



PRIVACY NOTICE

FOR THOSE HAVING PRE-SENTENCE REPORTS (MAGISTRATES COURT REPORT OR CROWN COURT REPORT) COMPILED

INTRODUCTION

We are giving you this notice because we have been asked to prepare a Pre-Sentence Report (PSR) in your case. A PSR is used to assist the court in deciding what the sentence might be and you have consented to a PSR being prepared. The law regarding PSRs is set out in the Criminal Justice Order (NI) 1996 and when PBNI writes a report it complies with PBNI Standards.

In preparing this report, PBNI takes extremely seriously its requirements under data protection law to store, protect and, if necessary, share your information.

WHAT INFORMATION WILL THE PSR CONTAIN?

A PSR will include:

- Details of the offence(s) with which you have been charged.
- Your personal circumstances, for example, your family, employment, any addiction issues, health complaints or other difficulties you may have.
- Your views about your offence(s), and what you think about the victims of your offence(s).
- Other offences for which you have been convicted of previously.
- An assessment of risk and likelihood of your re-offending.

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To get all of the information for the report the probation officer may have to talk to other people who know you. For example the probation officer may need to talk to your family, doctor, employer or others.

The officer will also have access to your criminal record and may also get information from depositions and previous PSRs if there are any. These will be available to the probation officer from the Police Service for Northern Ireland, the Northern Ireland Court Service and the Public Prosecution Service for Northern Ireland. The probation officer will tell you who they need to talk to.

WHO WILL THE PSR BE SHARED WITH?

The PSR will be shared with:

- Your solicitor
- The Public Prosecution Service
- The Sentencing Judge
- Staff in PBNI
- Staff in the Courts

There are other occasions in due course when the PSR may also be shared:

- If as a result of your sentence you go to prison or Juvenile Justice Centre, the people involved in your case there.
- The Parole Commissioners for Northern Ireland if they are required to consider your release.
- If they have been assessed and registered with PBNI's Victim Information Scheme, the victim in your case though only information about your sentence and NOT any personal information about you will be provided to them.
- If you are being considered for an Enhanced Combination Order we may contact Victim Support and give them your name to check if there is an identifiable victim.

We will not share the information contained in the PSR beyond this list unless you agree; or the law requires us to do so; or the law allows it and we believe it is important to do so for example protecting people, investigating or prosecuting crime.

WHAT RIGHTS DO I HAVE?

The contents of the report will be shared with you as, under Data Protection law, you have a series of rights around access to your personal information. Those rights are also subject to certain limits where, for example, sharing the information would obstruct a criminal process, investigation or sentence, or cause a public threat or danger. Subject to those conditions, you have a right:

- to obtain confirmation that your personal information is being processed, and have access to it;
- to have your personal information rectified if it is inaccurate or incomplete;
- to have your personal information erased and to prevent processing, in specific circumstances;
- to object to processing, halt or suspend the processing of your personal information while it is being checked; and
- In specific and limited circumstances, a right to “data portability” which means a right to receive or transfer certain personal information in a machine-readable way.

RETAINING AND HOLDING YOUR INFORMATION

We will only retain your information for as long as necessary and for the purposes we have described. Anything factually incorrect in your personal information will be amended.

Your information will be held in line with our Retention and Disposal Schedule which is available on our website at www.pbni.gov.uk. It will be retained securely and confidentially on our electronic case management system.



HOW DO I COMPLAIN IF I AM NOT HAPPY?

If you are unhappy with how any aspect of this privacy notice, or how your personal information is being processed, please contact the Data Protection Officer at:

Telephone: 028 90 522522
Email: DPO@probation-ni.gov.uk

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Email: casework@ico.org.uk

<https://ico.org.uk/global/contact-us/>

CHANGING LIVES

Putting Justice, Mental Health,
Addiction and Victim support
services at your fingertips.

