



The Iraq Fatality Investigations

Privacy Notice

A. Introduction

1. The Iraq Fatality Investigations (“the IFI”) is a non-statutory inquiry exercising functions in the public interest. The IFI is the data controller for your personal information.
2. The IFI is investigating to establish, on a case-by-case basis the relevant facts and accountability for civilian deaths in Iraq, discharging the positive obligations of the State pursuant to Article 2 of the European Convention on Human Rights. Terms of Reference for individual cases referred by the Secretary of State for Defence are published on the IFI website: <https://www.gov.uk/government/collections/iraq-fatality-investigations>
3. The purpose of this privacy notice is to set out how the IFI will use your personal data; who it may be shared with; and your rights. It is made under Articles 13 and/or 14 and Article 30 of the General Data Protection Regulation (GDPR).

B. What data the IFI needs to collect and the legal basis for processing it

a. *Purposes of data collection*

4. The purposes for which the IFI collects and processes your personal data are the effective conduct of the IFI and discharging the Terms of Reference for the case under Investigation.
5. The IFI is investigating the matters set out in its various Terms of Reference, in accordance with the scope defined by the Inspector.
6. In order to carry out its investigation and conduct its hearings the IFI needs to collect and process personal information.

7. Personal information is used by the IFI in a number of ways – for example, to gather evidence as part of the IFI’s investigation, to facilitate access to the IFI, to enable witnesses to give evidence and to communicate with you.
8. The hearings, except in exceptional circumstances and as required by law, will be held in public and evidence referred to at hearings will become publicly available. Other evidence and information may be available on the IFI’s website.
9. Personal information may also be contained in the Report of the Inquiry, which will be published after the conclusion of the Inquiry investigations and hearings. Personal information may also be used by the IFI to comply with the law.

b. Data collected

10. Personal data is collected, recorded and organised by the IFI. Typically, data will be requested by the IFI from relevant individuals or organisations or submitted voluntarily, for example in a witness statement.
11. Personal data processed by the IFI can therefore comprise the personal data of:
 - Members of the public who contact the IFI
 - Witnesses or potential witnesses to the IFI
 - Contracted parties to the IFI
 - Persons referred to in information received by the IFI
12. The following is a non-exhaustive list of categories of personal data that will be processed in relation to the IFI’s core function:
 - Personal data – typically biographical data such as name, date of birth, personal description, contact details, images and voice recordings.
 - Special category data – this will typically include data relating to health, data relating to race/ethnicity, religious beliefs and Trade Union membership. Some special category data may relate to children.
 - Personal data relating to criminal convictions and offences – the processing of data in relation to criminal convictions is subject to strict controls.

13. The IFI keeps your data secure and only shares it with those who are required to see it as part of the process of the IFI. All personal information we receive is handled fairly and lawfully in accordance with data protection legislation.
14. Typically, personal data is held in digital format in IT systems which meet government security standards. The details of the security arrangements are not set out in this Notice to avoid compromising the effectiveness of those arrangements.

c. Legal basis for processing

i. Non-special category personal data

15. For data which does not fall within the definition of special category data (see below), the IFI will rely on the legal basis described below for processing. When processing your personal data, the IFI will, at all times, consider whether the processing or disclosure of such data is necessary for the Inquiry proceedings and functioning.

In respect of the core functions of the Inquiry:

- the primary legal basis relied on for lawful processing by the IFI of personal data is Article 6 (1)(e) GDPR: processing that 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. The Inspector has official authority to perform the core function of the IFI in order to investigate the matters falling within the IFI's various terms of reference.
- In respect of material provided to the IFI (in particular, by witnesses) where you as the data subject have given consent to the processing, Article 6 (1) (a) GDPR will also apply.
- The processing of evidentiary material is necessary for compliance with legal obligations, which is provided for under Article 6(1)(c) of the GDPR. This includes section 18 (1) of the 2005 Act that provides, subject to restrictions notices, that the public are to have access to inquiry proceedings and information.

In respect of contracts:

- For providers of services to the IFI, the primary legal basis for processing your personal data will be that it is necessary for the performance of a contract to which you are a party.

ii. Special category personal data

16. Special category, or sensitive, data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data (where used for identification purposes), data concerning health or data concerning an individual's sex life or sexual orientation.
17. Processing by the Inquiry potentially extends to all types of special category personal data, but most typically will involve information relating to health, race/ethnicity, religious beliefs and trade union membership.
18. In addition to the legal bases for processing personal data generally, outlined above, the legal bases for processing sensitive personal data pursuant to Article 9 GDPR, read together with s. 10 of the Data Protection Act 2018, are:
- that processing is necessary for reasons of substantial public interest, including the exercise of a function conferred by an enactment/rule of law, to the extent that it is necessary, or
 - that the consent of the data subject (where applicable) has been obtained.

iii. Criminal conviction personal data

19. Where data relating to criminal convictions/offences is concerned, the lawful purpose will be dealt with by article 10 GDPR/s.10(5) DPA 2018, including where the processing is necessary for the exercise of a function conferred on the Inspector by the Inquiries Act 2005 and the Inquiry Rules 2006 and/or where it is necessary for the purpose of or in connection with legal proceedings.

C. Who we share your data with and why

20. As the IFI is publicly accessible, your personal data may be shared with anyone following the proceedings, including the press, when given in evidence (or on the Inquiry's website). There are clear processes, including robust redactions processes and confidentiality agreements, in place which govern the protection of your personal data. Save where consent is provided by you, as a data subject - only data necessary for the IFI's performance of its functions will be disclosed outside the IFI or to those instructed by the IFI.

21. During the course of undertaking the duties of the IFI, your data may be shared by the IFI with the following main groups:

- The Solicitor and Lead Counsel to the IFI
- Other Solicitors and Counsel who are instructed by the IFI
- Recognised legal representatives of individuals and corporate bodies recognised as witnesses in the IFI
- Interested parties in the IFI
- Expert witnesses appointed by the IFI
- Assessors appointed by the IFI
- Third party data processors (such as providers of IT infrastructure or electronic disclosure platforms/services)
- The public, via the IFI website or via the IFI's published report(s)
- External witness Tracing firms utilised by the IFI
- Current and/or previous employers to obtain current or last known addresses for the purpose of obtaining current contact details of potential witnesses

22. The majority of personal data submitted to the IFI is transferred to IT systems operated by government data processors for the purposes of storing, reviewing and analysing documents and information.

23. The IFI has appropriate technical and organisational measures in place with its data processors, which means they cannot do anything with your personal information unless the IFI has instructed them to do it. They will not share your personal information with any organisation apart from the IFI, or as directed by the IFI. They will hold your data securely and retain it for the period the IFI requires. At the conclusion of the IFI, data that is to be retained as part of the historic record will be transferred to the National Archives, although any personal data included will continue to be protected. We may also share data where we are under a legal obligation to do so, or where it is necessary to assist with a criminal investigation.

D. How long will the IFI keep your data for?

24. Personal data will be held by the IFI until the conclusion of the IFI. At the end of the IFI, some of the personal data held by the IFI will – where it is considered to form part of the historic record – be transferred for the purposes of indefinite retention of Inquiry records

by the National Archives in accordance with the Public Records Act 1958. Personal data that is not required for archiving purposes will be destroyed.

E. Your rights

25. All individuals have a number of rights under the GDPR.

- You have the right to request information about how your personal data is processed, and to request a copy of that personal data. (This is also known as a Subject Access Request)
- You have the right to request that any inaccuracies in your personal data are rectified without delay
- You have the right to request that any incomplete personal data is completed, including by means of a supplementary statement
- You have the right to request that your personal data is erased if there is no longer a justification for them to be processed
- You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted
- Where we are relying on your consent, you have the right to withdraw consent to the processing of your personal data at any time
- If we are not relying on your consent, you may have the right to object to the processing of your personal data. Any objections will be considered in the context of the Inquiry's statutory duties and the necessity of processing personal data for that purpose
- Where we are relying on your consent, or a contract with you, you have the right to request a copy of any personal data you have provided, and for this to be provided in a structured, commonly used and machine-readable format

26. The rights and obligations set out in this Notice may be subject to exemptions or limitations, to the extent authorised by the GDPR and the Data Protection Act 2018 (including paragraph 14 of Part 2, Schedule 2), to be applied on a case-by-case basis.

F. International transfers

27. 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 European Union. Where that is the case, all appropriate technical and legal safeguards will be put in place

to ensure you are afforded with same level of protection.

G. Contacts details/more information

a. The Inquiry Data Protection Officer

28. The data controller determines the purposes and means of processing personal data. The Data Protection Officer provides independent advice and monitoring of the Inquiry's use of personal information. The IFI's Data Protection Office can be contacted through Sophie.Warner@mod.fcso.gov.uk

b. Complaints

29. If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

30. Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

H. Review of this notice

31. This notice will be regularly reviewed and may be subject to revision. This version of the Privacy Notice was last updated 30 November 2022.