



MOD – Service Custody (Detainee Under Sentence & Visitor) privacy notice

Updated 1 September 2024

Contents

Introduction	1
Why are we processing personal information?	2
What type of personal data do we hold?	3
How do we get hold of personal data?	3
Who do we share your personal data with?.....	4
How long will we keep personal data and under what criteria?.....	4
What are your rights over your personal data we process, and how can you exercise them? 4	
Contact us.....	4

Introduction

This privacy notice tells you how the MOD uses and discloses personal data being processed about you if you are:

- a service person or ex-service person subject to Service law who has been committed by either a court martial or summary hearing to a prison or service custody premises¹ or,
- a civilian subject to Service discipline² who has been committed by either a court martial or Service civilian court to a prison or service custody premises or,
- a visitor³ to a service custody premises.

¹ <https://www.legislation.gov.uk/ukpga/2006/52/section/300>: “Service custody premises” means premises under the control of the Secretary of State for the keeping of persons in service custody. This includes the Military Corrective Training Centre (MCTC), Colchester.

² https://assets.publishing.service.gov.uk/media/5a7f5507ed915d74e6229d1b/20150410-Chapter_3_Jurisdiction_and_Time_Limits-AL34.pdf: Defines a person subject to Service law and a civilian subject to Service discipline.

³ Visitor includes contractors.



Ministry of Defence

It also explains what rights you have when your data is processed. The use and disclosure of your personal data is governed by UK data protection law.

Personal data identifies and relates to a living person. Some information directly identifies people, while other information may indirectly reveal who they are. For instance, names, ID numbers, location data and online identifiers may all be classed as personal data. So may other factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

The Ministry of Defence (MOD) is classed as a competent authority and the 'controller' of personal data processed by its branches, including:

- Provost Marshal of the Royal Navy Police;
- Provost Marshal of the Royal Military Police;
- Provost Marshal of the Royal Air Force Police.

These parts of MOD are also listed as competent authorities⁴. Each Provost Marshal who is additionally appointed by statute as an Inspector of Service Custody Premises,⁵ must ensure their staff employed at a service custody premises manage all personal data in accordance with the law and the direction provided by the MOD.

MOD's policy document on gov.uk⁶ provides more information about how we handle sensitive personal information. This sensitive information includes personal data about an individual's: race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life, sexual orientation and criminality.

Why are we processing personal information?

We process information because:

- We need to carry out sentences given by a court martial, a Service civilian court or summary hearings and to help the rehabilitation of people in our care.
- We are legally obliged to maintain security, good order and discipline in service custody premises (this includes preventing and detecting crime). We therefore collect and use your personal information to help us comply with our legal obligations in the Armed Forces Act 2006 and the Service Custody, the Service of Relevant Sentences Rules 2009⁷(SCSRSR) and the Prison Act 1952 as modified by the SCSRSR. We are also obliged to process your personal data for law enforcement purposes under Part 3 of the Data Protection Act 2018 for the performance of a task carried out by a Competent Authority.
- (if you are visiting a service custody premises) To comply with our duty under the SCSRSR; permitting social and professional visits in the Service Custody premises,

⁴ <https://www.legislation.gov.uk/ukpga/2018/12/schedule/7>

⁵ <https://www.legislation.gov.uk/uksi/2009/1096/article/7/made>. MCTC is inspected by HM Inspectorate of Prisons (HMIP)

⁶ [Law enforcement processing: part 3 appropriate policy document - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684442/Law_enforcement_processing_part_3_appropriate_policy_document_-_GOV.UK.pdf)

⁷ <https://www.legislation.gov.uk/uksi/2009/1096/contents/made>



Ministry of Defence

your personal data is processed under the lawful basis of performing a task carried out in the public interest.

What type of personal data do we hold?

What we hold will depend on why you had contact with us.

If you are subject to Service law or Service discipline and are convicted of a criminal conduct or non-criminal conduct (disciplinary) offence(s) we may hold:

- Name and address;
- date of birth;
- photograph;
- employment details;
- financial details;
- racial or ethnic origin;
- family, lifestyle and social circumstances;
- physical or mental health;
- offences and alleged offences;
- criminal proceedings;
- outcomes and sentences;
- physical identifiers.

We only process personal information that we need to when we are transferring you to a prison or holding you in detention as lawfully required.

If you are a Service custody premises visitor, we may hold:

- Name and address,
- contact details,
- date of birth (if under 18 years of age)
- any other personal data that is considered relevant to allow you to visit a service custody premises.

How do we get hold of personal data?

If you plan to visit a service custody premises, we will ask you to give us your personal data. You can refuse to share information at any time, but this will prevent you from visiting / entering a service custody premises.

For persons in detention, we may ask you to give us your personal data, however we also process personal information obtained during your job-related activities and from the Military Court Service.

Your personal data may be held in a computer, physically (e.g., in a file or a photograph) or in other ways, for instance, within CCTV.



Who do we share your personal data with?

We may disclose personal data with other organisations when the law allows. Recipients may include:

- law enforcement agencies;
- partner agencies working on crime reduction or safeguarding initiatives;
- authorities involved in offender management;
- auditors, monitors and regulatory authorities;
- other MOD departments where the processing is authorised by law & policy;
- other bodies or individuals where required under any legislation, rule of law, or court order;
- National Probation Service;
- local authorities;
- private and voluntary sector organisations, who deliver services, such as part of education and rehabilitation activities.

We only disclose what we need to with appropriate controls and safeguards in place.

How long will we keep personal data and under what criteria?

We keep your personal data for as long as our task requires, including for the purposes of satisfying any legal, accounting, or reporting requirements. We conform to the defence records management policy and procedures [JSP 441](#).

After the retention period has elapsed, all data will be destroyed securely in line with MOD's data destruction policy.

What are your rights over your personal data we process, and how can you exercise them?

Data protection law gives you certain rights over your personal data. What information rights you have will depend on MOD's reasons for collecting and using your data. You can read about your rights in the [MOD privacy notice](#) or speak to a member of staff in the service custody premises.

Contact us

Find out how you can contact us (or make a complaint) in our [MOD privacy notice](#).