Privacy Notice

1. Introduction

1.1 The Independent Commission for Reconciliation and Information Recovery (the **“Commission”**) is an independent commission established under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the "**Act**"). The focus of the Commission's work is to provide information to the victims, survivors and families of Troubles/Conflict-related deaths and serious injury. Our principal statutory objective is to promote reconciliation.

1.2 In order to discharge our statutory responsibilities, we need to be able to access and use certain information, including information which qualifies as Personal Data for the purposes of the UK General Data Protection Regulation ("**UK GDPR**") and the Data Protection Act 2018 (**"DPA 2018"**). For reference, "**Personal Data**" is essentially any information from which a living individual can be identified. So, any identifiable information relating to individuals who are deceased is not considered 'Personal Data'; but we will still treat that information in accordance with the same standards and levels of security as we would Personal Data.

1.3 We will also collect and use **"Special Category Personal Data"** where necessary, which are more sensitive forms of Personal Data and have additional safeguards under the UK GDPR and DPA 2018. Special Category Personal Data is Personal Data which reveals information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation, or is genetic data or biometric data which is processed for the purpose of identifying a natural person.

1.4 The Act enables the Commission to collect and use (known as 'processing' under the UK GDPR) Personal Data from a number of different sources and for a broad range of different purposes relevant to the work we undertake. This includes collecting Personal Data from and about the individuals who would like us to investigate Troubles/Conflict-related deaths and serious injuries, as well as the various authorities who may hold information that the Commissioner for Investigations reasonably requires for the purposes of or in connection with the exercise of his functions. The type of Personal Data we collect and process will vary depending on the specific purposes we collected it for. In all cases, the processing of Personal Data will be in accordance with our commitment to equality, diversity and inclusion.

1.5 This Privacy Notice provides:

1.5.1 detail on what Personal Data we process by reference to the different stages of our work and the different types of individual the Commission will collect Personal Data from and about;

1.5.2 details on:

1.5.3 your rights as a Data Subject (which means an individual who can be identified from the Personal Data);

1.5.4 how we store your Personal Data, and for how long;

1.5.5 where to seek further information; and

1.5.6 how to register a complaint.

1.6 Please take the time to read this Privacy Notice carefully and contact us using the details provided at the end of this Privacy Notice if you have any questions.

2. Our Work

2.1 The Commission will need to have access to a broad range of information, including Personal Data, and from a broad range of potential sources in order for us to carry out our work. This Privacy Notice aims to provide as comprehensive an overview as possible of the Personal Data we may collect and use.

2.2 The types of Personal Data we collect and use will be dependent on two key factors: firstly, the nature of the work we are carrying out, and secondly, the category of individuals we are interacting with.

The nature of our work

2.3 In broad terms, the Commission's investigative work can be broken down into three stages:

(i) the **"Case Support Stage"**;

(ii) the **"Information Recovery Stage"**; and

(iii) the **"Findings Stage"**.

2.4 Those stages broadly cover the following respectively:

2.4.1 the **Case Support Stage**: at this initial stage, we consider requests for investigations into Troubles/Conflict-related events and incidents to determine whether they are likely to be within the scope of our statutory remit. In order to do so, we begin to gather information from Requesting Individuals and their families and support them by explaining how the investigation process will work and the potential outcomes which may be available to them should they decide to proceed with making a formal request for an investigation. It also allows us to collect the initial information required to understand and refine an

individual's request.

2.4.2 the **Information Recovery Stage**: this stage will commence once a request to investigate has been formally made. It is at this stage where we will gather most of the information relevant to our investigation into the relevant event or incident. The aim of this stage is to ensure that all circumstances of a death, serious injury and/or other harmful conduct are looked into. At this stage we will need to consider the type of investigation that we carry out, including whether to carry out a Liability Investigation, which would be capable of producing a file of evidence to refer to the prosecuting authorities for a decision on criminal prosecution.

2.4.3 the **Findings Stage**: the aim of this stage is to produce a report that sets out the findings that have been made following an assessment of the evidence obtained during the information recovery stage. In doing this we are under a legal obligation to consult with relevant individuals and public authorities about material in that report that makes significant criticism of those individuals or organisations. We are also under an obligation to provide a draft report to the Requesting Individual and other relevant family members to enable them to make representations. Following this the report will be published. Where practicable, our final report will address the Requesting Individual's specific questions. A personal statement by the Requesting Individual setting out the impact of the incident may also be published by the Commission.

2.5 Sometimes we will collect or receive Personal Data where this may not strictly fall within one of our formal stages of work. We will handle any such Personal Data in line with the principles outlined in this Privacy Notice, the UK GDPR and the Data Protection Act 2018 ("**DPA**").

Categories of individuals the Commission will interact with

2.6 We expect we will largely collect Personal Data from and about the following:

2.6.1 **Requesting Individuals**, who are any individuals who have contacted the Commission about a potential investigation. This will either be the victim of an incident themselves or, in the case of someone who is said to have died as a result of the incident, then a family member. We may also collect Personal Data from family members of Requesting Individuals;

2.6.2 **Witnesses**, who are any individuals who may have information regarding relevant events concerning a death or serious injury we are investigating; and

2.6.3 **Suspects**, who are any individuals suspect of committing a criminal offence in connection with an investigation by the Commission.

2.7 Further information about the specific Personal Data which will be collected and used at each stage of the Commission's work and as relevant to each category of individual is set out further below and in the table at the end of this Privacy Notice.

3. Lawful bases for processing

3.1 Most of the Commission's investigative work amounts to processing for a law enforcement purpose because it involves the investigation, detection and potential prosecution of criminal offences. This means that the Commission must comply with part 3 of the DPA 2018. The Commission will only process personal data if it is necessary for us to discharge our statutory duty. The Commission may also process sensitive personal data. Sensitive personal data will only be processed if strictly necessary for the law enforcement purpose **and**

3.1.1 Is necessary for the exercise of a function conferred by law and is necessary for reasons of substantial public justice, or

3.1.2 necessary for the administration of justice, or

is necessary for the purpose of or in connection with legal proceedings (including prospective legal proceedings), or for the purpose of obtaining legal advice or for establishing, exercising or defending legal rights.

3.2 Any processing will be done in accordance with our policy document, which outlines how we process personal data in criminal investigations.

3.3 There may be circumstances in which the Commission's investigative work involves processing for a non-law enforcement purpose. The Commission will comply with the GDPR. The lawful basis will depend on the stage of the investigation and the nature of the processing. However, given the purpose of the Commission, the main legal bases for GDPR processing will be that processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, including for the administration of justice or the exercise of a function conferred by law.

3.4 Sensitive personal data will only be processed where a condition in article 9 of the GDPR is met. In addition, criminal offence data will only be processed where a condition in schedule 1 to the DPA 2018 is met.

<u>Other processing of Personal Data</u>

3.5 There are other ways in which we may use Personal Data which are common across all elements of our work. Section 75 of the Northern Ireland Act 1998 requires us to have regard to the need to promote equality of opportunity between persons of different religious beliefs, political opinion and racial groups. The processing we undertake for this purpose will be in the substantial public interest. We may also use

Personal Data to assist in the handling of complaints and to support monitoring of our performance and delivery against our organisational objectives. The processing we undertake for these purposes will be in the exercise of our official authority and in the public interest.

4. Who do we collect Personal Data from?

4.1 We will collect Personal Data concerning Requesting Individuals, Witnesses and Suspects from a range of different sources, and throughout the different stages of our work. Those potential sources include, but may not be limited to:

4.1.1 Individuals who we interview, call or meet, including Requesting Individuals, family members of Requesting Individuals, Victims and witnesses. In addition, individuals who are Suspects in our investigations;

4.1.2 "Relevant authorities", which are those listed in section 60 of the Act. These include police, government, security and intelligence agencies, and armed forces. They are obliged to share information with the Commission for the purposes of our investigations, regardless of any obligation of confidence owed by them, or any other restriction on the disclosure of information (however imposed);

4.1.3 other third parties that may hold relevant information, for example coroners who were responsible for conducting a Troubles/Conflict-related inquest or the Attorney General for Northern Ireland;

4.1.4 open sources such as records held by local social services, hospital records, police records, historical records (such as historic newspaper articles, including those held by non-governmental organisations), Coroner's reports and inquests.

5. Your Rights

5.1 The Commission is committed to protecting the Personal Data which it collects. As a Data Subject you have rights over your Personal Data, including how it may be collected and used. As a Data Controller of your Personal Data, we are required to comply with the law, and to give effect to your rights. Details of your rights are set out below. Your rights differ depending on whether your personal data is processed under the GPDR or the Law Enforcement Directive. You have fewer rights under the Law Enforcement Directive.

5.1.1 **Right to be informed**: You have the right to be informed about our collection and use of your Personal Data. In particular, and in order for us to comply with our obligation to be transparent about our use of your Personal Data, you have the right to know the purposes for which we process your Personal Data, the

retention periods for your Personal Data and who it may be shared with. This information is contained within this Privacy Notice.

5.1.2 **Right of Access:** You have the right to access the Personal Data that we hold about you, subject to certain exemptions. This type of request is referred to as a Subject Access Request. As well as being entitled to a copy of your Personal Data, you are also entitled to certain pieces of information, such as who we may have shared your Personal Data with, or the length of time we expect to hold it for.

5.1.3 **Right to Rectification:** We are required to take reasonable steps to ensure the Personal Data we hold about you is accurate and complete. You have the right to ask us to correct or complete any inaccurate or incomplete Personal Data that we hold about you**.**

5.1.4 **Right to Erasure:** You have the right to ask us to erase the Personal Data that we hold about you. This is also known as the 'right to be forgotten'. There are some exceptions to this right

5.1.5 **Right to Restrict Processing:** You have the right to request that the processing of your Personal Data is restricted. This could include, for example, a request that we stop processing your Personal Data for a certain period of time. Similarly to the right to erasure however, there are exceptions to this. For example, we may not be able to 'pause' processing your Personal Data in circumstances where we need to act in the public interest.

5.1.6 **Right to Data Portability**: You have the right to receive copies of any Personal Data which you personally provided to us in a structured, commonly used and machine-readable format, so that you can transmit it to another Data Controller of your choice. **This right does not apply to personal data processed for a law enforcement purpose.**

5.1.7 **Right to Object:** You have the right to object to us processing your Personal Data where we are doing so either for a task which is in the public interest or in the exercise of official authority, or for the purposes of our own legitimate interests. **This right does not apply to personal data processed for a law enforcement purpose.**

5.1.8 **Right not to be subject to Automated Decision Making:** You have the right not be subject to solely automated decisions. An automated decision is one that is made by a computer without any human input, using your Personal Data, that has a legal or other significant effect on you. We do not carry out automated decision-making.

5.2 In most cases, your rights are not absolute. The UK GDPR and DPA provide several exemptions to your rights which give us a lawful basis

for declining to give effect to your rights, where applicable. Your Right of Access, for example, may be limited in circumstances where disclosure of your Personal Data may prejudice the prevention or detection of crime.

5.3 In practice, our ability to rely on an exemption will depend on the purpose for which we are processing your Personal Data, and whether it would be necessary and proportionate to give effect to your rights or not. Please note that we consider requests relating to your rights on a case-by-case basis, and do not routinely rely on exemptions, nor apply them in a blanket fashion.

6. How do we store your Personal Data, and for how long?

6.1 Your Personal Data is stored securely within our IT system. We have technical and organisational measures in place to ensure your Personal Data is protected, including:

6.1.1 encryption of our data and IT equipment;

6.1.2 physical security measures;

6.1.3 regular data protection training for our staff;

6.1.4 regular testing of our technology; and

6.1.5 restricted access controls (i.e. measures to ensure only people who need to access your Personal Data are able to do so).

6.2 We will retain your Personal Data in accordance with our Data Retention and Destruction Policy. We will retain it for as long as is reasonably necessary in order to fulfil the Commission's functions, and in accordance with applicable statutory retention periods that may apply. It will be deleted as soon as soon as it is no longer needed. In particular, we will retain your Personal Data for no longer than twelve months in the event that no formal request is made. Where we record telephone calls, these shall be retained for a period of thirty days at which point a review will be carried out to determine whether it is necessary for them to be retained any longer.

6.3 In limited circumstances we will need to retain your Personal Data for longer. This could apply where it is strictly relevant to an ongoing live criminal investigation or prosecution, or when it discloses information we cannot ignore such as potential breaches of human rights (for example, the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment).

6.4 Your Personal Data will not be shared unless for specific and limited purposes, such as those mentioned above and given in the table below.

6.5 In all cases the retention periods we apply will not necessarily be an absolute limit on how long we keep your Personal Data, because we might get to the end of our proposed retention period and then identify

that we need to keep it for longer (particularly in connection with our investigative work). As such, all retention periods should be read to refer to the time at which we will review your Personal Data before deciding whether it should be deleted or retained for longer.

7. International transfers

7.1 Except as otherwise stated in this section, we will not transfer your Personal Data to any third party, nor will we transfer it outside of the UK, save as to where the following circumstances apply:

7.1.1 Where requests for mutual legal assistance (“MLA”) are made to or by authorities in other countries, details of the investigation may be shared in order to set out the basis on which we require the sharing of evidence or permission to exercise coercive powers, or for the requested state to exercise them on our behalf;

7.1.2 Where requests for mutual administrative assistance are made to or by authorities in other countries, for example where requests are made on a 'police to police' basis, either as an alternative to or a precursor to MLA requests being made; or

7.1.3 Where we are notifying another sovereign state of our intention to interview witnesses with their consent.

8. Further Information

8.1 Our Data Protection Officer ("**DPO**") is responsible for overseeing this Privacy Notice, and our compliance with laws relating to the processing of Personal Data. If you would like further information about the matters addressed in this Privacy Notice, you would like to exercise your rights or otherwise comment on the matters outlined above, or you wish to make a complaint, you can contact our DPO at data@icrir.independent-inquiry.uk.

8.2 Please also note that if you are dissatisfied with a response you receive to a request for further information or to a complaint, or you would prefer to contact them directly in the first instance, you may also contact the Information Commissioner's Office ("**ICO**"). The ICO is the UK's supervisory authority in respect of Personal Data.

8.3 Lastly, please note our DPO will review this Privacy Notice on an annual basis, or sooner should the need arise, to ensure it remains fit for purpose. This Privacy Notice was last updated in February 2025.

9. Details of processing activities

1. Requesting Individuals (to include family members)

Staae 1: Case Support

What Personal Data do we collect about Requesting Individuals during Case Suooort?

In this initial Case Support stage, we are likely to collect some or all of the following:

(i) personal contact information including your name, home address, personal telephone number and/or personal e-mail address;

(ii) documents which prove your identity such as your passport, driver's license, voting card or pension book;

(iii) details about your family, relationships and family tree;

(iv) any evidence or opinions you have relating to the request, and the specific questions you would like answered;

(v) documents that relate to your relationship with the deceased, such as a marriage certificate; and

(vi) where your request relates to an incident that caused serious harm, medical information (including relevant GP records).

As part of the Case Support Stage we may also collect the following types of Special Category Personal Data:

10. in the case of victims of Troubles/Conflict-related events then we may need to collect health information, including your medical history, any injuries you may have sustained and the date and location of these injuries if they are a result of any harmful conduct that is being investigated; With regards to cases involving severe psychiatric harm, we may also seek further medical evidence in relation to this, where relevant to our investigation.

(vii) information about your racial or ethnic origin, gender, religious beliefs and sexual orientation, as part of our initial investigations and so that we can monitor equality, diversity and inclusion; and

(viii) information about your political opinions, philosophical beliefs, trade union membership, health, sex life or sexual orientation, genetic data or biometric data, as part of our initial investigations.

What will we use Personal Data concernina Reauestina Individuals for durina Case Suooort?

We will collect and process your Personal Data during Case Support in order to:

(i) correspond with you about potential requests and set up meetings and calls;

(ii) check whether you have corresponded with us previously;

(iii) work with you to explore and refine a potential request;

(iv) assess your eligibility to make a request, through the collection of key screening information about the individual and your potential request;

(v) assess any risk that may be posed to you if a formal request to investigate is made;

(vi) carry out evidence checks, including evidence relating to any serious harm, which may include contacting any relevant authorities that might have evidence relevant to a request, in order to confirm what evidence they hold;

(vii) work with you to understand any relevant family tree, relationships and the views that you have that may be relevant to a potential request;

(viii) determine if you could have your own or a different potential request;

(ix) assess whether we will be able to assist with a potential request;

(x) determine if a potential request may be linked to any other request we have received and support other investigations and reviews which we are carrying out;

(xi) carry out risk assessments of off-site meetings.

Who will we share Personal Data concerning Requesting Individuals with during Case Support?

We will not typically share your Personal Data with any third parties during this phase of the Commission's investigation. The primary purpose of the Case Support work is to carry out some initial scoping as to whether the matters raised by the Requesting Individuals fall within the Commission's statutory investigative remit. As such your Personal Data will largely be used internally by the Commission, only.

However, there are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
- with third party contractors, for the purposes of emotional support provision.
- with police or prosecutors where you disclose information which is strictly relevant to an onaoina criminal investiaation or prosecution.

with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.

Staae 2: Information Recoverv

What Personal Data do we collect about Requesting Individuals during Information Recovery?

At the Information Recovery stage we may collect further Personal Data about you beyond that which has already been collected the Case Support stage. This might include, in particular:

- further Personal Data relating to any serious harm suffered, in order to carry out a full eligibility assessment; and
- further witness statements or evidence.

What will we use Personal Data concernina Reauestina Individuals for durina Information Recoverv?

We will collect and process your Personal Data during the Information Recovery stage in order to:

(i) correspond with you about your requests and to set up meetings and calls with you;

(ii) collect further evidence, including evidence relating to any serious harm, and request evidence from authorities who had confirmed that they were holding evidence relevant to the request at the Case Support stage;

(iii) carry out a full eligibility check;

(iv) inform you if your case has not been accepted and the reasons for this;

(v) determine the scope of accepted cases, the type of investigation to be carried out, any lines of inquiry and which track a case should be allocated to;

(vi) carry out an appropriately detailed investigation of each case and all relevant lines of inquiry, including a review of the information already held;

(vii) carry out internal reviews of the progress and resourcing of cases and provide Requesting Individuals with regular updates;

(viii) request written or oral statements and any further information required;

(ix) inform the Crown Prosecution Service, the Public Prosecution Service for Northern Ireland and/or the Crown Office and Procurator Fiscal Service for Scotland, if we determine that the findings of the case may lead to a criminal prosecution;

(x) prepare and present evidence and material from the investigation in preparation for the findings to be written up into a report by the relevant internal team; and

(xi) support other investigations and reviews which we are carrying out.

Who will we share Personal Data concerning Requesting Individuals with during Information Recovery?

There are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
- with third party contractors, for the purposes of emotional support provision.
- with other Requesting Individuals, where we have received a request linked to your request and only where we have determined that it is necessary and proportionate to do so.
- with police or prosecutors, where you disclose information which is strictly relevant to an ongoing criminal investigation or ongoing or prospective prosecution.
- with oversight bodies (including the Office of the Police Ombudsman for Northern Ireland, the Police Investigations and Review Commissioner, and the Independent Office for Police Conduct) to enable these bodies to hold us fully to account for our exercise of police powers.
- with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.

Staae 3: Findinas

What Personal Data do we collect about Reauestina Individuals durina the Findinas staae?

It is likely that, by the Findings stage, we will have collected most (if not all) of the Personal Data about you that we need in order to produce a final report on the findings of our investigation. However, we may contact you in order to seek any further evidence you may have or to invite representations on the Report. We may also contact you to seek a personal statement (or discuss the content of a previously-provided personal statement) for the purposes of agreeing its publication alongside the final report.

What will we use Personal Data concernina Reauestina Individuals for durina the Findinas staae?

We collect and process your Personal Data during the Findings stage in order to:

(i) correspond with you about your requests and set up meetings and calls;

(ii) present evidence and material from the investigation, which will be reviewed by the Chief Commissioner and those working on his behalf in the Findings Team;

(iii) provide you with an update on the progress of a case and allow you to ask any further questions or voice any concerns;

(iv) collect any further evidence required and investigate any further lines of inquiry;

(v) consider and assess evidence presented from the information recovery work and produce a report setting out the Chief Commissioner's findings from our investigation;

(vi) consider the report against the Commission's discharge of its statutory duties and obtain expert advice, including from third parties, to inform decision making, and where it is proposed that 'sensitive information' is included, obtain the relevant consent for declassification of that material following the statutory process;

(vii) share relevant material from the draft report with individuals or public authorities following the statutory process where the report includes material making significant criticism of those individuals or public authorities;

(viii) share a copy of the draft report with the person who made the request, any relevant family members of the person who was killed, any relevant family members of any other persons killed in the same event, and any person who suffered serious physical or mental harm in the same event or (where they have subsequently died), any of their relevant family member, following the statutory process (including obtaining contact details);

(ix) consider any representations made during the statutory process and publish a final report setting out our findings; and

(x) discuss the approach towards publication of the final report.

Who will we share Personal Data concernina Reauestina Individuals with durina the Findinas staae?

There are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeauardina Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a

manner compatible with the European Convention on Human Rights.

- with third party contractors, for the purposes of emotional support provision.
- with police or prosecutors, where you disclose information which is strictly relevant to an ongoing criminal investigation or prosecution.
- with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.
- with individuals/organisations we are required to consult with regarding our Report under section 16 of the Act.
- with those involved in the statutory process of declassification of sensitive information (to the extent of sharing your Personal Data relating to the fact of the investigation, only).

2. Witnesses

Staae 1: Case Support
What Personal Data do we collect about Witnesses durina Case Suooort?
Witnesses will not be contacted during the Case Support stage. However, we may receive Personal Data concerning potential Witnesses, particularly from Requesting Individuals, which we will hold with a view to contacting those Witnesses during the Information Recovery stage (i.e. should a formal investigation commence). The Commission cannot predict exactly what information third parties will provide to it, both in general terms and during Case Support more specifically. However, we expect that Personal Data concerning Witnesses collected during Case Support may include: (i) personal contact information including your name, home address, personal telephone number and/or personal e-mail address; and (ii) details about your family, relationships and family tree and details about why you may be able to assist with a particular investigation.
What will we use Personal Data concerning Witnesses for during Case Suooort?
As indicated above Personal Data about potential Witnesses will only be collected and held during the Case Support stage as preparatory steps to understand how you may be able to assist, and if so on what basis, during the Information Recovery stage.
Who will we share Personal Data concerning Witnesses with during Case Support?
We will not typically share your Personal Data with any third parties during this phase of the Commission's investigation. The primary purpose of the Case Support work is to carry out some initial scoping as to whether the matters raised by the Requesting Individuals/Families fall within the Commission's statutory investigative remit. As such your Personal Data will largely be used internally by the Commission, only. We may share your Personal Data with relevant authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, to comply with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
Stage 2: Information Recovery
What Personal Data do we collect about Witnesses durina Information Recoverv?

We will likely collect the following Personal Data concerning Witnesses during this stage:

(i) personal contact information including your name, home address, personal telephone number and/or personal e-mail address;

(ii) details about your family, relationships and family tree;

We may also collect the following types of Special Category Personal Data about you:

(iii) health information, including your medical history, any injuries you may have sustained and the date and location of these injuries if they are a result of any harmful conduct that is being investigated;

(iv) information about your racial or ethnic origin, gender, religious beliefs and sexual orientation, as part of our full investigation and so that we can monitor equality, diversity and inclusion; and

(v) information about your political opinions, philosophical beliefs, trade union membership, health, sex life or sexual orientation, genetic data or biometric data, as part of our full investigation.

Finally, we may also collect information relating to your criminal convictions and offences **("Criminal Offence Data").** where it is relevant to the investigation.

What will we use Personal Data concerning Witnesses for during Information Recovery?

We will collect and process your Personal Data during Information Recovery in order to:

(i) correspond with you about how you are able to assist with a request we are investigating and to set up meetings and calls with you;

(ii) collect further evidence, including evidence relating to any serious harm, and request evidence from authorities who had confirmed that they were holding evidence relevant to the request at the Case Support stage;

(iii) determine the scope of accepted cases, the type of investigation to be carried out, any lines of inquiry and which track a case should be allocated to;

(iv) carry out an appropriately detailed investigation of each case and all relevant lines of inquiry, including a review of the information already held;

(v) request written or oral statements and any further information required;

(vi) inform the Crown Prosecution Service, Public Prosecution Service and/or the Crown Office and Procurator Fiscal Service for Scotland, if we determine that the evidence obtained in the case may lead to a criminal prosecution; and

(vii) oreoare and oresent evidence and material from the investiaation in oreoaration for the findinas to be written uo into a reoort bv the relevant

internal team.

Who will we share vour Personal Data with durina Information Recoverv?

There are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with our duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
- with third party contractors, for the purposes of emotional support provision.
- with other specific Requesting Individuals, where we have received a request linked to the request you are assisting with and only where we have determined that it is necessary and proportionate to do so.
- with police or prosecutors, where you disclose information which is strictly relevant to an ongoing criminal investigation or ongoing or prospective prosecution.
- with oversight bodies (including the Office of the Police Ombudsman for Northern Ireland, the Police Investigations and Review Commissioner, and the Independent Office for Police Conduct) to enable these bodies to hold us fully to account for our exercise of police powers.
- with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.

Staae 3: Findinas

What Personal Data do we collect about Witnesses during the Findings stage?

It is likely that, by the Findings stage, we will have collected most (if not all) of the Personal Data about you that we need in order to finalise and report on our investigation. However, we may contact you in order to seek any further evidence you may have.

What will we use Personal Data concernina Witnesses for durina the Findinas staae?

We collect and process your Personal Data during this stage in order to:

(i) correspond with you about the request you have been assisting with and set up meetings and calls;

(ii) present evidence and material from the investigation, which will be reviewed by the Chief Commissioner and those working on his behalf in the Findings Team;

(iii) provide you with an update, where appropriate, on the progress of a case and allow you to ask any further questions or voice any concerns;

(iv) collect any further evidence required and investigate any further lines of inquiry;

(v) consider and assess evidence presented from the information recovery work and produce a report setting out the Chief Commissioner's findings from our investigation;

(vi) consider the report against the Commission's discharge of its statutory duties and obtain expert advice, including from third parties, to inform decision making, and where it is proposed that 'sensitive information' is included, obtain the relevant consent for declassification of that material following the statutory process;

(vii) share relevant material from the draft report with individuals or public authorities following the statutory process where the report includes material making significant criticism of those individuals or public authorities;

(viii) share a copy of the draft report with the person who made the request, any relevant family members of the person who was killed, any relevant family members of any other persons killed in the same event, and any person who suffered serious physical or mental harm in the same event or (where they have subsequently died), any of their relevant family member, following the statutory process (including obtaining contact details); and

(ix) consider any representations made during the statutory process and publish a final report setting out our findings.

Who will we share Personal Data concernina Witnesses with durina the Findinas staae?

There are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
- with third party contractors, for the purposes of emotional support provision.
- with police or prosecutors, where you disclose information which is strictly relevant to an ongoing criminal investigation or prosecution.
- with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.
- with individuals/organisations we are required to consult with regarding our Report under section 16 of the Act.
- with those involved in the statutory process of declassification of sensitive information (to the extent of sharing your Personal Data relating to the fact of the investigation, only).

3. Suspects

Staae 1: Case Support

What Personal Data do we collect about Suspects during Case Suooort?

Suspects will not be contacted during the Case Support stage. However, we may receive Personal Data concerning potential Suspects, particularly from Requesting Individuals, which we will hold with a view to contacting those Suspects during the Information Recovery stage (i.e. should a formal investigation commence).

The Commission cannot predict exactly what information third parties will provide to it, both in general terms and during Case Support more specifically. However, we expect that Personal Data concerning Suspects collected during Case Support may include:

(i) personal contact information including your name, home address, personal telephone number and/or personal e-mail address; and

(ii) details about your family, relationships and family tree and details about why you may be implicated in the context of a particular investigation.

What will we use Personal Data concernina Susoects for durina Case Suooort?

As indicated above Personal Data about potential Suspects will only be collected and held during the Case Support stage as preparatory steps to understand how you may be able to assist, and if so on what basis, during the Information Recovery stage.

Who will we share Personal Data concerning Suspects with during Case Support?

We will not typically share your Personal Data with any third parties during this phase of the Commission's investigation. The primary purpose of the Case Support work is to carry out some initial scoping as to whether the matters raised by the Requesting Individuals fall within the Commission's statutory investigative remit. As such your Personal Data will largely be used internally by the Commission, only.

We may share your Personal Data with relevant authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, to comply with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.

Staae 2: Information Recoverv

What Personal Data do we collect about Susoects durina Information Recoverv?

We will likely collect the following Personal Data concerning Suspects during this stage:

(i) personal contact information including your name, home address, personal telephone number and/or personal e-mail address;

(ii) details about your family, relationships and family tree;

We may also collect the following types of Special Category Personal Data about you:

(iii) health information, including your medical history, any injuries you may have sustained and the date and location of these injuries if they are a result of any harmful conduct that is being investigated;

(iv) information about your racial or ethnic origin, gender, religious beliefs and sexual orientation, as part of our full investigation and so that we can monitor equality, diversity and inclusion; and

(v) information about your political opinions, philosophical beliefs, trade union membership, health, sex life or sexual orientation, genetic data or biometric data, as part of our full investigation.

Finally, we may also collect information relating to your criminal convictions and offences **("Criminal Offence Data"),** where it is relevant to the investigation.

What will we use Personal Data concerning Suspects for during Information Recovery?

We collect and process your Personal Data during the Information Recovery stage in order to:

(i) correspond with you about a request we are investigating and to set up meetings and calls with you;

(ii) collect further evidence, including evidence relating to any serious harm, and request evidence from authorities who had confirmed that they were holding evidence relevant to the request at the Case Support stage;

(iii) determine the scope of accepted cases, the type of investigation to be carried out, any lines of inquiry and which track a case should be allocated to;

(iv) carry out an appropriately detailed investigation of each case and all relevant lines of inquiry, including a review of the information already held, which may include determining whether a criminal offence has been committed and who was responsible;

(v) carry out internal reviews of the progress and resourcing of cases and where appropriate, provide you with an update;

(vi) request written or oral statements and any further information required;

(vii) inform the Crown Prosecution Service, Public Prosecution Service and/or the Crown Office and Procurator Fiscal Service for Scotland, if we determine that the findinas of the case mav lead to a criminal prosecution;

(viii) prepare and present evidence and material from the investigation in preparation for the findings to be written up into a report by the relevant internal team; and

(ix) support other investigations and reviews which we are carrying out.

Who will we share Personal Data concernina Susoects with durina Information Recoverv?

There are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
- with third party contractors, for the purposes of emotional support provision.
- with police or prosecutors, where you disclose information which is strictly relevant to an ongoing criminal investigation or ongoing or prospective prosecution.
- with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.
- with individuals/organisations we are required to consult with regarding our Report under section 16 of the Act.
- with those involved in the statutory process of declassification of sensitive information (to the extent of sharing your Personal Data relating to the fact of the investigation, only).
- with oversight bodies (including the Office of the Police Ombudsman for Northern Ireland, the Police Investigations and Review Commissioner, and the Independent Office for Police Conduct) to enable these bodies to hold us fully to account for our exercise of police powers.
- with specific Requesting Individuals, but only where we have received a request which is linked to the request relevant to you and where we have determined that it is necessary and proportionate to do so.

Staae 3: Findinas

What Personal Data do we collect about Susoects durina the Findinas staae?

It is likely that, by the Findings stage, we will have collected most (if not all) of the Personal Data about you that we need in order to finalise and report on our investigation. However, we may contact you in order to seek any further evidence you may have or to invite representations on relevant material in the draft report.

What will we use Personal Data concernina Susoects for durina the Findinas staae?

We collect and process your Personal Data during this stage in order to:

(i) correspond with you about a request and set up meetings and calls;

(ii) present evidence and material from the investigation, which will be reviewed by the Chief Commissioner and those working on his behalf in the Findings Team;

(iii) provide you with an update, where appropriate, on the progress of a case and allow you to ask any further questions or voice any concerns;

(iv) collect any further evidence required and investigate any further lines of inquiry;

(v) consider and assess evidence presented from the information recovery work and produce a report setting out the Chief Commissioner's findings from our investigation;

(vi) consider the report against the Commission's discharge of its statutory duties and obtain expert advice, including from third parties, to inform decision making, and where it is proposed that 'sensitive information' is included, obtain the relevant consent for declassification of that material following the statutory process;

(vii) share relevant material from the draft report with individuals or public authorities following the statutory process where the report includes material making significant criticism of those individuals or public authorities;

(viii) share a copy of the draft report with the person who made the request, any relevant family members of the person who was killed, any relevant family members of any other persons killed in the same event, and any person who suffered serious physical or mental harm in the same event or (where they have subsequently died), any of their relevant family member, following the statutory process (including obtaining contact details); and

(ix) consider any representations made during the statutory process and publish a final report setting out our findings.

Who will we share Personal Data concerning Suspects with during the Findings stage?

There are some specific and limited purposes for which your Personal Data may be shared:

- with responsible authorities (including the relevant police forces) where we have safeguarding concerns. This is necessary to ensure we are able to comply with out duties under section 4(1)(b) of the Act, with guidance within the Co-operating to Safeguard Children and Young People in Northern Ireland (2017) and the Adult Safeguarding, Prevention and Protection in Partnership Policy (2015) and to ultimately ensure we are able to act in a manner compatible with the European Convention on Human Rights.
- with third party contractors, for the purposes of emotional support provision.
- with police or prosecutors, where you disclose information which is strictly relevant to an ongoing criminal investigation or prosecution.
- with bodies with power to request us to investigate, when you disclose information we cannot ignore such as potential breaches of human rights legislation (such as the right to life or the right not to be subjected to torture or to inhuman or degrading treatment or punishment). We will, wherever possible, inform you before your Personal Data is shared in these circumstances.
- with individuals/oraanisations we are reauired to consult with reaardina our Report under section 16 of the Act.

- with those involved in the statutory process of declassification of sensitive information (to the extent of sharing your Personal Data relating to the fact of the investigation, only).