



Appendix – Request for information for Civil Legal Proceedings

Schedule 2 Part 1(5) of the DPA 2018

Guidance and information on Request for information for Civil Legal Proceedings

- 1) What this allows you to request/apply for
- 2) Exclusions and limitations (includes who can apply)
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1) What this allows you to request/apply for

This application form will be used when information held on Essex Police local systems is required for use in civil legal proceedings. Most requests of this nature will relate to applicants seeking redress by way of financial compensation.

Disclosures made for civil legal proceeding are made under Schedule 2 part 1, 5(3) of the Data Protection Act 2018.

2) Exclusions and limitations (includes who can apply)

Exclusions

Disclosures are discretionary and each request is considered on its own merit. Disclosure is based on careful consideration of all facts including the necessity, suitability, fairness, lawfulness, proportionality, adequacy and relevancy.

Requests disclosed under Schedule 2 Part 1(5) of the DPA 2018, can be charged. Charges will be in accordance and will be charged in accordance with The National Police Chiefs' Council (NPCC) Charge Rates for Common Items - FY 2017-18.

Limitations

Most applications will be made by solicitors or legal advisors with the intention of taking civil action.

Applications made direct to Essex Police by members of the public without legal representation will only be actioned subject to the following conditions:

- Suitable identification
- Proof that the disclosure is necessary in connection with legal proceedings (including prospective legal proceedings), establishing exercising or defending legal rights or for the purpose of obtaining legal advice. Details to be included with the form

Essex Police will not disclose if information relates to a live investigation unless the Officer in the case (OIC) can confirm that no prejudice will be caused by the release. Otherwise a disclosure will only be made by order of the court.

The discretionary nature of these requests mean that Essex Police do not have to disclose some or all of the applicants or third parties personal data.

There are no legal time frames that civil requests are obliged to be actioned within however the time scales should be considered reasonable.

See guidance section 4 for more information.

3) Information on where else to go for connected matters

- Right of Access provides access to your personal data held locally by Essex Police, (exemptions may apply). Please refer to the Right of Access request form (A95). No fee is applicable for this application but conditions apply
- Essex Police work closely with the Family Court. Information can be obtained via a Court Order through legal representation or directly through the court system. Please contact the court for further details. See guidance document A90 Court Order on Essex Police website under Information Rights
- Housing enquires – see application form and guidance document titled A93 Private Landlord Request on Essex Police website under Information Rights

4) Guidance on how to complete. What Essex Police do next.

1. Complete any mandatory sections as indicated on the form. The information you provide on this form will be used for processing your request and to ensure the accuracy of Police systems
2. Include Proof of Identity. To help establish your identity this application must be accompanied by copies of two official documents which between them clearly show your name, current & valid postal address, date of birth and signature. For example: birth certificate, driving licence, passport, medical card, bank statement, utility bill, rent agreement. If you have changed your name, please supply relevant documents evidencing the change

DO NOT SEND ORIGINAL DOCUMENTS AS THESE WILL NOT BE RETURNED. It will assist with the processing of your application if one of the documents is a photographic identity document such as your passport or driving licence.

Essex Police reserves the right to request original documentation in some cases. Where original documents are requested, they will be returned by registered post.

3. Send the completed form and proof(s) of identity to:
info.rights.civil@essex.pnn.police.uk
 The Information Rights Team, Essex Police Headquarters
 PO Box 2, Chelmsford CM2 6DA

Applicants who are unable to comply for whatever reason can attend the local police station with their chosen ID documents. The front office staff can print off an A97, which can be filled in while at the police station. The front office staff will take copies of the applicants ID, at the same time verifying it, then email the application form and copy of documents to the Information Rights Team.

Consideration will be given by Essex Police for the direct disclosure of information to the Court where the civil legal proceedings are being heard. Disclosure will not be limited to just the personal information of the requestor(s) and may contain the personal information of other people necessary for the civil legal proceedings.

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.

5) Your rights and legislation

You can expect a response to be provided to you within a reasonable timescale following receipt of the completed form and payment.

Legislation

Governed by Schedule 2 Part 1(5) of the DPA 2018. Disclosures made for civil legal proceeding are made under Schedule 2 part 1, 5(3) of the Data Protection Act 2018.

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.

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:

info.rights.civil@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.

Charges do apply. Basic Disclosure Material may include investigation reports and or incident reports, summary reports.

It should be noted that if there is an alternative option for obtaining the information then this option will be considered and reviewed first, even if the application for disclosure cites Schedule 2 Part 1(5) is completed.

Basic disclosure – Fees payable in advance £87.40 – as set by NPCC* guidelines

Search Fee – additional fee payable in advance if required in addition to the basic £29.20

Advanced disclosure – additional fees payable in advance dependant on required information such as custody record, interview records, statements, body worn video footage , CCTV (e.g. within custody), photographs. See NPCC guidelines for costs <https://www.npcc.police.uk/Info/Generalenquires.aspx>

Third party information i.e. name and address incurs no charge.

The application form allows for additional material to be requested and the appropriate charge can be sent with the application initially. If following research additional information could be provided, Essex Police will advise by separate letter and the appropriate additional charge indicated – No further disclosure will be provided until payment received.

Disclosures will be based on careful considerations of all the information that is provided by the applicant and the information that is held. A decision will be made based on public interest tests, risk of harm to individuals or investigations and the requirements of relevant legislation and the Constabulary's business requirements for disclosure.

In some circumstances, Essex Police will refuse the information requested, or certain parts of the information. If the request is refused in full, then the applicant will be reimbursed any fee they have made for disclosure.

Please make cheque payable for the correct amount to the Police and Crime Commissioner for Essex. Post to: The Information Rights Team, Essex Police Headquarters, PO Box 2, Chelmsford CM2 6DA.

Advanced disclosure – additional fees payable in advance dependant on required information see NPCC* guidelines.

Please refer to the Essex Police website for details in regards to Fair Processing Notice, Privacy Notice and Retention Policy.