

# CYPRUS POLICE

## Personal Data Protection Policy

(Privacy Policy)

### **1. Personal Data Protection Policy (Privacy Policy)**

The present Personal Data Protection Policy, is prepared for the purpose of informing the public, in relation to the processing carried out by the Police, on their personal data, within the framework of its duties and powers. It also describes how data protection is ensured, as well as the rights of personal data subjects to such processing.

It is noted that, where possible, other information policies are applied, where more information is recorded regarding the processing of personal data by the Police.

### **2. Definitions**

#### Personal data

means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

#### Processing

means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

#### Controller

means the competent authority which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law.

#### Data Subject

means a natural person whose data are subject to any processing.

#### Processor

means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

### **3. For what purposes does the Police collect and process personal data?**

The Police collects and processes personal data, during its operation and during the exercise of its powers and duties, as they result from a number of laws. The controller, for the data processed by the Police, is the Chief of Police.

The data processing is done for:

- (a) "Law enforcement purposes", and
- (b) "General purposes", related to the administrative functions of the Police.

Law enforcement purposes may include 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. In this case, the Police must comply with the provisions of special Law 44(I)/2019<sup>1</sup> and not with the General Data Protection Regulation (GDPR).

General purposes may include personnel management, occupational health and prosperity, public relations management, journalism, recruitment procedures, management of funding, payroll, pensions, accounts, control, or the provision of police services to citizens, etc. In this case, the Police must comply with the provisions of the General Data Protection Regulation<sup>2</sup> and the national implementing Law 125(I)/2018<sup>3</sup>.

### **4. When is the processing of personal data by the Police legal?**

The legal framework in which the Cyprus Police exists and operates is determined by the Constitution, the Police Law (N.73 (I) / 2004), as well as other laws that provide relevant powers.

When the Cyprus Police processes personal data for law enforcement purposes, this processing is done, in compliance with the conditions provided in articles 10 or 12 of special Law 44(I)/2019.

In particular, according to Article 10, the processing of simple personal data is lawful only if the processing meets at least one of the following conditions:

- (a) processing is necessary for the compliance with its legal obligation,
- (b) processing is necessary for the protection of the vital interests of the data subject,
- (c) processing is necessary for the performance of a task by a competent authority for the purposes provided in paragraph (a) of article 3 of Law 44(I)/2019, which is based on the Union law or the relevant legislation.

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<sup>1</sup> Law Providing for the Protection of Natural Persons with Regard to the Processing of Personal Data by the Competent Authorities for the Purpose of Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Enforcement of Criminal Penalties and for the Free Movement of Such Data (LAW 44(I) 2019).

<sup>2</sup> Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation (EU) 2016/679)

<sup>3</sup> Law Providing for the Protection of Natural Persons with Regard to the Processing of Personal Data and for the Free Movement of Such Data (LAW 125(I)2018)

According to Article 12 of Law 44 (I) / 2019, processing of special categories of personal data (ie, data revealing racial or ethnic origin, political views, religious beliefs, etc.), shall be allowed only where strictly necessary, subject to appropriate safeguards for the rights and freedoms of the data subject, and only:

- (a) where authorised by Union or Member State law;
- (b) to protect the vital interests of the data subject or of another natural person; or
- (c) where such processing relates to data which are manifestly made public by the data subject.

The Cyprus Police, processes legally, simple and/or special categories of personal data, for general purposes, in compliance with the conditions set out in Articles 6 or 9 of the General Regulation of Data Protection ((EU) 2016/679).

Therefore, the above legislation sets out the conditions that must be met in order for such processing to be lawful. The processing of simple personal data is legal, when at least one of the following conditions applies:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the Police is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing 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;

Article 9 of the GDPR sets out the conditions which must apply in order for the processing of special categories of personal data to be permitted. It should be noted that these conditions may apply mutatis mutandis to simple personal data, if not included in Article 6, as above. Among other things, processing is allowed:

- (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes,
- (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject,
- (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent,
- (d) processing relates to personal data which are manifestly made public by the data subject,

(e) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity,

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

### **5. What Principles govern the processing of personal data by the Police?**

The Chief of Police, as the Data Controller of a number of Records (electronic and / or printed form), determines a relevant policy for the keeping and processing of each Record, respecting the data processing principles, which have to respect the members of the Police. These principles are:

(a) The principle of "lawfulness", wherein the data processed lawfully and fairly,

(b) the principle of limitation of "purpose", where the data collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes, "

(c) the principle of "minimization" of data (formerly the principle of proportionality), where the data must be adequate, relevant and not excessive in relation to the purposes for which they are processed,

(d) the principle of "accuracy", where the data must be accurate and, where necessary, kept up to date,

(e) the principle of "limitation of the storage period", where the data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which they are processed,

(f) the principle of "integrity and confidentiality", where data are processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **6. What kind of data does the Cyprus Police process?**

The personal data processed by the Cyprus Police include "simple" personal data, as well as personal data of "special categories" (sensitive).

The categories of personal data processed by the Cyprus Police may include information such as:

- personal information such as name, address and telephone number, ID card number, passport number,
- car registration number,
- information obtained from various sources,
- details of complaints, incidents and accidents,
- physical identifiers, such as DNA, fingerprints and other genetic samples,

- Image data, audio and video.

The personal data of special categories may include:

- racial or ethnic origin,
- religious beliefs or similar nature,
- physical or mental health,
- genetic or biometric data.

It is understood that this processing is carried out, within the powers and duties of the Police, for persons of interest and depending on the case under investigation and / or for the performance of its administrative functions.

In any case, the Cyprus Police will use only specific personal data / information, required for the execution of a specific legal activity / duty.

### **7. For which persons does the Police process personal data?**

The processing can concern different categories of persons, such as:

- victims,
- witnesses,
- suspects,
- convicts,
- complainants,
- offenders,
- relatives, guardians and associates of the individual concerned,
- Police partners, consultants and other professional experts.

In the context of carrying out its administrative functions, the Police processes data concerning its members, citizens - applicants for recruitment, associates, suppliers, etc.

### **8. From whom does the Police collect personal data?**

The Cyprus Police can collect data directly from the data subjects or from other sources, such as:

- Other Law Enforcement Principles (Customs Department, MOKAS, Tax Department),
- International law enforcement bodies and agencies,
- Courts,
- Prisons,
- Insurance companies,
- Legal representatives,

- Emergency services,
- Relatives, guardians or other persons associated with the individual,
- Government services,
- Municipal authorities,
- Educational and training institutions and examination bodies,
- Non-governmental organizations,
- Research Organizations and researchers,
- Suppliers, providers of goods or services.

### **9. How does the Police collect personal data?**

The Cyprus Police collects personal data either directly from the data subjects, or in other ways, depending on the circumstances, for example:

- conversations with citizens (in person or by phone),
- from written communication with citizens (e.g. letters, emails, social media),
- by completing several applications / forms (e.g. applications for recruitment to the Police, providing clean criminal record),
- from filing a complaint
- from the investigation of incidents / complaints (eg statements, CCTV systems).

### **10. In what form are personal data kept by the Police?**

The data is likely to be maintained in various forms, including electronic forms of electronic storage media such as hard disks of computers, portable data storage devices, servers, emails, and records kept in paper form.

### **11. How long does the Police keep personal data?**

Personal data are retained for as long as is necessary to achieve that purpose, or purposes for which they were collected.

The Police maintains data in accordance with the retention policy of each Record, in which the data are registered, taking into account the category of data, the content, the relevant files and the purposes for which the Police process personal data.

### **12. To whom can the Police disclose personal data?**

Both for law enforcement purposes and for general purposes, the Cyprus Police may disclose personal data to a number of recipients who have a legal right to process them.

This may include disclosures to Law Enforcement Authorities, both locally and internationally, Organizations / Agencies active in crime prevention initiatives, victim support services and to bodies or individuals who are partners or work for the Police (IT contractors, research or educational institutions).

The Cyprus Police can disclose data to bodies or individuals, when this is absolutely necessary for the preservation of a vital interest of a person. The disclosure / transmission of personal data is carried out on a case-by-case basis and with the use of only the absolutely necessary data (personal data), which are required and suitable, for the fulfillment of the specific purpose and with the necessary safeguards for their protection.

### **13. How do the police keep the data safe?**

The Cyprus Police takes the security of personal data very seriously and therefore, through appropriate technical, organizational and administrative measures, ensures the appropriate level of security against risks, in order to comply with the legislation on personal data protection.

In order to ensure that the personal data collected by the Police will be processed safely, appropriate security measures have been put in place to prevent the loss, use or access of personal data in an unauthorized manner, modification or disclosure. In addition, the Police has restricted access to its members, or associates, only to personal data that is necessary, by the nature of their work / duties, to know.

In addition, the Police takes additional security measures, including control and surveillance measures. These measures are subject to ongoing management and improvement to ensure up-to-date data security.

### **14. What are the rights of the data subject?**

Each person who is the subject of the data, has a number of [rights](#), which derive from the relevant legislation, in relation to the personal data that concern him and are held by the Police.

In order to assist data subjects in exercising their rights, the Cyprus Police has established a relevant [procedure](#).

### **15. How does the Police manage any personal data breach?**

The data protection legislation introduces the obligation to notify the Personal Data Protection Commissioner, any personal data breach and in some cases, the notification of the breach to the data subject, whose personal data have been affected by the breach.

The Police has created a procedure for reporting an incident of personal data breach, to the Commissioner for Personal Data Protection.

The Police inform the data subject (person) when there is a high risk for his rights and freedoms.

### **16. Data Protection Officer**

The Cyprus Police, in the context of the implementation of the personal data protection [legislation](#), has appointed a Data Protection Officer, where, among other duties, it ensures that the policies of the Police, in relation to the protection of personal data, comply with the respective legislation.

Data subjects can contact the Police Data Protection Officer, for any issue related to the processing of their data and the exercise of the rights granted to them under data protection legislation.

Contact info:

Antistratigou Evangelou Floraki Street,

Police Headquarters, 1478 Nicosia

or

Telephone: 22607824/25

FAX: 22607895

Email: [dpopolice@police.gov.cy](mailto:dpopolice@police.gov.cy)

### **17. Revision of the Personal Data Protection Policy**

This Policy may be revised, when deemed necessary by the Cyprus Police.

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Police Headquarter