA 18 Section 36(4) states that personal data collected for any of the law enforcement

purposes may not be processed for a purpose that is not a law enforcement purpose unless the processing is authorised by law.

I wrote to you on 8 July 2022, asking for details of how the disclosure was authorised by law.

I also asked how you reached the decision that the disclosure of [REDACTED] personal data was proportionate.

You responded, stating that your previous responses had given that police processed [REDACTED] details under UK GDPR 'Public Task', but that this has been reviewed and the sharing of [REDACTED] address was an extension of the law enforcement processing and was therefore compatible with the purpose under which it was originally obtained.

You also clarified that the details of the person driving the vehicle were provided by [REDACTED]

## **Our view**

You state that the information was further processed to the driver of the second vehicle for the purpose of investigation and potential prosecution through civil insurance and financial prosecution, related to a criminal offence.

However, the driver of the second vehicle is not a competent authority and is not processing the personal data for law enforcement purposes, as it is to support their civil claim.

Law enforcement purposes are defined in Part 3 Chapter 1 section 31 of DPA 18 as: **"...the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security."**

This does not include civil enforcement processing, which falls under UK GDPR.

It is the ICO's view, therefore, that it is unlikely that this personal data was shared as part of the law enforcement purposes under Part 3 DPA 2018.

## **Lawful processing**

The first data protection principle under Article 5(1)(a) UK GDPR says personal data

shall be processed lawfully, fairly and in a transparent manner.

To satisfy the requirements of the principle, you need to identify a valid lawful basis for processing.

It is the ICO's view that Sussex Police has not identified a valid lawful basis for disclosing [REDACTED] personal data.

### **What we will do**

We keep a record of all the complaints raised with us about the way you process personal information.

The information we gather from complaints may form the basis for action we may take in the future to ensure you meet your information rights obligations.

Thank you for your co-operation with this investigation.

Yours sincerely,

[REDACTED]  
Case Officer  
Information Commissioner's Office  
0303 123 1113 Ext. [REDACTED]

If you would like to provide us with feedback of any kind, please let me know

### **ICO Statement**

You should be aware that the Information Commissioner often receives request for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the data protection framework and the Freedom of Information Act 2000, it is in the public interest that we are open and transparent and accountable for the work that we do.

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The ICO publishes basic details about the complaints, investigations and self-reported data breaches it handles. These details include the name of the organisation concerned, the dates that we opened and closed the case, and the outcome. Examples of published data sets can be found at this link: [Complaints and concerns data sets | ICO](#).

We do not include personal data in the published datasets and will anonymise the names of sole traders etc prior to publication. We also do not publish cases concerning domestic CCTV complaints and may not publish certain other cases if we feel it is not appropriate to do so in the circumstances.

If you wish to raise an objection to us publishing a case in the datasets, whether or not we have published it yet, please contact us explaining your reasons for this at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk). We will only agree to this in limited circumstances where we are satisfied that the interests of the parties involved would override the ICO's obligations to publish this information.