

**Request to external organisation for the disclosure of personal data to the police**

Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 and GDPR Article 6(1)(d) & 9(2)(c)

<b>To:</b>	
Position:	
Organisation:	
Address:	

I am making enquiries which are concerned with (mark as appropriate):

- The prevention or detection of crime
- The prosecution or apprehension of offenders
- Protecting the vital interests of a person

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 above.

**Information required:**

--

**Why the information is necessary for the purpose:**

Beware of disclosing information which is excessive or may pose operational risks to your investigation, but also be aware that failure to explain the necessity clearly may delay or prevent disclosure.

--

**Police reference:**

--

**From:**

Rank/number/name:	
Station:	
Date/time:	
Tel no(s):	
Email:	

Signature:

Counter signature: \*\*

Rank/number/name:	
-------------------	--

\*\* as required by recipient



**Help to save paper** - only print this document if you really need a paper copy

Please see Guidance Notes on following page.

**Undertaking of lawful use of data disclosed to the police service:**

Information disclosed to the police service is protected against unlawful reuse by the second data protection principle<sup>1</sup>, which prohibits data collected for one purpose being reused for another. If data disclosed to the police service is needed for another purpose, it will be reused only if the new purpose is lawful or a lawful exemption applies, and only data necessary and proportionate to that new purpose will be used.

Therefore, the police service undertakes to ensure that any use or reuse of the data disclosed is lawful, compliant with the data protection principles and processed using appropriate safeguards to the rights and freedoms of the data subject.

Please be aware that we cannot comply with a request to limit use of data which is overridden by a statutory or common law duty or obligation. However, the reuse will be subject to the safeguards described above.

We respectfully request that the same or equivalent measures are observed in your handling of this request for information.

**Additional information you may wish to provide to the police service:**

In order to help us safeguard against risk to the data subjects, your organisation, and the police service, please provide with your disclosure any additional information you believe necessary to best handle the data you choose to disclose. This may include, but is not limited to:

- Risks we could not reasonably anticipate
- Any expectation to consult with your organisation should reuse be necessary
- Legally enforceable restrictions on reuse of the data

**Explanatory Note**

This form is used by the police when 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. 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 General Data Protection Regulation (GDPR).

**Crime and Taxation** - The GDPR regulates the processing of personal data where it is done so for non-Law Enforcement purposes. Article 23 of the GDPR permitted the UK Parliament to create, via legislation, exemptions from particular elements within the GDPR which would otherwise compromise the public interest. The Data Protection Act 2018 sets out exemptions from the GDPR which apply in some circumstances. They mean that some of the data protection principles and subject rights within the 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 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 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 GDPR or Data Protection Act 2018.

---

<sup>1</sup> General Data Protection Regulation Article 5(1)(b) and Data Protection Act 2018 Part 3 Section 36

Organisations already processing data for the prevention and detection of crime may wish to consider compatibility with their conditions for processing instead of using this exemption. For example, Schedule 1 Part 2 Paragraph 10 provides the condition for processing (including disclosure) for purposes compatible with this request.

**Vital Interests** – To protect life or prevent an immediate and credible risk to life, GDPR Article 6(1)(d) provides a lawful basis for organisations to disclose personal data to the police where the disclosure *is necessary in order to protect the vital interests of the data subject or of another natural person*. Article 9(2)(c) provides for processing of special category data to the same ends, where the data subject is legally or physically incapable of consent.

Further guidance on the use of this form may be obtained from your Data Protection Officer.

---

### **Completion Guidance**

Police officers or staff completing this form should type and tab between the fields on the form. The information required field should provide the recipient with sufficient information to allow them to locate the information sought. Where a signature and/or counter signature are required the form will need to be printed off and signed manually. 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.

---

### **Investigatory Powers Act 2016**

From February 2023 communication data held by a telecommunication operators can no longer be obtained under the Data Protection Act 2018. This data must be obtained via an application under the Investigatory Powers Act 2016. Examples of such data are IP address at point of registration and IP Log on History. If you are unsure please contact the Communication Data Investigation Unit for further guidance.