**REQUEST FOR THE DISCLOSURE OF PERSONAL DATA**

**Explanatory Note**

This form replaces the Section 29(3) Form which has become redundant by virtue of new data protection legislation. It is used as a means of making a formal request to other organisations for personal data where disclosure is necessary for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders.

This form can be used to request / respond to all enquiries relating the above, including pro-active disclosures. However, it places no compulsion on the recipient to disclose the information but should provide necessary reassurance that a disclosure for these purposes is appropriate and in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

**Crime and Taxation**

The UK GDPR regulates the processing of personal data where it is done so for non-Law Enforcement purposes. Article 23 of the UK GDPR permitted the UK Parliament to create, via legislation, exemptions from elements within the UK GDPR which would otherwise compromise the public interest.

Consequently, Parliament used the Data Protection Act 2018 to set out exemptions from the UK GDPR which apply in some circumstances. They mean that some of the data protection principles and subject rights within the UK GDPR do not apply at all or are restricted when personal data is used or disclosed for particular purposes.

The most relevant exemption for Law Enforcement is that within the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 2 (Crime & taxation: general). This applies where personal data is disclosed by an organisation subject to the UK GDPR to the police for the purposes of *the prevention or detection of crime* or *the apprehension or prosecution of offenders*.

It restricts the application of the UK GDPR data protection principles and subject rights (as listed in the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 1) to the extent that the application of those provisions would be likely to prejudice *the prevention or detection of crime* or *the apprehension or prosecution of offenders*.

In effect the exemption means that an organisation can provide personal data to the police where necessary for the prevention or detection of crime or the apprehension or prosecution of offenders without fear of breaching the UK GDPR or Data Protection Act 2018.

**Sharing Children’s Data or Special Category Data** (*such as sexual, health, racial, ethnic, political, religious or biometric*).

If you are sharing information that falls into these categories then extra caution must be applied. This can still be shared, but it requires a more detailed rationale outlining why this is strictly necessary for law enforcement purposes.

Further details relating to [special category data](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-is-special-category-data/) or processing [children’s data](https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/children/) can be found using the links.

**Completion Guidance**

The information required field should provide the recipient with sufficient information to allow them to locate the information sought. Some organisations may require a counter signature to be added to the form. Normally this should be the supervisor or line manager of the person completing the form but may be a higher rank if reasonably required by the recipient. A completed copy of this template and all information detailed within must be retained for audit, the Police will store this in Niche.

**FOR COMPLETION BY REQUESTOR / SUBMITTER:**

**Your Details:**

Name: Enter text

Rank / Role: Enter text

Organisation: Enter text

Request Date:

**Recipient Details:**

Name: Andy Reid

Rank / Role: Office Manager, Mole Valley Safer Neighbourhood Police Team

Organisation: Surrey Police

I am making enquiries which are concerned with: (*\*Check mark as is appropriate)*:

[x]  The prevention or detection of crime\*

[x]  The prosecution or apprehension of offenders\*

[ ]  Protecting the vital interests of a person\*

[x]  Safeguarding children and vulnerable adults\*

[x]  I confirm that the personal data requested below is needed for the purposes indicated above and a failure to provide that information will be likely to prejudice those matters.

[ ]  I confirm that the individual(s) whose personal data is sought should not be informed of this request as to do so would be likely to prejudice the matters described.

**Information required:**

* What information do you need (confirmation of offence, specific details, etc)?

Enter text

* What will the information be used for (provide a summary of why the information is needed)?

Enter text

* Who / what do you need details on (name, DOB, Address, etc.)?

Enter text

* Specify a start date for the request (periods more than 3 months must provide a rationale to support this)

Enter text

* Relevant reference numbers (crime number, SAR reference, etc):

Enter text

* Will sharing this information present any potential risks to the individual (please provide details)?

Enter text

**Authorisation (this section is police use only):**

This request must be countersigned by an Inspector or equivalent if the information requested contains information about a vulnerable person or contains special category data. Retain a copy of this authorisation for audit purposes.

Name: Enter text

Rank / Role: Enter text

**FOR COMPLETION BY RESPONDER:**

[ ]  I have considered the individuals rights to a private life under article 8 of the Human Rights Act. I believe the impact on their private life is outweighed by the necessity to share this information.

**Information provided:**

* Detail your rationale to share / not share under this request

 Enter text

* Detail information disclosed under this request

 Enter text

* Will sharing this information present any potential risks to the individual (please provide details)?

Enter text

Name: Enter text

Rank / Role: Enter text

Organisation: Enter text

Contact Detail: Enter text

Request Date: Enter text

**Authorisation – This section is police use only:**

This request must be countersigned by an Inspector or equivalent if the information requested contains information about a vulnerable person or contains special category data. Retain a copy of this authorisation for audit purposes.

Name: Enter text

Rank / Role: Enter text