

## **Independent Prison Monitor Privacy Notice**

### **Introduction**

This is the “Independent Prison Monitor Privacy Notice” of HMIPS. Our contact details are noted below. This notice applies to individuals applying for appointment as Independent Prison Monitors (IPMs). We are a data “controller”, which means we are responsible for deciding how we hold and use your personal information. This privacy notice explains how and why we collect and use your personal information in the context of the recruitment process and once you are appointed, and your rights in relation to your personal information. We may amend this notice at any time.

If you wish to discuss this notice or the personal information we hold about you, please contact our Data Protection Officer, Kerry Love, on 0131 244 8484, by email [kerry.love@gov.scot](mailto:kerry.love@gov.scot), or by post to HMIPS, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

### **Your personal information**

In this privacy notice, “your personal information” means your personal data i.e. information about you from which you can be identified. Your “personal information” does not include data where the identity has been removed (anonymous data). It is important that your personal information is accurate and up to date. Please inform us if your personal information changes during the recruitment process, or for those who are appointed, whilst you are an IPM.

### **Special categories of personal information**

“Special categories of personal information” means information about your racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; health; sex life or sexual orientation; criminal convictions, offences, or alleged offences; genetic data; or biometric data for the purpose of uniquely identifying you. We must have additional legal grounds for processing special categories of personal information.

### **Details of what personal information we will collect about you**

We collect personal information about you from your application form when you apply to become an IPM. This may include collecting your personal information, recording it, storing it, using it, amending it, destroying it and, in some circumstances, disclosing it.

The personal information we hold includes:

- Your personal contact details, including your name, address, email address, telephone number and emergency contact details.
- Your application form, covering letter or email and interview notes.

Please note that our application form requires you to state:

- Any information as to whether you may have a conflict of interest in carrying out the role of IPM.
- Whether you have any criminal convictions, including spent convictions, and whether you have been charged with any offence which is pending.
- Whether you have the right to live and work in the UK.

For successful candidates, the information we hold additionally includes:

- Correspondence and results around background checks, including Enhanced Disclosure Certificates.
- Offer letter and terms of appointment.
- Documentation confirming your right to live and work in the UK.

Please note that we require the personal data set out above for our recruitment process. If you do not provide this data, we may not be able to proceed with your application or to offer appointment to you.

### **Retention, use and destruction of information**

If you are unsuccessful in your application and interview assessments are held for one month after the recruitment exercise concludes, to allow us to provide feedback to those who request it. It will then be shredded/deleted by us.

For those who are appointed as IPMs application forms, interview assessments and Enhanced Disclosure Certificates are retained until the end of your appointment, to allow us to contact you in relation to your duties as an IPM and to carry out our statutory functions. Performance reviews are retained for three years following the end of your appointment to allow us to respond to requests for references and deal with any issues that may arise following the end of your appointment.

### **Information about criminal convictions**

To enable us to make recruitment decisions and assess suitability for appointment as an IPM, we will process information about criminal convictions and offences (including alleged offences). As this appointment involves working with vulnerable people, we require you to disclose convictions even if they are spent. The processing of this information is necessary for the performance of a task in the public interest and is carried out under the control of our official authority. We will request the following information at the recruitment stage:

- Confirmation as to whether you have any spent or unspent criminal convictions as this is relevant to assessing fitness for appointment as an IPM.
- Confirmation as to whether you are a suspect in an ongoing police investigation or if you have been charged with a criminal offence, as these are relevant to assessing fitness for appointment as an IPM.

Any offer of appointment from us will be subject to a satisfactory Enhanced Disclosure Check.

### **Legal basis for processing personal data**

The legal basis for collecting and processing your personal data is:

- The processing is necessary for the performance of a task in the public interest.

### **Legal basis for processing special categories of personal data**

The legal basis for collecting and processing special categories of personal data is:

- The processing is necessary for reasons of substantial public interest.
- In the case of personal information relating to criminal convictions, the processing is necessary for the performance of a task in the public interest and is carried out under the control of our statutory functions and obligations.

### **Sharing your personal information with third parties**

We will not share your personal details outwith HMIPS. Your personal information will only be available to relevant staff for the purposes of completing the recruitment process, for processing performance reviews or disciplinary procedures during the period of your appointment, or to contact you if you are appointed. The exception to this is that we will share your emergency contact details with the prison you are monitoring, to enable them to notify your emergency contact should the need arise. The legal basis for this form of processing is that it is necessary for the protection of your vital interests. We will require the prison you are monitoring to destroy this information when your appointment ends.

### **Automated decision-making**

We do not envisage taking any decisions about you based solely on automated processing (i.e. without human involvement), which have a legal or similarly significant effect on you.

### **Transferring your personal information outside the EU**

We do not intend to transfer your personal information to any country outside of the EU, or to any international organisation.

### **Information on your rights**

You have the right to request access to and the ability to correct or erase personal data HMIPS holds about you or restrict or object to the processing of your personal information, as well as the right to data portability. You also have the right to complain to the [Information Commissioner's Office](#) if you think there has been an infringement of the General Data Protection Regulation.

We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate. HMIPS will respond promptly to any request you make in accordance with Data Protection law.

Please contact our Data Protection Officer, Kerry Love, if you require more information on these rights, or wish to exercise any of them.

### **Enquiries:**

By e-mail to: [prisonmonitoring@gov.scot](mailto:prisonmonitoring@gov.scot)

By post to: Independent Prison Monitoring  
His Majesty's Inspectorate of Prisons for Scotland  
Saughton House Y - Spur  
Broomhouse Drive  
Edinburgh,  
EH11 3XD

By telephone: 0131 244 1844

Website: <https://www.prisoninspectorscotland.gov.uk/>