



Guidance – Request for information from a private landlord (and general housing information) (non civil legal action)

Guidance and information on application for disclosure for insurance purposes outside the UK;

- 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
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1) What this allows you to request/apply for

This guidance is about how **private landlords** can apply for information held on Essex Police local systems about a tenant's property for non-civil legal action.

Private landlords may request lists or summaries of incidents at one or more of their premises and these tend to be requests where their property has suffered criminal damage or the premises has been subject to Police attendance due to criminal activity.

If private landlords are not taking civil legal proceedings they may be entitled to request summaries of the incidents at their premises on completion of form A93.

Advice and information for tenants/Landlord Civil legal proceedings requests and social housing authorities see section 3 where to go for connected purposes.

2) Exclusions and limitations (includes who can apply)

Exclusions

Requests from **private landlords only** for the disclosure of investigation/incident reports at premises will be considered under this section and not for civil proceedings purposes.

For other private landlord requests or any other general housing enquires including those from a tenant or social housing see Section 3 below (**where to go for connected purposes**).

Limitations

Private landlords may request lists or copies of the investigation reports/incidents at one or more of their premises but not for civil proceedings.

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. 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 a court.

3) Information on where else to go for connected matters

Advice and information from the following are covered immediately below:

- Tenants
- Landlord Civil legal proceedings requests, as victim of crime or vetting etc.
- Social Housing Authorities

Requests for information from a tenant

1) For rehousing purposes

This may be for the purposes of victimisation where a tenant wants, or is asked to obtain, evidence of crimes or incidents being committed against them, usually at or around their home. These requests tend to be generated where the housing authorities require confirmation that offences or incidents have occurred in order that they have sufficient justification to consider re-housing the tenant.

The Information Rights Team will not provide a recommendation or opinion as to whether or not a tenant should be re-housed. Tenants should submit an Access to Rights Request form A95 to obtain the required information held by Essex police.

Immediate and pressing concerns regarding either the safety, or vital interests, of a tenant, or relating to a recognised threat of harm to the tenant should be addressed through contacting the appropriate police unit.

2) Requests by a tenant for their personal data

Whatever the purpose behind such requests an individual may request a copy of their own personal data.

Part 1 above will generally be handled by the tenant making a request in accordance with the local Information Right of Access procedures under (GDPR Article 15, DPA Part 2 Section 12) (form A95). Form A95 is available via force forms and Essex Police's website.

3) Court order to compel disclosure

Tenants may seek to obtain a court order compelling disclosure of information from Essex Police. Such orders will be handled by the Information Rights Team.

4) Private Landlord

Requests for offender's information from landlord where they are a victim of crime

Private landlords may request third party information where their property has suffered criminal damage. As victims of crime, generally landlords will be provided with sufficient information to allow them to seek civil redress or compensation from the offender. Where personal data is concerned Schedule 2 Part 1(5) of the DPA 2018 applies. Landlords can submit an A97 Request for Civil Legal Proceedings to obtain required information available.

The Victims Charter code of practice obligates Police Officers to update victims of crime of the appropriate disposal within a mandatory time limit. In addition to the disposal the victim will be provided with the name and address of the person if proven guilty of the offence, or freely admitting the offence, together with confirmation of that fact.

Such requests may be handled by the Information Rights Team if disclosure has not already been provided under the Victims Charter.

Disclosures for the purpose of ‘vetting for letting’

Landlords may be keen to vet potential tenants based on their criminality or otherwise. Essex Police will not engage in such vetting as there is no lawful basis to do so. However it should be noted that cases where landlords are concerned about possible ‘high risk’ tenants, for example sex offenders, such disclosure will be addressed elsewhere in the force, in this case by the Crime and Public Protection Unit.

A tenant may obtain their own personal data by means of a Right of Access Request. This can include a criminal records check which can be obtained by contacting ACRO direct and a Local Right of Access Request (form A95). However, enforced Right of Access request by a landlord is not permitted within the remit of the Data Protection Act. However, should an individual freely request such information about themselves it is their right to provide this to any third party if they so wished.

Right of Access requests will be handled by Information Rights Team. Form A95 is available via Essex Police’s website.

Court Order to compel a disclosure

Landlords may seek to obtain court orders compelling disclosure of information from Essex Police. Such orders will be handled by the Information Rights Team.

Civil legal proceedings by Landlord

Where Essex Police is convinced that the disclosure is necessary for the purposes of civil proceedings or intended civil proceedings (such as evictions), then a discretionary disclosure may be made. Disclosure will however be limited and it is likely that personal data may be removed from the disclosure. Form A97 is available via the Essex Police website.

Requests for information from Social Housing Authorities

1. Social housing authorities may request lists or summaries of incidents at one or more of their premises and these tend to be requests where their property has suffered criminal damage or the premises has been subject to Police attendance due to criminal activity.

This may be for the purposes of moving the tenants or assessing the risk of harm to a tenant at a location, for instance if subject to anti-social behaviour (ASB) within a property.

These will be handled by the officer in the case, or ASB Officer at the Local Policing Teams. For such request please contact the relevant LPT:-

North LPA Ext 400359 (07977 993212)
South LPA Ext 490156 (07813 294870)
West LPA Ext 362290
2. Requests for information regarding offences within the curtilage of the tenant’s property for eviction purposes are covered under Section 84, Schedule 2 Ground 2 of the Housing Act 1985 as amended by Section 144 of the Housing Act 1996.
3. Requests from social housing authorities regarding eviction should be submitted direct to Crime and Public Protection at Essex Police HQ. The request may be in writing or sent to email address DOM.decision.makers@essex.pnn.police.uk
4. All disclosures will be constructed using factual information, using the principle that ‘the minimum disclosure required is the maximum disclosure permitted’. Police intelligence will not be disclosed.

Please be aware disclosure will be limited and may only cover the last 12 months and where there is:

- a) Evidence of Convictions, Cautions or Penalty Notice for Disorder for offences committed in the accommodation or the immediate vicinity
- b) Evidence of 'positive Police action' or behaviour evidenced by Police Officers committed in the accommodation or the immediate vicinity
- c) Where Police proceedings have not yet been completed, or where No Further Action results from Police attendance, the Police may disclose limited 'statements of fact' that relate to the incident for the consideration of the civil court

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

1. Complete any mandatory sections as indicated on the A93 Request for information from a private landlord. 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 if private landlord.
3. Name, current & valid postal address, date of birth and signature, must be clearly shown, 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 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.

- 4 Send the completed form and proof(s) of identity to:

info.rights.housing@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 A93, 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.

What Essex Police will do next?

On receipt of the completed form and satisfactory proof of your identity, 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 within one calendar month.

For further information about the right of access process for housing matters is available on the website at www.essex.police.uk or by contacting the Information Rights Team at info.rights.housing@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

Any person has the right to be told whether Essex Police is processing information about you and a right to a copy of that information, unless certain exemptions apply.

You can expect a response to be provided to you within one calendar month following receipt of the completed form and satisfactory proof of your identity.

Legislation

Private Landlord's requests (which this guidance is primarily concerned with) about the disclosure for incidents at their premises for non-civil proceedings are covered under Schedule 2 Part 1(5) of the DPA 2018.

For this application landlords will receive only limited disclosure. 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. Essex Police will not disclose if information relates to a live investigation unless confirmation has been sought from the OIC.

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: info.rights.housing@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

None

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