National Law Enforcement Data Service

Law Enforcement Data Service: Scenarios for holding my data

Data Processing: Law Enforcement Purpose

Your data may be held on LEDS for number of reasons and purposes. You will often know that your data is being captured onto a database after an encounter with the Police (for law enforcement activities) or with the DVLA (for general driver licence storage) for example.

Data processing responsibilities are established under the **General Data Protection Regulation** and (or) the **Data Protection Act 2018.**

Data processing undertaken by the Police will most likely be for the primary purpose of **law enforcement** as defined in **DPA Part 3.** It can only be performed by a competent authority, as listed in Schedule 7;

The law enforcement purpose is defined as *'the prevention, investigation detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security*

The Controller of the data is responsible for how that data is being processed. The **purpose** must be established before processing begins and must remain the primary purpose throughout that processing. It is possible for the purpose to change, but there must be an appropriate, proportionate reason for the change of purpose.

It is also possible that LEDS could process the same data for multiple purposes. The key point is that the Controller(s) must ensure that they adhere to the obligations of each specific purpose. For all non law enforcement processing , the DPA Part 2 should be read in conjunction with GDPR.

Data Processing: General Purpose

The **Data Protection Act 2018, Part 2** details data processed for a general purpose and should be read in alignment with GDPR. This will apply for the safeguarding of data, once there are no criminal investigations.

The GDPR established **6 purposes** for processing data. The data must meet at least one of these purposes. As with law enforcement, each has a direct impact on the exercise of individual's rights, lawful basis and governance;

- Consent
- Contract
- Legal obligation
- Vital interest
- Public task
- Legitimate interest

Q: Why's my personal data on LEDS?

A: You have been suspected of committing OR planning to commit an offence

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Suspect	There has been a direct allegation(s) made against you	Details of incident recorded (no caution or conviction)	Y & N
Suspect	There has been a direct allegation(s) made against you as a minor - e.g. Sexting – Outcome 21	Informal resolution – Details of incident recorded criminal matter	Y
Outstanding matters	Police Intelligence has been gathered about you	Information gathered but not decision has been reached or was never pursued	N
Suspect	Police Intelligence has been gathered about you	You have been arrested or are about to be arrested	N

Q: Why's my personal data on LEDS?

A: You have been arrested for a criminal offence

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Suspect	You have been arrested on suspicion of committing a recordable offence	Charged with an offence	Y
Suspect	You have been arrested on suspicion of committing a recordable offence	Released under police bail, incl. conditional bail [The Police can release you on police bail if there is not enough evidence to charge you or with certain conditions. Pending further information]	Y
Suspect	You have been arrested on suspicion of committing an offence	Subject to the legal process, for example waiting to appear at court [i.e. bail denied]	Y
Suspect	You have been arrested on suspicion of committing an offence	You have been charged with an offence and remanded in custody until court hearing	Y

Q: Why's my personal data on LEDS?

A: You have been arrested for a criminal offence

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Offender	You have been arrested, charged to Court and convicted in a court	Conviction	Y
Offender	You admitted an offence & accept a caution – Either Adult Simple or conditional (with conditions, if completed case is closed without a criminal conviction)	You are arrested for a crime – Adult (form part of a person criminal record/ potentially for a limited time)	Y
Offender	You are arrested for a crime – Youth (aged 10-17)*	You accept a Youth Caution or Youth Conditional Caution	Y

**Separate retention policies apply for young offenders*

Q: Why's my personal data on LEDS?

A: You have a legally enforceable restriction placed on your activities by the Courts, the Police or other official body

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Suspect	You have been charged with an offence and freed to return. - charge bailed	You have been given a Post-charge & Bailed to appear in court on a given day	Y
Controlled	You have been made the subject of a Court Order	You have been issued with a tag i.e. expected to: Stay at the restriction place during the times ordered, Keep away from any area that the person is restricted from.	Y
Wanted	A person sought by the Courts	Warrant issued – Issued by a judge for the person's arrest.	N
Wanted	Your data's placed on LEDS	Entered as a 'Wanted if sought in connection with a crime i.e. suspect,	N

Q: Why's my personal data on LEDS?

A: You have been a victim of a reported crime

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Contact	You have been the victim of a crime - sexual offence	Details recorded	Y
Contact	You have been the victim of a crime Domestic violence	Details recorded	Y
Contact	You have been the victim of a abuse i.e. child abuse, exploitation	Details recorded	Y

As a victim (or witness) – you are not a full LEDS subject. Though you would be searchable by virtue of having given a statement or crime report.

Q: Why's my personal data on LEDS??

A: Law Enforcement have a Safeguarding responsibility towards you (not a victim)

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Missing	You have been reported as missing - NRMP	Details recorded on LEDS via NRMP database	N
Missing	You have been reported missing and subsequently found without further concern	Details recorded on LEDS via NRMP database (details kept on LEDS for a time for safeguarding)	N
Wanted	You have absconded from a specified institutions, i.e. Prison	Details recorded - LEDS Marker	Y
Vulnerable	You have a health condition or other impairment	Details recorded – will appear on first page on LEDS to ensure safeguarding responsibilities to individual and to the officer	N
Locate as Witness	You are sought by law enforcement due to potentially having critical information for an investigation or other enquiry (not a suspect)	Details captured in LEDS as a witness.	N

As a witness, your personal data cannot be searched & will be clearly separated from data relating to a suspect or offender

Q: Why's my personal data on LEDS?

A: You are applying for, hold or have held a Firearms Licence

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Firearms Licence holder	You own a firearm or renewed firearm certificate	Details available in LEDS	Y
Firearms Licence holder	You have been refused or had a firearm licence revoked	Details available in LEDS	Y
Firearms Licence holder	You are a firearms dealer	Details available in LEDS	Y
Firearms Licence holder	You have applied for a firearm licence	Details available in LEDS	Y

Q: Why's my personal data on LEDS?

A: You are a registered keeper for a vehicle

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Vehicle Keeper	Police wish to find out the registered keeper of a vehicle	Data retrieved from DVLA	Y
Vehicle Keeper	Police wish to find out if driver is insured to drive the vehicle.	Data retrieved from DVLA and Insurance database	Y

As a vehicle keeper this information is downloaded from the DVLA into LEDS

Q: Why's my personal data on LEDS?

A: You are a disqualified driver but not arrested or convicted of a recordable offence

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Vehicle Keeper	You have been convicted of a driving offence	Disqualified - You have been disqualified by a Court	Y
Vehicle Keeper	You have received 12 or more penalty points within 3 years	Disqualified – You have been disqualified by a court [Disqualification Marker]	Y
Wanted	A vehicle has a LEDS marker placed upon it, e.g. for association in a missing person.	DVLA marker – an alert placed by Police or DVLA	N

Q: Why's my personal data on LEDS?

A: You have reported an incident

LEDS Role	Typical Scenario	Outcome	Aware of initial data capture?
Contact	As a contact, you are not a subjects in LEDS. Your details are captured in connection with another LEDS subject. Your details cannot be searched	You have been captured on LEDS as a social worker or probation officer	Y
Contact	Your details are captured as a result of reporting someone missing. Your details cannot be searched	Details captured	Y
Contact	Your details are captured as a result of reporting an item stolen. Your details cannot be searched	Details captured	Y
Contact	Your details are searchable on LEDS as a result of being a victim or witness to an offence	Details captured in the report details	Y

Roles & LEDS

Data entered into LEDS will fall into at least one of the below categories. It is possible for a person to have multiple roles within a given event or be linked to others due to association. For example, a witness and a suspect as a result of an altercation.

- Suspect
- Wanted person
- Outstanding matter
- Offender
- Controlled person
- Disqualified driver
- Locate as witness
- Vulnerable person
- Missing person
- Firearm Licence holder
- Vehicle driver