

PIA Report re decriminalised convictions for gay sexual offences

INTRODUCTION

Name of Project/Programme, Process or Policy

Decriminalised convictions under Sections 12 & 13 Sexual Offenders Act (SOA) 1956, Protection of Freedoms Bill

What is its purpose, and how does it relate to Home Office business?

To make it possible for those with old convictions for consensual gay sex, under sections 12&13 of the SOA 1956 to apply for their record to be deleted from police records, so that the convictions no longer have to be declared and will not show up on criminal record checks.

Details of personnel involved in undertaking the PIA (name/section/role/contact details)

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a) **Awareness:** Does supporting documentation demonstrate awareness of privacy issues? Outline evidence and give details of any appended documentation.

Yes – the Home Office will receive applications from individuals requesting that their records deleted and that will necessarily mean that they disclose to the Home Office highly confidential information. This information is already held on the Police National Computer (PNC) or other police records dating from the time of their conviction. The Home Office will need to develop a secure system with limited access by staff and a clear disposal date for the information supplied once it has been actioned.

b) **Scoping:** Please provide evidence that all privacy issues have been fully considered through privacy scoping at an early stage, including details of consultation with all relevant partners?

The Home Office has considered privacy aspects as detailed in the previous paragraph. Officials met stakeholders on 8 December to discuss this and other matters.

c) Impacts: With regards to privacy issues, what could go wrong, how serious could it be, and what could be done about it?

Officials are aware that this is sensitive personal data and will handle it accordingly. If information about an individual's previous conviction for consensual gay sex were to get into the public domain it could have a serious impact on that individual's private and family life as they may not have revealed the conviction to anyone else. It could impact on other social contacts and possibly their job if homophobic elements were present.

SUMMARY OF PRIVACY RISKS AND MITIGATION

1. Given the amount/type of data collected, what are the privacy risks? How they might be mitigated?

An individual will make an application in writing to the Home Office (designated Unit). The information will be stored securely and only a limited number of people will have access. The personal details will be anonymised after a (yet to be determined) period. All correspondence will be treated as "Protect".

2. Given the sensitivity and scope of the information collected, what privacy risks were identified and how might the security controls mitigate them?

Officials are aware that this is sensitive personal data and will handle it accordingly. For example, by limiting access to the information to the fewest number of individuals in the Home Office and by creating handling protocols with the original record holder, officials will be able to minimise the risk of inadvertent disclosure.

3. What are the risks associated with how long data is retained and how they might be mitigated?

After a (yet to be determined) period the information held in the Home Office will be anonymised so that it is available for statistical purposes only. All personal identifiers will be removed so that identification of an individual cannot be achieved through access to the statistical data.

4. What are the privacy risks associated with internal sharing within the Home Office and how they might be mitigated?

It is not envisaged that there will be any need to share information with other Home Office Units. The Home Secretary will be required to approve the deletion of records following recommendations from officials and a protocol will be developed with Private Office to limit the people involved. Handling procedures at all stages will be in line with Information Assurance handling requirements.

5. Given the external sharing, what are the privacy risks and how might they be mitigated?

External sharing (between the Home Office and police) will be limited to obtaining information from police records and then, where the application is approved, ordering its deletion. Any disclosure by police or other staff will be dealt with by existing disciplinary procedures which apply to the disclosure of sensitive information.

6. How could risks associated with individuals being unaware of the collection be mitigated?

As individuals will have to proactively apply for their record to be deleted they will be aware of that the police hold such a record and that the Home Office will have to process their application. The Home Office will however set out in the application pack details of the process and what will happen to their information.

7. What are the privacy risks associated with redress and how might they be mitigated?

If sensitive information is disclosed existing remedies for redress will be available (Data Protection Act). If that were to lead to civil court action it would be possible to request that individuals be granted anonymity so that case papers showed initials only and that full names etc. would not be disclosed.

8. Given access and security controls, what privacy risks were identified and how might they be mitigated?

The main security risk revolves around access to the applications received in the Home Office. That will be mitigated by tight control of staff that have access to those records and the development of a secure handling system. At the point where information is either transmitted to or required from police forces, existing police procedures for handling sensitive information will apply.

OVERVIEW

What changes have been made or recommended as a result of the PIA process? At which key milestones in the project's lifecycle will the PIA be revisited? Please give details of appended Risk Register.

The PIA will be revisited as the draft proposals in the Bill proceed through Parliament to respond to issues raised.

Document Author Signature

__Kevin Walsh__ Date: 22 December 2010_____

Name (in capitals) _____

Approval Signatures (SRO/SIRO/IAO/HoI)



Name (in capitals) John O'Brien Date: 18 January 2011

_____ Name (in capitals) _____ Date: