



Privacy Notice for Individuals having Pre-Sentence Reports (Magistrates Court Report or Crown Court Report) compiled

Probation Board for Northern Ireland (PBNI)
80-90 North Street
Belfast
BT1 1LD

Telephone: 028 90522522
Email: info@probation.gov.uk

INTRODUCTION

We are providing you with 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 legal framework for PSRs is set out in the Criminal Justice (Northern Ireland) Order 1996 and PBNI prepares reports in accordance with its standards.

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

We may use artificial intelligence (AI) tools to enhance the quality and efficiency of our services, while ensuring your personal data is always handled responsibly and securely.

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 previously.
- An assessment of risk and the likelihood of your re-offending.

To obtain all of the information required for the report, the Probation Officer may have to speak to other people who know you. For example, the Probation Officer may need to talk to your family, doctor, employer or others.

The Probation Officer will also have access to your criminal record and may obtain information from depositions and previous PSRs, if any exist. These will be available to the Probation Officer from the Police Service of Northern Ireland, the Northern Ireland Courts and Tribunals Service and the Public Prosecution Service for Northern Ireland.

The Probation Officer will tell you who they need to talk to. If necessary, the Probation Officer will access relevant social media accounts you may have. The Probation Officer will advise you if they need to do this.

On occasion, we may need to collect personal information relating to children for the purposes of writing a report or for safeguarding purposes.

WHO WILL THE PSR BE SHARED WITH?

The PSR will be shared with:

- Your solicitor (at Court)
- The Public Prosecution Service
- The Sentencing Judge
- Staff in the Probation Board for Northern Ireland
- Staff in the Northern Ireland Courts and Tribunal Services

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 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?

Pre-Court: the contents of the report will be shared with you as, under Article 11 of the Criminal Justice (Northern Ireland) order 2008, you have that right.

Post-Court: PBNi cannot share the report with you, as the report was created by PBNi in the course of criminal proceedings on the direction of a judge. As such, under Section 43(3) of the Data Protection Act 2018, there is no right of access to you as a data subject, as the report has been prepared “by or on behalf of the court.”

Regarding notes or information collated by PBNi to create the report, you may request access to these. Under Data Protection law you have a series of rights around access to your personal information. These rights are also subject to certain limits where, for example, if 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 [probation-retention-and-disposal-schedule](#) 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

Telephone: 0303 123 1113

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