Privacy notice for processing personal data throughout National Security Vetting (NSV)

This privacy notice applies when the vetting provider is United Kingdom Security Vetting (UKSV). UKSV is part of the Cabinet Office. If you are unsure as to the identity of your vetting provider, please ask your sponsor, which is normally your employer. This notice explains how we intend to store and handle your personal data and that of third parties in the course of conducting NSV. This notice may be updated from time to time – the latest version will be available on gov.uk.

This notice applies in relation to all previous and current NSV applications processed by UKSV or its predecessors (Defence Business Services and FCO Services) and should be read in conjunction with the NSV forms and Her Majesty's Government's (HMG's) Personnel Security Controls policy.

1. The identity of the NSV data controllers

1.1. UKSV is responsible for carrying out NSV and, for some of its customers, also makes the clearance decision. In these circumstances UKSV is a data controller for the NSV process and will liaise with other public bodies as part of that process.

1.2. When UKSV carries out NSV, but the decision on whether to grant security clearance is taken by the sponsor (which is normally the public authority employer), the sponsor organisation is a joint data controller with UKSV. In these circumstances, if you wish to exercise your rights under data protection legislation, you can contact either UKSV or the sponsor organisation that decides whether you will be granted security clearance. It is the sponsor's responsibility to advise you of their contact details.

1.3. In addition to UKSV and the sponsor organisation, the Security Service is an independent data controller for NSV in respect of the check of Security Service records. The Security Service publishes advice on access to information here. It can be contacted via:

- The Enquiries Desk,
- PO Box 3255,
- London, SW1P 1AE

1.4. Should you be granted clearance and subsequently move to another post requiring NSV at a different organisation, the relevant personnel security risk owner for the new organisation may review your clearance against the particular security risks that organisation faces. In such circumstances, the new organisation replaces the initial sponsor organisation as a joint data controller for NSV.

2. Why we will process your data

2.1. We will process your personal data for the purpose of carrying out NSV, including aftercare. We will also process the data of third parties where explicitly required in order to conduct your case. NSV is necessary and proportionate to safeguard the UK's national security. We may also process your data for ancillary purposes, for example, to facilitate an appeal to the Security Vetting Appeals Panel, to fulfil legal and regulatory requirements, or in an anonymised manner for business monitoring and planning purposes. Your data may also be processed as part of the maintenance, monitoring and development of Cabinet Office's IT systems to ensure the secure and effective protection of the data at all times.

3. The legal basis for the processing

3.1. UKSV and the sponsor organisation process your personal data and that of third parties in accordance with the General Data Protection Regulation, as applied by Chapter 3 of Part 2 of the Data Protection Act 2018 ('the Applied GDPR'). The Security Service will process your personal data in accordance with Part 4 of the Data Protection Act 2018 (intelligence services processing).

3.2. The processing of your personal data and that of third parties is necessary for the purpose of NSV. The legal basis for the processing of data as part of NSV is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller (Article 6(1)(e) Applied GDPR). Where vetting providers process special category data their lawful basis for doing so is that processing is necessary for reasons of substantial public interest for the exercise of a function of the Crown, a Minister of the Crown, a government department, or the exercise of a function conferred on a person by an enactment (paragraph 6, Schedule 1, Data Protection Act 2018). Conducting NSV is a function of UKSV, which is part of the Cabinet Office, a government department.

4. How your data will be processed

4.1. Your personal data and that of third parties will be processed as described in 'HMG Personnel Security Controls', currently as per **Annex A** 'Statement of HM Government Personnel Security and National Security Vetting Policy', on page 17. The categories of personal data which we process are described in 'HMG Personnel Security Controls'.

5. Who we share your data with

5.1. Personal data that we collect and process for NSV is very strictly controlled and protected by a robust level of physical, cyber and personnel security measures. Your NSV personal data is kept separate from other personal data and access is only provided to those with a strict need to know for the purpose of conducting your NSV, such as your vetting officer.

5.2. ***Conducting NSV -*** To conduct the various checks that form part of NSV, it will be necessary to share some of your personal data, and that of third parties, with the relevant check provider so that they may provide further personal data to us. We only share the minimum amount of data necessary to enable the provider to perform the check. In most cases this is limited to basic identifying information (such as your name or date of birth) to ensure that the provider is checking the correct individual. In exceptional circumstances it may contain additional data fields to disambiguate between you and another individual, for example if you share their name and date of birth.

5.3. To perform the component NSV checks and reach a security clearance decision, UKSV may share some of your data with:

- Your employing organisation (e.g. to request access to relevant personnel records)
- Public authorities which maintain criminal records databases.
- The Security Service.
- Credit reference agencies.
- Character referees (e.g. a past academic supervisor).
- The sponsor or personnel security risk owner (e.g. to enable them to make a decision on your suitability to hold security clearance or so that they can specify any risk mitigation measures conditional for your clearance).

5.4. Third party personal data may be processed as a result of these checks. For example, a character referee for your case would need to share some basic personal data with the UKSV vetting officer.

5.5. Data provided to credit reference agencies as part of NSV checks may be used to update that agency's record of an individual (e.g. a new surname), the updated version of which will subsequently be employed throughout that agency's routine business activities. Currently, UKSV employs the services of Experian as part of NSV checks, but it may be necessary to appoint an alternative or additional credit reference agency in future, in which case this notice will be updated. It is important that you read and understand Experian's Privacy Policy in conjunction with this NSV Privacy Notice. We may request that you confirm that you have done so, and we will retain that confirmation for our records.

5.6. ***Awarding or removing clearance*** - Following your application, your sponsor and employer will be notified whether your clearance has been granted or refused. Your sponsor and employer will also be notified in the event that an existing clearance has withdrawn or been revoked.

5.7. ***Risk mitigation*** **-** On rare occasions where a security risk has been identified, UKSV or the sponsor department may consider that it is possible to mitigate that risk to an acceptable level by sharing relevant information with an appropriate person within your line management chain. Should this apply to you, we will not share your personal data - or that of third parties - without discussing this with you (or that third party) first and obtaining your/their explicit agreement. If we seek to do this we will give you (or the third party) further explanation of the reasons why and purpose, and also explain your/their rights with regard to providing and withdrawing agreement. Note that you withholding agreement may render risk mitigation impossible, and therefore lead to a refusal to grant clearance. If you are worried about the confidentiality of the NSV process, please contact your sponsor for advice.

5.8. ***Public interest matters*** **-** Very exceptionally, data supplied by you or by a third party may be sufficiently serious that the NSV data controllers may consider it is necessary and in the public interest to share relevant information with an appropriate authority, such as the police. This might occur when information suggests that:

- you may have committed a previously undetected criminal offence, or that an offence may be about to be committed;
- you or others may be at risk of harm; or
- action is required to safeguard national security.

5.9. ***Appeal*** - If your clearance is refused or withdrawn and you decide to exercise a right to appeal, we will need to provide the relevant authority considering your appeal with relevant personal data to enable them to do so.

6. How long we will keep your personal data

6.1. Your personal data and that of third parties will be retained for so long as is necessary for the purpose for which it was collected (i.e. safeguarding national security). Personal data collected during the NSV process will be retained by UKSV and the sponsor organisation for fifteen years from the date that your security clearance expires, or is withdrawn or revoked. However, in exceptional circumstances it may be necessary to retain personal data beyond this period, such

as in the interests of national security or to defend legal proceedings which have already commenced.

7. Your data rights

7.1. You, and any third party, have considerable say over what happens to your personal data. Your rights and how you may exercise them are fully detailed on the independent Information Commissioner's Office website. In relation to your personal data held by UKSV or the sponsor organisation, unless an exemption applies, you (and any third party) have the right to:

- request a copy of your personal data;
- require us to restrict the processing of your data in certain circumstances;
- request your data be deleted or corrected;
- object to the processing of your data; and
- to lodge a complaint with the independent Information Commissioner's Office (ICO) if you think we are not handling your data in accordance with the law. Their contact details are provided in paragraph 12.3.

8. International data transfers and international organisations

8.1. It may be necessary for UKSV to seek information from referees. As part of that process, it may be necessary for UKSV to share information with those referees in order to obtain the required information. Some of those referees may be from international organisations, EU member states, or located in countries where the UK has not issued an adequacy decision to confirm that it considers the country provides an adequate level of data protection. Where no other appropriate safeguards are in place, we rely on the transfer of data being for important reasons of public interest and national security (Article 49(1)(d) Applied GDPR).

8.2. Where the sponsor organisation is an international organisation, for example NATO, or where your clearance is to work for a contractor overseas, we will inform the organisation or contractor whether your clearance is granted or refused, or has been withdrawn or revoked. In the event that there is an information sharing agreement with the party in question, this will be communicated to you as part of your clearance process.

8.3. As your personal data is stored on our IT infrastructure, and shared with our data processors, it may be transferred and stored securely outside the UK. Where that is the case, it will be subject to equivalent legal protection through an adequacy decision or appropriate safeguards. This paragraph will be kept under review.

9. Decisions based on automated processing

9.1. NSV decisions are never based solely on automated processing. The decision whether to grant or refuse security clearance is always taken by the relevant personnel security risk owner.

10. Failure to provide data

10.1. You are required to provide the personal data requested as part of NSV in order to obtain the requisite clearance for your role, which may be either a contractual requirement or mandatory for your employment with the relevant organisation. If you do not provide the requested data, we will be unable to grant you security clearance and this may impact on your employment.

11. Where you did not provide your personal data

11.1. Where you did not provide your personal data, it was provided by the department or public body that employs you, by a person applying for clearance, or by a third party described above such as a credit reference agency or character referee.

12. Complaints

12.1. If you are not satisfied with the way in which your personal data is being processed by UKSV you can make a complaint to the Business Support Team:

- UKSV Business Support,
- Imphal Barracks,
- York, YO10 4AS.
- Email: UKSV-BusinessSupportRequests@mod.gov.uk.

12.2. The team will acknowledge your complaint within 5 working days and endeavour to send you a full response within 20 working days. If the team is unable to respond within these timeframes, they will explain why and let you know when you can expect a fuller response.

12.3. If you are not satisfied with the response, you have the right to lodge a complaint with ICO if you think we are not handling your data in accordance with the law. They can be reached via this link or by calling 0303 123 1113.

12.4. You can also contact the Cabinet Office Data Protection Officer, who provides independent advice and monitoring of Cabinet Office's use of personal information. They can be reached via:

- Data Protection Officer,
- Cabinet Office, 70 Whitehall, Room 405,
- London, SW1A 2AS.
- Email: dpo@cabinetoffice.gov.uk.