

Advisory Council on the Misuse of Drugs

Privacy Information Notice

Introduction

1. This notice is provided in accordance with data protection legislation which incorporates the General Data Protection Regulations (GDPR) and has been created following the guidance issued by the Information Commissioner's Office and in consideration of additional guidance material generated by the Home Office.
2. This notice sets out how those statutory obligations relating to the management of personal data will be addressed, on behalf of the Advisory Council on the Misuse of Drugs (ACMD), by the civil servants that support the ACMD in the Home Office Science Secretariat (HOSS).
3. There are various elements of legislative requirements which have relevance to the management of personal data. Primarily these are the Data Protection Act 2018, GDPR, EU Law Enforcement Directives. For the purposes of this document they will be collectively referred to as 'data protection legislation'.
4. This notice will be made available on ACMD website accessible via the following link:
<https://www.gov.uk/government/organisations/advisory-council-on-the-misuse-of-drugs>
5. Information will be provided in the language in which it is held, or in such other language that is legally required. Where there is a legal requirement for the ACMD to translate any information, it will do so within reasonable timescales. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be addressed when providing information in accordance with this scheme.

Who we are and what we do

6. The ACMD is an advisory non-departmental public body that provides independent advice to the Home Office on the control of harmful drugs, including classification and scheduling under the Misuse of Drugs Act 1971 and its regulations.
7. For further details on the ACMD's remit please see:
<https://www.gov.uk/government/organisations/advisory-council-on-the-misuse-of-drugs/about>
8. The ACMD is an Arms Length Body (ALB) to the Home Office. The ACMD has members but no staff. The ACMD is supported by a secretariat comprised of Home Office civil servants. Your personal information, supplied for the purposes of the ACMD, will be held and processed by the secretariat. In this context the Home Office is the data controller with the secretariat as the processor of this information. This role also includes when the information is collected or processed by third parties on our behalf.

How and why the ACMD uses your information

9. The Home Office Science Secretariat collects, processes and shares personal information on behalf of the ACMD to enable the ACMD to carry out its functions. The ACMD secretariat is only allowed to process your data where there is a lawful basis for doing so. This falls within the definition of "Public Task" processing within Article 5a of the General Data Protection Legislation which is processing undertaken in the exercise of official authority which covers public functions and powers that are set out in law (see para 18).

10. Where lawful, the ACMD Secretariat may share your information with other organisations in the course of carrying out its functions, or to enable others to perform theirs.

What we do with your data?

11. As a non-departmental public body (NDPB) the ACMD has a responsibility to record information received to demonstrate legitimacy and transparency of the functions it undertakes in support of the public interest.

Sharing of information

12. We will not share your personal data without first seeking and securing your informed consent unless there is a basis in law and a legitimate reason for us to do otherwise in connection with the business and responsibilities of the ACMD.

Storing your information

13. We will record and store your personal information in secure circumstances and thereafter ensure that we retain your data for no longer than is necessary. All electronic based information which is received by ACMD is recorded and retained on Home Office systems. Emails and communications data are stored on secure Home Office electronic systems which are password protected and subject to internal review processes in consideration of our retention policy (see below).
14. Hard copy documentation is recorded and retained in secure storage and subject to internal review processes in consideration of our retention policy (see below).
15. Your personal information will be held for as long as necessary for the purpose for which it is being processed and in line with ACMD's Data Retention Policy (see below).

What is our lawful basis for the processing of your data?

16. The ACMD is commissioned by Home office ministers to provide independent expert advice.
17. The ACMD secretariat has a responsibility to record information received, and to process it and retain it where to do so is necessary to demonstrate legitimacy and transparency of those functions it undertakes in support of the public interest.
18. Public Task¹ is the relevant lawful basis for the ACMD processing personal data under the terms of data protection legislation covered within Article 5a of the General Data Protection Legislation. Processing (i.e. any operation or set of operations which is performed on personal data or sets of personal data) is undertaken in the exercise of official authority which covers public functions and powers that are set out in law.
19. There is a small amount of stakeholder information described above that is collected for the sole purpose of sharing ACMD information such as new publications. This information is collected based on consent and is reviewed regularly under our Data Retention Policy.
20. The ACMD and its secretariat have no involvement with processing operations that constitute automated decision making (i.e. decisions involving the processing of personal data that involve decisions taken through automated processes).

¹<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/public-task/>

Sources and categories of information

21. The table below sets out our retention policy for types of personal data obtained by the ACMD and the Science Secretariat team, and the retention periods for such data:

Personal data	Retention period
Formal letters and other written correspondence to and from the ACMD and Science Secretariat team including scientific procedures licence information.	Maximum of 5 years to accord with the duration of the ACMD's review period prior to periodic reviews of its function. This is because matters will be of relevance to a statutory undertaking, public interest or matters about which the ACMD may be held to account.
Correspondence/communications data to and from ACMD mailbox to public and external bodies/stakeholders.	Maximum period of 12 months. This is because the ACMD must address, account for or otherwise refer to matters which are communicated to them, some of which may be over a protracted period and involve a duty to retain records. An audit trail of a period no longer than this period is important in demonstrating transparency and integrity as an important matter of public confidence.
Internal emails /communications data within Home Office.	12 months. These are high volume messages which facilitate the administration of the ACMD and support functions. The rationale as above equally applies given that all members of ACMD and Science Secretariat hold public office.
Personal Data of Committee members	Held for the duration of members' term in office plus one year. Details of Members of the Committee collected as part of the Public Appointment process and used for essential communications and used as part of the public record of ACMD meetings and other sub-groups meetings and for the collection of routine management information requested by the Cabinet Office.
Expenses information from expenses claims from committee members	Held for a period of two years. Details of member's expenses claims made under Home Office rules following attendance at meetings/other legitimate purposes are processed by the science secretariat and held for two years to allow for appropriate auditing of Home Office accounts.

22. There will inevitably be exceptions to the above which out of necessity may arise from a legal responsibility or significant public interest.

Data Protection Officer

23. Since Personal Data processed by the ACMD is done by Home Office Officials within the Science Secretariat we work closely with the Home Office Data Protection Officer. The Science Secretariat also has trained Data Protection Practitioners within the team.
24. The contact details of the Home Office Data Protection Officer
- Email: dpo@homeoffice.gsi.gov.uk
 - Postal address: *Office of the DPO, Peel Building, 2 Marsham Street, London SW1P 4DF*
 - Telephone number: 020 7035 6999

Requesting access to your personal data

25. You have the right to request access to the personal information the ACMD holds about you. Details of how to make the request should be submitted to

Home Office Science Secretariat

14th Floor, Lunar House

40, Wellesley Road

Croydon

CR9 2BY

ScienceSupportFOI@homeoffice.gsi.gov.uk

Other rights

26. In certain circumstances, you have the right to:
- i. object to and restrict the use of your personal information, or to ask to have your data corrected.
 - ii. (where you have explicitly consented to the use of your personal data and that is the lawful basis for processing) the right to withdraw your consent to the processing of your data and the right to data portability (where processing is carried out by automated means).

Questions or concerns about personal data

27. If you have any questions or concerns about the collection, use or disclosure of your personal information please contact the Home Office via ScienceSupportFOI@homeoffice.gsi.gov.uk
28. You have the right to complain to the Information Commissioner's Office about the way the ACMD is handling your personal information. You can contact the ICO on 0303 123 1113 or via email by accessing the following link in their website <https://ico.org.uk/global/contact-us/email/>. Alternatively, you can write to the ICO at:

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF