
Police (and other law enforcement authority) Requests for Personal Information

Guidance Note

Version 1.0

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General guidance for all Derbyshire schools

This section of the guidance has been adapted from the [ICO guidance](#).

1. Has a **law enforcement authority** asked you to share **personal data** with them?
 - a. A law enforcement authority includes organisations which have law enforcement or investigatory functions such as:

Police	National Crime Agency
Government departments	HM Courts
Director of Public Prosecutions	UK Border Force
HM Prisons	Commissioners of HM Revenue and Customs
HM Land Registry	TV Licensing
Environment Agency	Trading standards
Information Commissioner's Office	DVLA

The list does not include intelligence services such as the Security Service or the Secret Intelligence Service.

For schools, this is most commonly, but not exclusively, the **Police**.

- b. Personal data is information that relates to an identified or identifiable individual. Typically, but not exclusively, for schools this could be:

Name	Address	Date of birth
CCTV images	Other images	Location data
Attendance	Behaviour	Safeguarding matters

- c. The data subject may be a pupil, family member, carer, member of staff.

2. Has the law enforcement authority clearly explained **what** personal data they require and **why** they need it? The police must put their request in writing. In Derbyshire, police requests to view pupil files are made as follows:
 - a. Matters relating to Child Abuse/Safeguarding should be on form 342
 - b. All other matters should be requested via form 807 (other counties refer to as Annex A)

3. Has the law enforcement authority asked for personal data **law enforcement purposes**?

Schedule 2, Part 1, Paragraph 2 of the Data Protection Act 2018 provides for the release of information without the consent of data subjects, or informing them that information has been shared, for the following purposes:

- a. The request must be due to the prevention or detection of a crime
 - b. The request must be due to the apprehension or prosecution of a crime
 - c. Non-disclosure would be likely to prejudice their investigation

(which includes the safeguarding against and the prevention of threats to public security).

4. Is sharing the personal data with the law enforcement authority **necessary** for their law enforcement purposes? Is sharing the data limited to a specific purpose?

Only share information that is necessary for the outlined law enforcement purposes. The law enforcement authority should explain why they need the information and why they consider it necessary.

For it to be necessary sharing, it does not have to be ‘absolutely essential’, but it must be more than just useful and standard practice.

If they could achieve the same purpose without access to the information, or with access to less information, then it can’t be considered necessary.

5. Is the data requested accurate and up to date?

6. Can the data be shared securely?

Note: You may be able to release the information, but even if the exemption applies you may decide it is not appropriate to release the information. If you are in doubt, contact your Data Protection Officer.

Process to follow

All schools	Where the Education Data Hub is DPO
Ascertain ID (requests must come from PNN email address or if in person schools must ask for ID and verify with the officer and the request with local station) and the purpose of the request	
If the request is in writing acknowledge the request	
Inform your Data Protection Officer (DPO)	Email GDPRforSchools@derbyshire.gov.uk , log the request on GDPRis. If the request is in writing, include it in these communications.
Conduct searches	We will advise you on search parameters. Send search material to the above email address
If the request is in person: <ul style="list-style-type: none"> • Organise a member of staff to supervise the requestor. • Ensure a desk/workstation is available. • Supervise the officer whilst they view the files. • Make sure no legal documents are viewed by the officer. Police officers do not get access to legal Documents but should make a separate application to the Court. • The officer can take notes. • If the officer wishes to print or copy documents, a separate signed undertaking must be produced and these must be reviewed by the DPO for third party information 	Any documents the officer wishes to take away will be reviewed and necessary redactions made by the DPO team
If the request for information links to a safeguarding matter and the school has concerns liaise with the DCC Safeguarding Team and or legal teams from either DCC or the Academy Trust	Liaise with the DPO team who will escalate to legal where necessary
Police can have original records. Ensure the officer provides a signed receipt with a contact, and the details are logged.	Log this in the GDPRis log
If releasing information via email, ensure the receiving address is a PNN address, encrypt and request a receipt.	The DPO team will manage the release for the school, log the details and close the request on the GDPRis system if needed.