

Dated: ~~21 September~~ 28 May 2020

Independent Inquiry into Telford Child Sexual Exploitation - Privacy Notice

Introduction

The **Inquiry** into Telford Child Sexual Exploitation is an independent inquiry investigating child sexual exploitation in Telford. **Eversheds Sutherland** was appointed by **the Council** as **Commissioning Body** of the Inquiry. The Inquiry is headed by its **Chair**.

General

This privacy notice explains what **Personal Data** is **Processed** by Eversheds Sutherland and/or the Chair in relation to the Inquiry and why and how it is Processed. This privacy notice uses some terms and definitions which you may not be familiar with. To help you, these terms are shown **in bold** and are explained at the end of this privacy notice.

For the purposes of explaining what Personal Data is processed, why and how, the Inquiry has four key stages:

Stage 1: initial set up, recruiting the Chair and gathering contact information;

Stage 2: consulting on and publishing its Terms of Reference;

Stage 3: conducting the Inquiry, including evidence gathering and reporting; and

Stage 4: the retention of data following publication of the Chair's report.

In respect of the Inquiry, Eversheds Sutherland and the Chair act independently of the Council and of any other public bodies.

Additional helpful information about how Personal Data is used in respect of the Inquiry is contained in the Inquiry **FAQs**, available on the Key Documents page of the **Inquiry Website**: <https://www.iitcse.com/key-documents>, or on request, which should also be read.

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Contents – what is covered and where to find it

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2. Inquiry Terms of Reference, Stage 2: After appointment of the Chair and before publication of the Terms of Reference

Information about what Personal Data was collected and Processed, by either Eversheds Sutherland or the Chair, and the reasons why, during this stage of the Inquiry.

3. Evidence gathering and reporting, Stage 3: After appointment of the Chair and publication of the Terms of Reference and during the investigation and reporting stage of the Inquiry

Information about what Personal Data was collected and Processed, by either Eversheds Sutherland or the Chair, and the reasons why, during this stage of the Inquiry.

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Why and how the Chair and/or Eversheds Sutherland will Process Personal Data in the course of the Inquiry.

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9. Individual rights, complaints and contact

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10. Freedom of Information

Confirmation that neither the Chair nor Eversheds Sutherland are subject to the Freedom of Information Act 2000.

11. Review of and changes to this notice

How and when individuals will be notified of any changes to this document.

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1. Initial Inquiry Stage, Stage 1: Before appointment of the Chair

1.1 Overview

This initial Stage was prior to the appointment of the Chair. Any Personal Data received by Eversheds Sutherland relating to the Inquiry in this Stage was Processed by Eversheds Sutherland in its capacity as the Commissioning Body to the Inquiry. Eversheds Sutherland acts as a **Controller** when performing its Commissioning Body functions.

This Stage was for two main purposes: preparation for the Inquiry starting in full in Stage 3; and the recruitment, selection and appointment of the Inquiry's Chair.

To start preparations for Stage 3 of the Inquiry following appointment of the Chair and publication of the Terms of Reference, it was necessary to start gathering initial details to facilitate the Inquiry. This included the operation by Eversheds Sutherland of the Inquiry public website, helpline, email mailbox and postal address. This information gathering included Personal Data obtained from individuals contacting the Inquiry helpline, or e-mailing the Inquiry e-mail inbox, or writing to the Inquiry postal address, in respect of future involvement in, or provision of evidence to, the Inquiry in Stage 3. The privacy notice supplied during Stage 1 of the Inquiry can be provided upon request.

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As Commissioning Body, Eversheds Sutherland also carried out the process for the recruitment, selection and appointment to the position of chair of the Inquiry and setting up arrangements with necessary service providers and suppliers to the Inquiry. Separate privacy notices apply in respect of those functions and are provided by Eversheds Sutherland, or made available by it for provision, to those persons affected.

1.2 *What Personal Data was collected and Processed during Stage 1, and why?*

What and why: During Stage 1, Eversheds Sutherland only collected Personal Data provided to it by individuals who contacted it in respect of the Inquiry. This was normally the contact details of individuals who expressed a wish either to provide evidence to the Inquiry, or to be contacted once the Chair had been appointed. Occasionally Eversheds Sutherland was contacted by individuals giving the Inquiry information relating to or identifying other individuals. Eversheds Sutherland also made notes of any specific instructions that the individual supplied, in respect of how to contact them, or if they had any specific concerns. These details were collected to facilitate further use in Stage 3 of the Inquiry and, where relevant, contact by or for the Chair with such individuals.

2. **Inquiry Terms of Reference, Stage 2: After appointment of the Chair and before publication of the Terms of Reference**

2.1 *Overview*

This Stage followed the appointment of the Chair but was prior to the publication of the agreed Terms of Reference. It involved the drafting of the Terms of Reference, public consultation on their terms via a consultation process, analysing public feedback received during the consultation, finalisation of the Terms of Reference accordingly and their publication.

It also included ongoing operation by Eversheds Sutherland as Commissioning Body of the Inquiry public website, helpline, email mailbox and postal address to collect initial information to facilitate Stage 3 of the Inquiry, as explained in relation to Stage 1 above.

2.2 *What Personal Data was collected and Processed during Stage 2, and why*

What and why: Where individuals provided responses to the public consultation by the Inquiry on its draft Terms of Reference, Eversheds Sutherland collected Personal Data comprising their name, contact details, responses to the questions raised as part of the consultation and their views on the Terms of Reference.

What data sharing and why: Eversheds Sutherland shared details of any responses, comments, feedback and suggestions it received on the draft Terms of Reference with the Chair, including, where necessary, any Personal Data, which was Processed to review and consider the comments and suggestions and to facilitate the finalisation of the Inquiry's Terms of Reference.

Additionally, the Chair received comments and responses at public meetings, which were shared by the Chair with Eversheds Sutherland for the purposes of reviewing and considering those comments and to finalise the Inquiry's Terms of Reference.

A summary of the key themes contained in the responses, comments, feedback and suggestions received during the consultation on the draft Terms of Reference (with Personal Data removed) was provided by Eversheds Sutherland to the Council, which was published on the Council's website.

3. **Evidence gathering and reporting, Stage 3: After appointment of the Chair and publication of the Terms of Reference and during the investigation and reporting stage of the Inquiry**

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3.1 Overview

During this Stage of the Inquiry, the appointed Chair takes control of it and leads the Inquiry in accordance with the published Terms of Reference. The Chair acts as Controller for Personal Data collected and Processed in this Stage. The Chair is responsible for:

- the overall management and operation of the Inquiry;
- leading and directing the Inquiry's investigations, including any Eversheds Sutherland staff engaged in supporting the Inquiry; and
- preparing and finalising the final Inquiry report.

The Inquiry is not a criminal or statutory investigation, and accordingly, neither Eversheds Sutherland nor the Chair has the power to compel organisations to provide information. Accordingly, where the Chair requires information from a third party relating to a witness, he may, in certain situations, need the written permission of the witness to permit the release of that information by that third party to the Chair.

Eversheds Sutherland performs the following Commissioning Body functions:

- the administration of the Inquiry, including entering into and managing any contracts for the provision of goods and/or services required for the management, operation and administration of the Inquiry, and making and keeping relevant Inquiry records;
- the ongoing operation of the Inquiry public website, helpline, email mailbox and postal address, and continuing to gather information through them as explained in Stage 1);
- analysing evidence gathered and identifying key stakeholders / participating bodies and witnesses, and making initial contact with them to secure their co-operation with the Chair;
- providing any legal advice to the Chair requested or required by him;
- holding the Chair to account, including reviewing the draft final report against the Terms of Reference;
- complying with applicable legal and regulatory obligations and requirements, including considering and dealing with any complaints or claims made in respect of the operation of the Inquiry; and/or
- providing progress reports.

Where Eversheds Sutherland Processes Personal Data in its role performing its Commissioning Body functions, it acts as a separate, independent Controller. Eversheds Sutherland acts as a Controller because, as a firm of solicitors, it is directly subject to legal and regulatory obligations with which it is legally obliged to comply, notwithstanding any instructions from the Chair.

3.2 What Personal Data was collected and Processed during Stage 3, and why?

What and why: The Chair will Process Personal Data provided by:

- witnesses, including survivors/victims of child sexual exploitation, their friends and families;
- public bodies, including schools, GPs and hospitals, the Council, the police, the probation service, the local safeguarding board and others;
- elected officials; and
- any other individuals or organisations that the Chair considers may have relevant information that may assist him in fulfilling the Terms of Reference.

This Personal Data may include:

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- information relating to actual or alleged instances of child sexual exploitation falling within the published Terms of Reference;
- educational and social care records;
- details of how any alleged offences were investigated;
- details of any prosecutions, convictions and/or sentencing arising from instances of child sexual exploitation or relating to individuals convicted of child sexual exploitation.

Due to the nature of the Inquiry, evidence collected is sometimes expected also to include Personal Data about individuals relating to more private or sensitive details comprising:

- information about their physical or mental health, injuries and/or medical treatment;
- their genetic data, or biometric data used for their unique identification;
- their racial or ethnic origin;
- their political opinions, religious or philosophical beliefs, or trade union membership;
- their sex life or sexual orientation.

These types of Personal Data comprise Special Category Personal Data. In addition, the evidence collected will sometimes include information about actual or alleged criminal offences of which the individual was either a survivor or victim.

Evidence collected during the investigation is also expected in some cases to include Personal Data about an individual relating to their:

- criminal prosecution(s), conviction(s) and sentence(s); and/or
- actual or alleged criminal offences.

These types of Personal Data comprise Criminal Records Data.

In performing its functions in Stage 3 as the Commissioning Body, the above details will also be Processed by Eversheds Sutherland.

Additionally, Eversheds Sutherland, as the Commissioning Body, may collect, monitor and use information, including personal data, published by individuals on social media, including Twitter, to gauge and consider any comments published by individuals that may impact on the Inquiry, individuals assisting the Chair or witnesses.

Eversheds Sutherland and/or the Chair may also post updates and other non personal data on Twitter to ensure that the Inquiry is run in an accountable and transparent manner.

~~What Personal Data will be shared and why: Personal Data collected by Eversheds Sutherland during Stage 1 and/or 2 as preliminary preparation for this Stage 3 will be shared by it with the Chair, where necessary for the purposes of allowing the Chair to undertake his investigations and prepare a final Inquiry report in accordance with the Terms of Reference. For the same reason, evidence, including Personal Data, collected by Eversheds Sutherland during Stage 3 will be shared by it with the Chair. Inquiry information and Personal Data collected or created by the Chair will, upon the conclusion of the Inquiry at the end of Stage 3, be transferred by, or for, the Chair to Eversheds Sutherland.~~

Social Media Communications

As part of Stage 3 of the Inquiry, the Chair may use social media to raise or increase public awareness of the Inquiry and to encourage potential witnesses to contact the Inquiry if they have not already done so.

The Chair has decided to use Facebook and its social media platform for this reason. To do this, the Chair will ask Facebook to display adverts intended to raise awareness of the Inquiry and encourage engagement with it. The content for such adverts are provided by

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the Inquiry to Facebook. The Chair believes that individuals aged 18 years of age, or older, and with a connection (whether because of where they live or work, or previously did so) with Telford or its surrounding area, are likely to be the most relevant to the Inquiry and therefore the type of Facebook users who are most likely to respond to a Facebook advert about the Inquiry.

The Chair will therefore ask Facebook to show Inquiry adverts to Facebook users who Facebook alone determines (from the Personal Data it already has about its users but which the Inquiry does not have and will not see or receive) fall within those age and location criteria. Facebook is and remains responsible for its own compliance with applicable laws, including in respect of data protection and privacy. Its privacy policy can be found at: <https://www.facebook.com/privacy/explanation>. The Chair has:

- not requested / will not request;
- not seen / will not see; and
- not received / will not receive

any Facebook user Personal Data from Facebook.

The Chair has not requested, and will not request, any selection by Facebook of potential recipients of the Inquiry advert from Facebook users based on any information around health data, sexual preferences, sexual exploitation, or criminal matters (Special Category Personal Data or Criminal Records Data).

The Chair, Eversheds Sutherland and Inquiry will have no information from Facebook about, and no way of knowing, which actual individual Facebook users will have received any such adverts. Only if, following receipt of any such advert, an individual contacts the Inquiry and volunteers that they received such an advert, will it become known to the Inquiry (and so the Chair and Eversheds Sutherland) that the individual is a Facebook user, falls within the Chair's age and location criteria provided to Facebook, and received the advert.

In order to measure the effectiveness of any such Inquiry provided Facebook adverts, the Chair and Eversheds Sutherland will receive from Facebook, aggregated statistical and anonymised information about the demographics of the Facebook user recipients of an advert. This will not allow the Chair or Eversheds to know which individuals received the advert, or provide the Chair or Eversheds Sutherland with any Personal Data about such recipients.

Facebook will use and control the Personal Data it holds to select relevant Facebook users to receive an advert from the Inquiry, on request from the Chair and based on the age and location criteria determined by the Chair and provided by the Chair to Facebook. As a result, both the Chair and Facebook will be deemed to be Joint Controllers, but only in respect of any Personal Data processed by Facebook in respect of the Inquiry adverts to:

- identify relevant Facebook user recipients who meet the Chair's age and location criteria;
- place Inquiry adverts in the Facebook feeds of such Facebook users; and
- provide anonymous, aggregated statistical data about receipt of the adverts to the Chair.

Where the Chair and Facebook have a Joint Controller role for all or any of the three identified purposes set out above (but not otherwise), individuals can exercise their data protection rights, as set out in section 9 below, in respect of any processing of their Personal Data undertaken by either Facebook or the Chair.

Facebook remains the responsible Controller for all use by it of Personal Data outside of the above three identified purposes and any request to exercise data protection rights in relation to any other uses of Personal Data by Facebook, should be directed solely to Facebook, and not to the Chair, Eversheds Sutherland or the Inquiry, none of whom have any responsibility for any such other uses of Personal Data by Facebook.

In respect of the three Joint Controller purposes for using Personal Data set out above, if you wish to exercise your rights against the Chair or Facebook, you can do so by contacting

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either the Chair (see section 9 below for how to do so), or Facebook (please see <https://www.facebook.com/privacy/explanation>). In the event that you choose to exercise any such rights through the Chair, as the Chair does not have access to any Personal Data held by Facebook, and will not know which individual Facebook users received the advert, in order to deal with and respond to your request, the Chair will need to provide your Personal Data (your identification and contact details, together with your request in respect of your rights) to Facebook for them to identify you as a Facebook user and enable them to comply with and respond to your request; and, if you choose to exercise such rights via the Chair, you accept that to comply with your request, the Chair will need to share relevant details with Facebook accordingly.

To the extent that following the Facebook advert, you engage directly with the Inquiry and provide your Personal Data, you can exercise your data protection rights as set out in section 9 below. You should not direct any requests to exercise your data protection rights relating to the Inquiry to Facebook, save for in relation to the three identified Joint Controller purposes.

What Personal Data will be shared and why:

Personal Data collected by Eversheds Sutherland during Stage 1 and/or 2 as preliminary preparation for this Stage 3 will be shared by it with the Chair, where necessary for the Purposes of allowing the Chair to undertake his investigations and prepare a final Inquiry report in accordance with the Terms of Reference. For the same reason, evidence, including Personal Data, collected by Eversheds Sutherland during Stage 3 will be shared by it with the Chair. Inquiry information and Personal Data collected or created by the Chair will, upon the conclusion of the Inquiry at the end of Stage 3, be transferred by, or for, the Chair to Eversheds Sutherland.

4. **Post Inquiry Report, Stage 4: Processing after the Inquiry has been concluded and the Inquiry report has been published, including data retention**

4.1 *Overview*

Once the Inquiry has concluded and the Inquiry report has been published, Eversheds Sutherland will take over responsibility for the retention and storage of all copies of the evidence (including Personal Data) received by it and/or the Chair, and whether during Stage 1, 2 or 3 as a Commissioning Body function.

4.2 *What Personal Data was collected and Processed in Stage 4, and why*

What and why: This will include all such information, including Personal Data, collected by the Chair (or on behalf of him) in the course of his work on the Inquiry. It will also include all information collected and used by Eversheds Sutherland as the Commissioning Body of the Inquiry.

Data retention

All this information, including Personal Data, will be retained by Eversheds Sutherland for a period of six years from the publication of the Chair's final report. At the end of that six year period all such information, including Personal Data will be securely destroyed, unless and to the extent any relevant details in that information are still needed for properly dealing with ongoing enquiries, investigations, proceedings, complaints, claims or legal or regulatory compliance, in which case any such retained information and Personal Data will be securely destroyed as soon as possible thereafter, once it is no longer necessary for it to be retained.

The Chair will not retain any Personal Data following the publication of the final Inquiry report.

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5. The Purposes and Legal Bases for Processing Personal Data

5.1 Purposes and Legal Bases for Processing of Personal Data

During the Stages of the Inquiry and as explained above, Eversheds Sutherland and/or the Chair will Process Personal Data for the following Purposes set out in paragraph 5.2 and based on the Legal Bases set out for them below.

A Legal Basis is required for all Processing of Personal Data by the Chair or Eversheds Sutherland, as set out in paragraph 5.3. In addition, for Processing Special Category Personal Data, a Legal Basis as set out in paragraph 5.4 is also required; and for Processing Criminal Records Data, a Legal Basis as set out in paragraph 5.5 is also required.

5.2 Purposes for which Personal Data is Processed

<u>Contact information</u>	During Stages 1, 2 and 3 preliminary contact information and details collected by Eversheds Sutherland will be used in Stage 3 to facilitate follow up by or for the Chair for the collection of evidence to, or involvement with, the Inquiry during Stage 3.
<u>Public feedback</u>	During Stage 2, the public feedback on the draft Terms of Reference was used by Eversheds Sutherland and the Chair to finalise the Inquiry's Terms of Reference. Throughout the Inquiry, including during Stage 3, Eversheds Sutherland and the Chair will encourage and consider any comments made to it by members of the public that may be relevant to, or assist the operation of the Inquiry, including via social media, such as Twitter.
<u>Encourage new witnesses</u>	<u>During Stage 3, the Chair will use social media to encourage individuals to come forward (if they have not already done so) to provide any information that may assist the Inquiry.</u>
<u>Collection and analysis of evidence</u>	<p>During Stage 3, information and evidence will be collected by the Chair, and by Eversheds Sutherland when assisting the Chair, and analysed to fulfil the Inquiry's Terms of Reference, including by following up contact information provided to the Chair and/or Eversheds Sutherland. This will also identify key stakeholders / participating bodies and witnesses. It will enable initial contact with them to be made to secure their co-operation with the Chair.</p> <p>This evidence gathering includes information sharing with third parties to allow them to locate, and then provide, the relevant information to the Inquiry, and, where necessary, to provide them with authorisation to provide evidence, including Personal Data, to the Inquiry. The collection and analysis will also involve interviewing witnesses and obtaining evidence relating to witnesses. See the Inquiry's FAQs available on the Key Documents page of the Inquiry Website: https://www.iitcse.com/key-documents, or on request, for more information about this process. This collection and analysis will be to:</p> <ul style="list-style-type: none"> • fully investigate and establish the facts relating to allegations of child sexual exploitation in, or linked to individuals living in or interacting with organisations located in, Telford; • identify if, and where, public bodies and other services have failed and/or are failing; and • where possible, to establish who is accountable for any failure.

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	<p>One of the primary purposes of the Inquiry is to identify from evidence collected and analysed:</p> <ul style="list-style-type: none"> whether existing measures to protect individuals from child sexual exploitation are sufficient and whether they were followed properly; and if any additional measures can and/or should be implemented to further protect individuals from child sexual exploitation.
<u>Information sharing</u>	<p>During Stage 3, information and evidence collected by or provided to Eversheds Sutherland will be shared with the Chair, and processed by the Chair in order to fulfil the Inquiry's Terms of Reference. Similarly, information collected by the Chair will be shared with Eversheds Sutherland to fulfil the Inquiry's Terms of Reference and allow it to perform its functions as the Commissioning Body, including for data retention in Stage 4.</p> <p>This Purpose also includes sharing information with third parties where necessary:</p> <ul style="list-style-type: none"> (as part of the collection and analysis of evidence) to help that third party to provide information requested by the Chair, by identifying the relevant individual and relevant records and information, locating and disclosing that information to the Chair; and to provide that individual's authorisation, where required, to allow that third party to share the requested information about the individual with the Chair (see paragraph 6.4); (as part of legal compliance) to comply with applicable legal obligations and requirements and court orders to disclose relevant Personal Data (see paragraph 6.5); and to ensure as required by law, that those accused or subject to complaint are able properly and fairly to defend themselves (see paragraph 6.6); (for risk prevention) to prevent or reduce risk of death, or serious injury, or other harm to affected individuals (see paragraph 6.3); and (for the management, operation and administration of the Inquiry) to enable the provision of required goods and services to it by third party contracted suppliers (see paragraph 6.2).
<u>Progress reporting</u>	<p>During Stage 2, Personal Data was collected and processed by Eversheds Sutherland to allow it, as the Commissioning Body, to assess and report on the Inquiry's progress to the Council. No Personal Data identifying any witnesses or third parties will be shared with the Council when providing progress reports to them.</p>
<u>Legal advice</u>	<p>During Stage 3 of the Inquiry, for the Chair to request and receive legal advice and for Eversheds Sutherland to provide to the Chair legal advice where relevant and necessary in respect of the Inquiry and/or their respective roles and functions.</p>
<u>Accountability</u>	<p>During the Stage 2 consultation on the Terms of Reference for the Inquiry, to allow the Chair, and Eversheds Sutherland as the Commissioning Body, to consider and take proper account of comments provided during the Inquiry's consultation on the Terms of Reference, before finalising them as published on the Inquiry Website.</p> <p>During Stage 3, to enable Eversheds Sutherland to hold the Chair to account, by ensuring that the Chair adheres to the Terms of Reference</p>

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	and fulfils them, including by reviewing the draft final report from the Chair against the Terms of Reference.
<u>Public reporting</u>	During Stage 3, the ultimate objective of the investigation and analysis by the Inquiry is for the Chair to prepare and publish a written report making recommendations for the future. This will also include making appropriate use of information and Personal Data collected and analysed in Stage 3 in the final report. See the FAQs, available on the Key Documents page of the Inquiry Website: WWW.IITCSE.COM/KEY-DOCUMENTS , or on request, for more information about this process.
<u>Inquiry management and operation</u>	<p>During Stage 3, Personal Data may be collected and Processed by the Chair, or by a third party acting on behalf of, or at the request of, the Chair, –to identify where there are problems in securing evidence requested by the Inquiry, or to measure the effectiveness of any measures implemented to secure additional evidence or encourage further witnesses. This information may be shared with Eversheds Sutherland and/or the organisations from which the Chair has requested information, to allow the Chair, Eversheds Sutherland as the Commissioning Body, and that organisation, to identify what issues are hindering the sharing of information, and to agree measures to resolve the delays.</p> <p>Personal Data may also be Processed by the Chair to respond to and prepare responses to media enquiries. Personal Data will only be shared with the media where permitted by law and provided the relevant individual has given their consent to such sharing, or to the extent that sharing is necessary to respond to public comments made by that individual.</p>
<u>Inquiry website and cookies</u>	During Stages 1, 2 and 3 of the Inquiry, the operation by or for Eversheds Sutherland of the Inquiry website, www.iitcse.com , to provide information about the Inquiry to the public and facilitate their engagement and involvement with the Inquiry for the above Purposes. In addition, to ensure the effective operation of the Inquiry Website, it deploys cookies technology which can track individual visitors but only during their current actual visit to the Inquiry website. Other cookies may be installed only where visitors to the Inquiry Website have expressly consented to them. For further information, please see the Inquiry Website's cookie policy, available at https://www.iitcse.com/cookie-control .
<u>Inquiry helpline, post and email</u>	During Stages 1, 2 and 3 of the Inquiry, Eversheds Sutherland will provide the public with an accessible means of interacting with the Inquiry, including a means for them to register their interest in the Inquiry, provide their contact information, feedback and, or evidence and information for the above Purposes.
<u>Administration of the Inquiry</u>	During Stages 1, 2, 3 and 4 of the Inquiry, Eversheds Sutherland will deal with any complaints about the Chair and manage contracts with Inquiry Processors.
<u>Data retention</u>	During the Inquiry and until all Personal Data collected is securely deleted at the end of its Stage 4, Eversheds Sutherland will retain and store all information collected, including documentation and records obtained or created by the Inquiry in case of need during the relevant stated retention period.

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<u>Legal compliance</u>	During Stages 1, 2, 3 and 4 by Eversheds Sutherland and during Stages 2 and 3 by the Chair, to comply with legal and regulatory obligations and requirements; to deal with the exercise of individual rights, queries, complaints, claims and any legal proceedings. This includes information sharing to comply with legal obligations, court orders and fair process legal requirements.
<u>Risk prevention</u>	During Stages 1-4 Eversheds Sutherland (and also the Chair during Stages 2 and 3) may need to disclose Personal Data to protect the safety of an individual to a health professional or the police.

Each of the above Purposes includes all reasonable and related preparatory and supporting Processing, including for record keeping and IT hosting, support and maintenance, audit and data security.

5.3 Legal Bases for all Personal Data Processing

<u>Legal obligation</u>	Where Processing the Personal Data is necessary for Eversheds Sutherland to comply with a legal obligation with which it must comply, it can rely on this basis. Likewise, where Processing the Personal Data is necessary for the Chair to comply with a legal obligation with which he must comply, he can rely on this basis. This will normally apply to Processing for the Purpose of legal compliance (including relevant information sharing).
<u>Public interest</u>	Eversheds Sutherland or the Chair can rely on this where their Processing of the Personal Data is necessary for the performance of a task carried out by them in the public interest. This includes where the task is needed to perform a function conferred on them or a third party, e.g. the Council, by law. This will apply to Processing for the Purposes of contact information, public feedback, collection and analysis of evidence, information sharing, progress reporting, legal advice, accountability, Inquiry management and operation and administration, operating the Inquiry website, helpline and mailbox and data retention. It will also apply to Processing for the Purpose of legal compliance where not based on a legal obligation or for risk prevention information sharing outside emergency cases.
<u>Legitimate interest</u>	Eversheds Sutherland <u>and/or the Chair</u> can rely on this basis where Processing the Personal Data is necessary for it to pursue its legitimate interests (or those of a third party). It must make sure that it has considered the potential impact of such Processing on the affected individual, their rights and the protection of their Personal Data and mitigate any such impact to ensure the Processing is, on balance, justified and proportionate. This is even more important where the affected individual is a child. Likewise, the Chair can rely on this basis where needed to pursue his legitimate interests (or those of a third party). This will apply to all Processing set out under public interest above, to the extent that basis does not apply, in particular to Stage 4 data retention and Stage 1 and 2 information sharing.
<u>Vital interests</u>	Eversheds Sutherland and/or the Chair can rely on this basis where their Processing of Personal Data is necessary to protect the vital interests of

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	<p>an individual, or another person and Eversheds Sutherland or the Chair is unable to contact the individual to obtain consent without placing the individual at risk. This means where the Processing is needed to protect the relevant individual or person in a life or death situation, or from risk of very serious and imminent harm.</p> <p>This will apply to Processing for the Purpose of risk prevention (including related information sharing in emergency cases).</p>
<u>Consent</u>	<p>Where the affected individual gives their voluntary, informed, express consent to Eversheds Sutherland for it to Process their Personal Data for one or more specific Purposes, Eversheds Sutherland can rely on this basis. Likewise, such individual consent given to the Chair, allows the Chair to rely on this basis for his Processing.</p> <p>This will apply to Processing for the Purposes of using Inquiry website cookies. It will also apply to Processing for any Purpose where none of the other Legal Bases in this section are relevant.</p>

5.4 Legal Bases for Processing Special Category Personal Data

<u>Vital interests</u>	<p>Eversheds Sutherland and/or the Chair can rely on this basis where their Processing of Personal Data is necessary to protect the vital interests of an individual, or another person and where that individual or person is legally or physically incapable of providing their consent, or where, due to the nature of risk, Eversheds Sutherland and/or the Chair are unable to contact that individual or person to obtain their consent in time to protect them. This means where the Processing is needed to protect the relevant individual or person in a life or death situation, or from risk of very serious and imminent harm.</p> <p>This will apply to Processing for the Purpose of risk prevention in emergency cases.</p>
<u>Legal claims</u>	<p>The Processing of the Personal Data must be needed to establish, exercise or defend legal claims. This can be by Eversheds Sutherland and/or the Chair.</p> <p>This will apply to Processing for the Purpose of legal advice and/or legal compliance related to claims.</p>
<u>Substantial public interest</u>	<p>Eversheds Sutherland or the Chair can rely on this where Processing the Personal Data is necessary for reasons of substantial public interest and proportionate to the aim being pursued. Proper account must have been taken of any impact on the affected individual and their rights to ensure appropriate safeguards have been implemented. It can be relied on in a number of contexts where Processing is necessary:</p> <ul style="list-style-type: none"> • <u>statutory purposes</u>: for the purpose of a function conferred on a person (whether Eversheds Sutherland, the Chair, the Council or otherwise) by enactment or rule of law; • <u>prevention or detection of unlawful acts</u>: to prevent or detect an unlawful act and must be undertaken without individual consent in order not to put that objective at risk; • <u>protecting the public against dishonesty</u>: for a protective function to protect the public against dishonesty, or seriously improper conduct,

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	<p>unfitness or incompetence, mismanagement of a body, or failure in services provided by a body or organisation and must be undertaken without individual consent in order not to put that objective at risk;</p> <ul style="list-style-type: none"> • <u>safeguarding children or individuals at risk</u>: to protect an individual from neglect, or physical, mental or emotional harm, or to protect their physical, mental or emotional wellbeing where: <ul style="list-style-type: none"> ◦ the individual is under 18 years; or ◦ where the individual is at risk because the Chair or Eversheds Sutherland as the case may be reasonably believe the individual to have needs for care and support, or to be experiencing (or be at risk of) neglect, or physical, mental or emotional harm; and as a result is unable to protect themselves against that neglect, harm or risk; and <p>their consent cannot be obtained because: the individual is unable to provide it; or Eversheds Sutherland or the Chair as the case may be cannot in the circumstances reasonably be expected to obtain the consent; or obtaining the consent would put the safeguarding at risk.</p> <p>This will apply to Processing Special Category Personal Data for the Purposes of contact information, public feedback, collection and analysis of evidence, information sharing, progress reporting, legal advice, accountability, Inquiry management and operation and administration, operating the Inquiry website, helpline and mailbox and data retention. It will also apply to Processing for the Purpose of legal compliance where not based on a legal obligation. It will also apply to Processing for the Purpose of legal compliance where not related to a legal claim, or for risk prevention information sharing outside emergency cases.</p>
<u>Explicit consent</u>	<p>It applies where the individual gives their explicit, voluntary and informed consent to one or more specific Purposes. The consent can be to Eversheds Sutherland for use by it; or to the Chair for use by him.</p> <p>This will apply to Processing of Special Category Personal Data for any Purpose where none of the other Legal Bases in this section are relevant.</p>

5.5 Legal Bases for Processing Criminal Records Data

<u>Substantial public interest</u>	<p>It applies in the same way as it would to Processing Special Category Data.</p> <p>This will apply to Criminal Records Data for the Purposes of contact information, collection and analysis of evidence, information sharing, progress reporting, legal advice, accountability, Inquiry management and operation and administration, operating the Inquiry website, helpline and mailbox and data retention. It will also apply to Processing for the Purpose of legal compliance where not based on a legal obligation and for risk prevention outside emergency cases.</p>
<u>Legal claims</u>	<p>The Processing of the Personal Data must be needed to establish, exercise or defend legal claims, to obtain legal advice or in connection with actual or prospective legal proceedings. This can be by Eversheds Sutherland and/or the Chair.</p>

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	This will apply to Processing for the Purpose of legal advice and/or legal compliance related to claims.
<u>Consent</u>	It applies where the individual gives their express, voluntary and informed consent to one or more specific Purposes. The consent can be to Eversheds Sutherland for use by it; or to the Chair for use by him. This will apply to Processing of Criminal Records Data for any Purpose where none of the other Legal Bases in this section are relevant.

6. Who else will Personal Data be shared with?

6.1 Other data sharing

Neither Eversheds Sutherland nor the Chair will share any Inquiry related Personal Data with Local Authorities, other public bodies or other persons or organisations, without that individual's prior consent, unless the sharing is deemed necessary and falls within one of the information sharing scenarios set out in privacy information provided to affected individuals by the Chair and/or Eversheds Sutherland from time to time, such as in this privacy notice.

Online browsing information about visitors to the Inquiry Website will only be shared with third parties:

- where required for the proper operation of the Inquiry Website (such as to present requested Inquiry Website pages or information, or to deal with another request from an individual visiting the Inquiry Website), or
- otherwise where the visitor to the Inquiry Website has consented to such sharing with the named third party, such as when the Inquiry Website cookies policy and consent process identifies a third party and explains about their cookie which will be installed with the visitor's consent, to which the visitor has agreed. For further information please see the cookie policy for the Inquiry Website, available at <https://www.iitcse.com/cookie-control>.

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6.2 Third party service provider Processors

Any information, including Personal Data, provided to Eversheds Sutherland and/or the Chair, may be transferred to third-party contractors providing services to either or both of them, such as the operation of IT systems used, or to allow the secure storage of information, as well as allowing the Inquiry to review and analyse information. The contractors will act as Processors acting on behalf, and under the control, of Eversheds Sutherland or the Chair. Where this is the case, these Processors are subject to stringent contractual obligations in relation to ensuring the security and confidentiality of the information, including Personal Data, they hold on behalf of the Eversheds Sutherland or the Chair. This means that they cannot do anything with that Personal Data unless instructed to do so. These Processors cannot share any Personal Data with any organisation apart from the Chair and/or Eversheds Sutherland unless instructed to do so, except where required to do so by law or Court order.

6.3 Risk prevention

The Chair and/or Eversheds Sutherland may share Personal Data where: the disclosure is necessary for the safety of an individual/s and the disclosure is made either to:

- a medical professional or counsellor operating under an obligation of confidentiality; or

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- to the Police.

In the above situations, the Chair will, wherever possible, discuss the disclosure with the relevant data subject/s concerned and take on board any comments he/she may make, but where the Chair or Eversheds Sutherland consider that there is a real and imminent risk to an individual/s (or where legal obligations prevent the Chair or Eversheds Sutherland from doing so), they may make such a disclosure without any further reference to the relevant data subject/s.

6.4 *Accurate identification and authorisation to obtain Inquiry evidence*

The Chair/Eversheds Sutherland needs to share an individual's name, and possibly other Personal Data such as a date of birth, with a person or organisation which the Chair/Eversheds Sutherland believes holds information that is relevant to the Inquiry, for example, when requesting social services files or Police records. This is explained in the FAQs available on the Key Documents page of the Inquiry Website: <https://www.iitcse.com/key-documents>, or on request.

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6.5 *Legal obligation or court order*

The Chair and/or Eversheds Sutherland will share relevant necessary Personal Data with a third party to the extent the disclosure is required to comply with a legal obligation, such as a Court order, with which they must comply.

6.6 *Fair process sharing*

Where an individual makes allegations about: an organisation who had responsibilities towards the individual, for example, who should have acted to protect the individual; and/or a person who is named as being a perpetrator, the Chair may be legally required to provide that person and/or organisation with information about the allegations raised, together with the identity of the person making the accusations, in order to allow them the right to challenge or rebut any allegations made against them or to seek legal advice and/or representation in respect of the allegations (fair process). This is a legal obligation, sometimes referred to as Maxwellisation.

If at any stage prior to the release of any information to that individual or organisation (or an organisation responsible for that perpetrator), the accuser, survivor or victim does not want their Personal Data shared by the Chair with that organisation or alleged perpetrator, they can object to its release and the Chair will comply with such objection. However, in complying with such objection, the Chair will then not be able to use any information relating to the alleged incident for the purposes of the Inquiry, for example, to make criticisms of individuals or organisations or to seek further information from the organisation/s or individual/s. This is explained in the FAQs available on the Key Documents page of the Inquiry Website: <https://www.iitcse.com/key-documents>, or on request.

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7. **International transfers**

7.1 All Personal Data held is stored by Eversheds Sutherland and the Chair within the United Kingdom. Any Personal Data Processed by any third party service provider Processor appointed by Eversheds Sutherland (for itself, or for and on behalf of the Chair) may be transferred and stored securely within the European Economic Area. This region is currently recognised under Data Protection Laws as having laws which adequately safeguard the Processing of Personal Data and the rights of individuals in respect of their Personal Data.

If required by Data Protection Laws to ensure adequate safeguard, EU/UK approved Standard Contractual Clause agreements will be entered into between Eversheds Sutherland or the Chair and such third party service provider Processors in respect of the transfer of relevant Personal Data from the UK to the European Economic Area and/or, where necessary, for its return.

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8. Security of Personal Data

8.1 Confidential

Any Personal Data provided to either the Chair or Eversheds Sutherland will be kept confidential, and will not be used for purposes other than set out in this Privacy Notice (or any related supplemental privacy information, or subsequent privacy notice provided to affected individuals).

When Processed by or for the Chair or Eversheds Sutherland, only the Chair, a small group of Eversheds Sutherland staff and certain experts instructed to assist the Chair, if any, will or may be given access, where necessary to perform their tasks, to Personal Data, and will all:

- have received training on their Data Protection Law obligations and on keeping Personal Data secure;
- be subject to contractual and/or professional obligations of confidentiality;
- be given access to Personal Data only where necessary;
- have undergone relevant DBS checks; and
- have the ability to be monitored and audited in respect of what Personal Data they have accessed in the course of their work in respect of the Inquiry.

8.2 Security measures

Eversheds Sutherland has implemented extensive measures intended to ensure that any information, including Personal Data processed for and/or by the Chair, is kept secure and separate from information used in the course of its other work. These measures include:

- the use of encryption;
- the use of systems to restrict access to the information to specified individuals only;
- keeping a record of who, from Eversheds Sutherland, has had access to specific information and when they accessed it; and
- monitoring all e-mails sent and received by individuals using Eversheds Sutherland's systems in the course of their work for the Inquiry.
- hard copy documents relating to the Inquiry held by Eversheds Sutherland are stored in locked, secure locations that can only be accessed by staff engaged by Eversheds Sutherland to work on the Inquiry.

Eversheds Sutherland and the Chair have undertaken, and/or will undertake, appropriate checks to ensure that any third-party Processors who Process Personal Data provide sufficient guarantees to comply with the Data Protection Laws before their appointment; and if appointed are contractually obliged comply with mandatory requirements required to comply with Data Protection Laws, in particular to take all appropriate technical and organisational measures (including to ensure the confidentiality, controlled access to and Processing of, and security of Personal Data).

9. Individual rights, complaints and contact

9.1 Individuals rights

Individuals have the right to:

- request information about how their Personal Data is processed;
- request access to their Personal Data, including a copy of their Personal Data;

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- request that any errors in their Personal Data are corrected without any undue delay;
- request that any incomplete Personal Data is completed, including by means of a supplementary statement;
- request that their Personal Data is erased if there is no longer a justification for it to be processed;
- request that the processing of their Personal Data is restricted;
- object to the processing of their Personal Data; and/or
- request a copy of any Personal Data they have provided to Eversheds Sutherland or the Chair in an electronic format, and for this to be provided in a structured, commonly used and machine-readable format.

Where Eversheds Sutherland or the Chair are relying on an individual's consent as the basis to process their Personal Data, the individual has the right to withdraw their consent to the processing of their Personal Data at any time.

These rights may be dependent on the reasons for which Eversheds Sutherland and/or the Chair uses an individual's Personal Data. If this is the case and the rights the individual tries to exercise do not apply, Eversheds Sutherland and/or the Chair will respond and explain the reasons why it is unable to fully comply with the request(s).

If the individual wishes to make a request, they must try to provide as much detail as possible about the information concerned, to help Eversheds Sutherland or the Chair to deal with the request and if the individual wants to be contacted by a specific channel or using specific contact information, this should be explained.

Due to the sensitivity of the information being processed by the Chair and Eversheds Sutherland, any requestor may be contacted to provide satisfactory evidence to confirm their identity, before either the Chair or Eversheds Sutherland starts to comply with their request.

9.2 Complaints

If an individual considers that either Eversheds Sutherland or the Chair to the Inquiry have misused or mishandled their Personal Data, or if the individual believes that their Personal Data has been Processed outside the scope of the privacy information provided to the individual, please contact Eversheds Sutherland on the details below at paragraph 9.3.

However, the individual is also entitled to refer any complaints 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
Tel: 0303 123 1113
Email: casework@ico.org.uk.

Further information as to the functions and powers of the Information Commissioner's Office, and how to complain can be found on their website: www.ico.org.uk. Any complaint to the Information Commissioner is without prejudice to the individual's right to seek redress through the Courts.

9.3 Contact details

If an individual has any queries or complaints in respect of either the Chair or Eversheds Sutherlands' Processing of their Personal Data or wishes to exercise their individual legal

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rights in respect of any Inquiry related Personal Data Processed by Eversheds Sutherland or the Chair as set out in this document, please contact:

E-mail: mail@IITCSE.com
Telephone: 0800 398 4322
Post: The Independent Inquiry into Telford Child Sexual Exploitation
c/o Eversheds Sutherland LLP
115 Colmore Row,
Birmingham B3 3AL

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10. **Freedom of Information**

10.1 *Public authorities*

Both Eversheds Sutherland and the Chair operate independently of the Council and therefore will not be subject to the Freedom of Information Act 2000.

The Council will not have access to any Personal Data collected by Eversheds Sutherland and/or the Chair, other than information provided by the Council itself, or where the Chair needs to provide such information to the Council to allow him to proceed with his investigations, for example, the names, addresses and dates of birth of individuals that he may require the Council to provide information about.

11. **Review of and changes to this notice**

11.1 This notice will be regularly reviewed and may be subject to revision. Any revision to the privacy notice will be highlighted on the website and in subsequent communications sent by Eversheds Sutherland and/or the Chair relating to the Inquiry.

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Terms explained

Term used	Explanation
Chair	Tom Crowther QC, appointed as the independent Chair of the Inquiry ("the Chair") in June 2019 by the Commissioning Body
Commissioning Body	Eversheds Sutherland (International) LLP, being the body tasked by the Council to set up and operate the Inquiry
Controller	The organisation or person who decides what Personal Data to collect, why and how and who is as a result legally responsible for ensuring that any such Personal Data is Processed in accordance with the Data Protection Laws.
Council	Telford & Wrekin Borough Council.
Criminal Records Data	Criminal Records Data, which includes information relating to: <ul style="list-style-type: none"> any criminal convictions of an individual; sentences imposed on an individual; prosecutions of an individual; and/or actual or alleged criminal offences by an individual
Data Protection Laws	The laws applicable to the Processing of Personal Data in relation to the Inquiry by or for Eversheds Sutherland and/or the Chair and/or which safeguard the related Personal Data and/or privacy rights of affected individuals.
European Economic Area	The European Union member states from time to time, together with Iceland, Liechtenstein and Norway.
Eversheds Sutherland	Eversheds Sutherland (International) LLP, a firm of solicitors.
ICO or Information Commissioner's Office	The regulatory authority in the UK whose function is to ensure compliance with the Data Protection Laws and/or public access to information laws, like the Freedom of Information Act 2000
IITCSE	The Independent Inquiry into Telford Child Sexual Exploitation.
Inquiry	
Inquiry Website	The website for the Inquiry, at: WWW.IITCSE.COM
International Transfer(s)	The transfer of Personal Data from within the European Economic Area outside the European Economic Area.
<u>Joint Controllers</u>	<u>This is where two or more Controllers jointly determine the purpose and means of processing. In terms of the Inquiry, this will occur where the Chair uses social media to promote the Inquiry. Where this occurs, both the Chair and the social media provider will be deemed to be Joint Controllers, but only in respect of their joint processing of Personal Data for the purposes of promoting the Inquiry.</u>

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Term used	Explanation
Legal basis or bases	<p>Under Data Protection Laws, a Controller cannot Process an individual's Personal Data for just any reason or purpose they want – only those which are permitted by the Data Protection Laws.</p> <p>Data Protection Laws set specific grounds or 'legal bases' for which Personal Data can be used lawfully. All and any Processing of any Personal Data must fall within one legal basis for normal Personal Data use.</p> <p>In addition:</p> <ul style="list-style-type: none"> - any Special Category Personal Data can only be Processed for a Purpose within one of the Special Category Personal Data Legal Bases; and. - any Criminal Records Data can similarly only be Processed for a Purpose within one of the Criminal Records Data Legal Bases.
Personal Data	<p>Personal Data is defined as any information relating to or identifying any individual(s), either directly or indirectly, including by reference to, for example, a name, identification number or one or more factors specific to that individual.</p> <p>It may in addition fall into one of two other categories: Special Category Personal Data, or Criminal Records Data.</p>
Process, Processing, Processes, Processed	<p>This covers any use of any Personal Data of any type in respect of the Inquiry by or for Eversheds Sutherland or the Chair, whether active eg emailing it, or passive e.g. storing it in archive boxes. It covers every use of Personal Data from its collection; recording and storing it; reading, copying or printing it; amending or copying it; sharing, disclosing or publishing it; to deleting or destroying it.</p>
Processor	<p>The organisation or person appointed by a Controller, on whose behalf and on whose instructions the Personal Data concerned is Processed, such as a service provider hosting a website for a client, or storing Personal Data for a client.</p>
Purposes	<p>The reasons why Personal Data is Processed, such as to collect evidence and undertake an investigation.</p>
Special Category Personal Data	<p>Special Category Personal Data (also known as Sensitive Personal Data), which includes information relating to an individual's:</p> <ul style="list-style-type: none"> • health, including any medical treatment; • racial or ethnic origin; • political opinions; • religious or philosophical beliefs; • trade union membership; • genetic data or biometric data for unique identification; and/or • sex life or sexual orientation.
Terms of Reference	<p>The Terms of Reference of the Inquiry detailing its scope and approach, as determined by Eversheds Sutherland, as the Commissioning Body, in consultation with the Chair. A copy of the Terms of Reference can be found at https://www.iitcse.com/documents/terms-of-reference-3</p>

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