



Ashford and St. Peter's Hospitals

NHS Foundation Trust

Request for the disclosure of personal data to the Police

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

ALL requests should be sent to the Police Liaison Mailbox: asp-tr.policeliason@nhs.net

To:

Trust Position / job title (where known):

Trust Department / area (where known):

I am making enquiries which are concerned with:

- 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.

I confirm that the individual(s) whose personal data is sought has provided their consent (*attach a copy*)

Information required:

(Note: The request should provide:

- a clear indication that the police are confident that they are working within the framework of the DPA. It should satisfy all relevant DPA requirements and be clear that information is required for the prevention and detection of crime. It is important to remember that in order to rely upon a public interest justification for the disclosure of personal or confidential patient information, the police must be investigating or preventing serious crime. For example, crime where a person has or might suffer serious harm*
- clarification on whether informing the individual about the disclosure would prejudice the investigation. Where the request does not set the requirement to inform an individual aside, then this must be done as soon as possible and should not delay any disclosure*



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- *a clear description of the specific information that is requested. This must match the information we have on our systems*
- *an outline of the nature of the offence so that we can make an informed decision about whether to disclose the information and whether the crime is sufficiently serious to justify a disclosure in the public interest*
- *Whilst the forms can provide useful information to support decision making about disclosure, it does not enable confidentiality requirements to be set aside or overridden).*

Police Reference: *(eg. Crime Reference No., Case File No. etc)*

From:

Rank/Number/Name:

Station:

Date/Time:

Telephone Number(s):

Email address:

Signature: *(enter your electronic signature or print & scan document).*

Counter Signature of senior officer (usually Inspector or above like a Chief Inspector, Superintendent or Chief Superintendent): *(enter your electronic signature or print & scan document).*

Rank/Number/Name of person providing counter signature:



Explanatory Note

This form replaces the Section 29(3) Form which has become redundant by virtue of new data protection legislation. It is used by the police 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. 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.

Consequently Parliament used the Data Protection Act 2018 to set 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.

Vital Interests – 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.

Further guidance on the use of this form may be obtained from the force 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 Trust with sufficient information to allow us to locate the information sought. For signature and counter signature, an electronic signature may be used or the form will need to be printed off and signed manually. Normally the counter signature should be a senior officer, usually Inspector or above like a Chief Inspector, Superintendent or Chief Superintendent.