



Guidance – Court Order Information Disclosure Request for the Purpose of Family Proceedings

Guidance and information on application for disclosure of information for family court proceedings (Court order);

- 1) What this allows you to request/apply for
- 2) Exclusions and limitations (includes who can apply)
- 3) Information on where else to go for connected matters
- 4) Guidance on how to complete. What you need to do next
- 5) Your rights and legislation
- 6) Charges and procedures for payment if applicable

1) What this allows you to request/apply for

This guidance sets out the process for applicants to apply for information required for a court order application from records/information held by Essex Police.

Essex Police works closely with the Family Court and those going through family proceedings to help ensure proceedings run smoothly and to make sure the Court has everything it needs to make decisions in relation to children and families.

Essex Police will respond to requests from local authorities, the courts or private law firms in connection with a family court disclosure process for imminent family court proceedings.

2) Exclusions and limitations (includes who can apply)

Exclusions

Disclosures will be actioned and based on careful consideration of all facts including the necessity, suitability, fairness, lawfulness, proportionality, adequacy and relevance.

Essex police will consider disclosure of information relating to a live investigation on receipt of a court order if the Officer in the case (OIC) can confirm that no prejudice will be caused by the release.

The provisions of the Data Protection Act mean that in certain circumstances some personal data may not be provided. For example personal data if it is likely to prejudice a criminal investigation. In some cases we may not provide information that identifies other individuals unless Essex Police feels it is reasonable to do so.

Limitations

1. Research time limits of 5 years from the date the court order is issued
2. A degree of redaction is required to comply with legislation as it may not be relevant, necessary or appropriate to proceedings
3. Public family law orders will take priority over orders from private solicitors
4. Children at risk of harm will be prioritised
5. Hearing dates within two weeks will be prioritised

3) Information on where else to go for connected matters

- If you are a listed party within civil family court proceedings and disclosure has been requested by the court from Essex Police there are two routes to request information;
1. Court Order – If you or your legal representative have already obtained an order from the court please send a copy to info.rights.court.order@essex.pnn.police.uk
 2. Right of access – If you are a listed party within a civil family court process and neither you nor your legal representative have obtained the above court order then you may wish to apply for your personal data held by Essex Police under the Right of Access process. (This is not a full disclosure as it will not extend to third party information therefore a court order is advised)
 - Members of the public have the right under the Right of Access process to be provided with access to their personal data held locally by Essex Police, (exemptions may apply). Please refer to the Access to Rights Request form (A95). No fee is applicable for this application
 - Visit gov.uk or the Citizens Advice Bureau

4) Guidance on how to complete. What you need to do next

- 1 Complete any mandatory sections as indicated on the form A90. The information you provide on this form will be used for processing your request and to ensure the accuracy of Police systems
- 2 Send the completed form to:

info.rights.court.order@essex.pnn.police.uk

The Information Rights Team
Essex Police Headquarters, PO Box 2
Chelmsford CM2 6DA

On receipt of the completed form, Essex Police will acknowledge your request and provide you with our unique reference number. Essex Police will search for the information you have requested and respond to you by the date stipulated in the court order or within 20 working days.

For further information about your application contact the Information Rights Team at: info.rights.court.order@essex.pnn.police.uk.

Further information about the rights of access process is available on the website at www.essex.police.uk or by contacting the Information Rights Team at: info.right.of.access@essex.pnn.police.uk

Note: Essex Police will be unable to provide you with information contained on police systems over the telephone or by email prior to completion of your request.

5) Your rights and legislation

Essex police should comply with the stipulations of the court order and the relevant time constraints.

Additional Rights

Please refer to the Essex Police website for general details in regards to the Fair Processing Notice, Privacy Notice and Retention Policy. Additionally for further rights under GDPR such as right to be informed, right to rectification, right to erasure/to be forgotten, right to restrict processing, right to data portability, right to object and rights in relation to automated decision making and profiling, please visit the Essex Police website.

Chief Constable's rights

The provisions of the Data Protection Act mean that in certain circumstances some personal data will not be provided. For example you will not be provided with personal data if releasing it to you would be likely to prejudice a criminal investigation. In some cases we may not provide you with information that identifies other individuals unless Essex Police feels it is reasonable to do so.

Your right to complain

If you feel your request has not been properly handled, or you are otherwise dissatisfied with the outcome of your request you have the right to complain.

Complaints should be submitted within 20 working days from the date of this response and should be addressed to the Senior Information Officer at the above address or by email to:

datafoi@essex.pnn.police.uk - Please include any reference you may have in the title of the email

We will conduct a review to investigate your complaint and endeavour to reply within 20 working days. Please explain which aspect of the response from Essex Police you are not satisfied with.

If you are still dissatisfied following our review, you have the right to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Essex Police

The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire, SK9 5AF or via <https://ico.org.uk/>

6) Charges and procedures for payment if applicable

No charges are applicable with this application.