

**Request for Disclosure of Information**

West Yorkshire Police (WYP) request access to the specified information for the purpose outlined below. This request is made for the purpose(s) specified below, under one or more of the following legal powers:

* DPA Schedule 2 Part (2); Schedule 8 Parts (1), (2), (3), (6), (7) & (8); Section 8 (a) & (c)
* The Police Act 1996, MOPI 2005
* Crime and Disorder Act 1998
* Coroners and Justice Act 2009 Part 3

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| 1. **Information held by:** | |
| Name |  |
| Position |  |
| Organisation |  |
| Email address |  |
| Postal address |  |

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| 1. **This request is necessary of the purpose of:** | |
| The prevention, investigation, detection or prosecution of criminal offences |  |
| The execution of criminal penalties |  |
| Safeguarding against and the prevention of threats to public security |  |
| Other – please state other purpose below: |  |
| The data subject is deceased and information is required for a valid policing purpose |  |
| To determine questions of fitness to be interviewed, *Men’s Rea* etc.  (See guidance for healthcare requests below - it is unlikely that information supporting these purposes is routinely collected during treatment; however the current clinician may be able to support this need via an appropriate report). |  |

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| 1. **Data subjects details:** | |
| Name |  |
| Alias |  |
| Date of Birth |  |
| Date of Death (if applicable) |  |

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| 1. **Police investigation details:** | |
| Offence Reference |  |
| Date of Offence |  |
| Details of Offence |  |
| Address (including previous address if relevant) |  |

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| 1. **Information required:** | |
| **State brief summary of the criminal investigation or proceedings to which this request relates** (e.g. crime type).  Indicate in general terms (e.g. Suspect, Victim, Witness) how the individual named is linked to the investigation.  **Only provide the minimum information - be careful not to disclose any third party personal data or information that would be excessive.** |  |
| Information required, e.g. medical records, social care records, statements etc.  (if known) |  |
| Date or dates between if specific date is not known |  |
| The information sought is needed to:  Insert brief details to show that the requested information:   * cannot be obtained by other means or from other sources * will be of substantial value to the investigation |  |

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| 1. **Informing the Individual of the request:** | |
| **Please indicate whether telling the individual would harm the investigation**  Telling the individual about this request will harm the police investigation  **If YES – Go directly to 8.**  **IF NO – Go to 7 – the police must tell the individual about this request and provide them with the privacy information referenced.** | Choose an item. |

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| 1. **Privacy Information**   **Only complete this section with the individual if you are informing them of the request** | | |
| **Data Subject’s Acknowledgement**  I confirm that I have been advised that my personal data will be processed for the purpose(s) as set out above and that I can obtain more information about my data rights at:  [**https://www.westyorkshire.police.uk/advice/our-services/your-data/privacy-information-notice/privacy-information-notice**](https://www.westyorkshire.police.uk/advice/our-services/your-data/privacy-information-notice/privacy-information-notice)  I understand that the information provided will be held confidentially and used solely for the purpose(s) outlined above, unless otherwise required or permissible by law. | | Choose an item. |
| **Print name:** |  | |
| **Capacity\***  **Please state your capacity for requests involving vulnerable adults and children under the age of 13 years**  (e.g. Parent, Guardian, Appropriate Adult or Other Representative) |  | |
| **Date:** |  | |
| **Address:** |  | |
| **Date of Birth\*** |  | |
| \*DPA / GDPR indicate that a parent / guardian may act on behalf of a child under 13, whereas consideration of the capacity of the child to consent in their own right is appropriate for older children. | | |

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| 1. **Requested by:** | |
| Officer in the Case: | [rank – number - name] |
| Authorising Officer: only needed if you are not telling the individual about the request | [rank – number - name] |
| Requesting Officer: | [rank – number - name] |
| Contact details: Station, Address, Email, Telephone |  |
| Request Date: |  |
| **I confirm that the information requested is needed for the purposes indicated above and a failure to provide that information would harm the police investigation** | |

Notes:

* It is mutually agreed between the police and those to whom the request is addressed that no charges will be made in respect of this request.
* WYP confirm that the information requested is for the purpose stated above and any failure to provide it will, in the view of the Requesting Officer, be likely to prejudice the police investigation.
* WYP confirm that the information will be held confidentially and used solely for the purpose(s) outlined above, unless otherwise required or permissible by law.
* WYP will securely dispose of the information when no longer required.
* In the case of ORIGINAL records, WYP will return the records when no longer required.



**Guidance for Police**

This form replaces DP7 and DP9. It is used by the police to make formal requests to other organisations for personal data where the information is needed for a policing purpose. It places no compulsion on the recipient to disclose the information, but should provide the necessary assurance that a disclosure for these purposes is appropriate and in compliance with the Data Protection Act 2018 or other legislation or legal powers. The information provided on the form should provide the recipient with sufficient information to allow them to locate the information sought.

**NOT telling the individual about the request (previously form DP7)**

If the police investigation would be harmed by telling the individual about the request then you do not need to tell them.

The request must however be countersigned by an Inspector or police staff equivalent or above, and both you and the Authorising Officer must sign the form at Section 8.

**Telling the individual about the request (previously form DP9)**

If **NO** harm would occur to your police investigation then you **MUST** inform the individual (or their representative if vulnerable or under 13 years) of the request and refer them to the West Yorkshire Police Privacy Information Notice at:

[**https://www.westyorkshire.police.uk/advice/our-services/your-data/privacy-information-notice/privacy-information-notice**](https://www.westyorkshire.police.uk/advice/our-services/your-data/privacy-information-notice/privacy-information-notice)

The individual (or their representative) must then sign the form at Section 7.

The request must then be signed by the requesting officer at Section 8 – there is no need for a counter-signature.

**Officers must:**

* **Retain a copy of the completed form and attach it to the source system e.g. NICHE**
* **Send a completed copy to the relevant external organization**

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



**Guidance Relating to Health Records**

**Uninformed Disclosure – where you cannot tell the data subject about the request because this would compromise the police investigation:** These disclosures are common when the subject is the alleged perpetrator of crime, although also for use when the subject is a victim or witness but not co-operative, or lacks capacity. Requests for healthcare information / medical records will be reviewed and authorised by an appropriate senior officer within healthcare organisations, usually in the role of Data Protection Officer and / or Caldicott Guardian. So as not to prejudice the enquiry, the subject will not be informed of the request for disclosure. Although the DPA does not define “serious crime”, the GMC definition will generally be considered.

**Informed Disclosure – where you can inform the data subject about the request:** The typical approach when the subject is co-operating with the police – e.g. a witness or victim of alleged crime. Informed disclosures are processed on the basis that the police have provided the relevant privacy information to the subject.

**Access to Deceased Records:** The Data Protection Act only has jurisdiction over information relating to living individuals. Although the confidentiality of medical & other records may continue post-mortem, their disclosure for policing or other official purposes is permissible.

**Fitness to be interviewed, *Men’s Rea* etc.:** Largely specific to Mental Health records. Healthcare records are maintained to support treatment. Questions relating to fitness to be interviewed, to stand trial, or criminal intent when an alleged offence was committed are rarely recorded in healthcare records. When this is the aim, healthcare providers will signpost the police to an appropriate clinical contact to commence a dialogue and potentially draft an appropriate report.

**Healthcare Professional:** Before healthcare records are disclosed, they will be reviewed by an appropriate healthcare professional – usually someone who is / was involved in a professional capacity with the data subject - to consider any information which is likely to cause harm or distress to the data subject or a 3rd party. Should such information be identified WYP will be informed, with a view to agreeing its sensitive handling.

**Original (Paper) Records:** Copies of records will ordinarily be provided. Originals will be provided where justifiable, retaining a copy to maintain the integrity & accessibility of the records until the originals are returned. Records are increasingly wholly electronic. Hard copy will be provided.

**Information required (Section 5):** This section frames the request so that both parties understand the nature of the investigation and intent of the disclosure. Data Controller organisations are obliged to consider the request for disclosure against the Duty of Confidence under which records are held. The detail provided will help to balance the confidentiality of records with the public interest in disclosure. Be as descriptive as possible in these areas. Although full disclosure is permissible, records are often large in volume. Specifying the request, e.g. for specific content, date range etc. will help to reduce scope. Requests should be confined to relevant information when this is understood and known.