

# Requests for personal data by the Police or a similar third party for the purposes of the prevention or detection of crime or for taxation

## 1. Introduction

This Policy establishes the conditions under which personal and/or sensitive personal data ("personal data") for which Clyde Resources Ltd has responsibility as a data controller under the Data Protection Act 1998 ("the DPA" or "the Act") will be released for the purposes of crime or taxation, as defined by the DPA.

### 1.1. *Where the policy applies*

The Policy applies to all requests made by the Police, a local authority or other authorised agencies for personal data held by Clyde Resources Ltd, where the requestor seeks that information for the purposes of *the prevention or detection of crime or for taxation*, and where it is not appropriate for the requestor to seek that information from the individual(s) concerned.

This Policy is not concerned with the release of information to the Police or other persons in an emergency, e.g. details of medical conditions, next of kin etc.

### 1.2. *Policy statement*

**It is Clyde Resources Ltd policy that the transfer of personal or sensitive personal data to a third party for the purposes of the prevention or detection of crime or for taxation will not take place unless the conditions set out within the DPA and guidance as to the interpretation of the relevant provisions of the Act from the Courts or the UK Information Commissioner can be met.**

### 1.3 *Policy objectives*

This Policy seeks to ensure that, in relation to the management of requests for the release of personal data by Clyde Resources Ltd for the purposes of the prevention or detection of crime or for taxation, that:

- Suitable controls exist to protect the rights and freedoms of individuals and to limit Clyde Resources Ltd exposure to any claim from an individual or from any penalty that a regulator could impose, arising from a breach of the DPA;
- Staff are provided with direction as to where requests for the release of personal data are to be passed;
- Those empowered to make decisions are clearly identified; and
- The steps to be followed in the decision making process are set out, and are made subject to regular review.

## 2. Release of personal data in relation to crime and taxation (s.29 DPA)

The office manager provides the facility for Clyde Resources Ltd (as a data controller) to release personal data to a third party for the following purposes:

- a. The prevention or detection of crime;
- b. The apprehension or prosecution of an offender; or
- c. The assessment or collection of any tax or duty or of any imposition of a similar nature.

Unless a Court order is made, the decision regarding whether to release personal data will belong to Clyde Resources Ltd only.

### *2.1. Conditions for the release of personal information for the purposes of the prevention or detection of crime or for taxation*

Clyde Resources Ltd will *only* consider release of personal data for the purposes of the prevention or detection of crime or of taxation (see section 2 above) where:

- Denying the information request would impede the requestor's ability to undertake a lawful duty, connected with the purposes of the prevention or detection crime or for taxation (see section 2 above); and
- The requesting body could not obtain the information requested from a source other than Clyde Resources Ltd; and
- Release of the information would not conflict with other legal obligations with which Clyde Resources Ltd is required to comply.

Or:

- Where a Court Order is made that requires Clyde Resources Ltd to release the requested information.

### *2.2 Managing the release of personal information for the purposes of the prevention or detection of crime or for taxation*

#### **2.2.1. A valid request**

In most circumstances a valid request will consist of the following:

1. It must be made in writing via the online form that you will find on our website [www.clydeoffices.co.uk/data-protection](http://www.clydeoffices.co.uk/data-protection).
2. The contact form will collect necessary information however we would also expect a standard Police form, approved by the Association of Chief Police Officers (ACPO) and the UK Information Commissioner. In any event, the information to be provided must normally include:
  - A summary of the reason as to why the information is required and is not otherwise obtainable;
  - Details identifying the individual(s) about whom personal data is being sought;
  - The precise information required about the individual(s);
  - The name, rank and number of both the requesting and authorising Police Officers;
  - The signatures of both the requesting and the authorising Officer; and
  - Subject to part iii below, the authorising Officer to be senior in rank to the requesting Officer and of a rank no lower than Inspector.

3. Where the Police cannot provide sufficient details as to why they seek the information to support the purposes set out in section 2 of this Policy without prejudicing an investigation and/or operation, the request must be authorised by an Officer of the rank of *Superintendent or above*.
4. Where a request for personal data, for the purposes of crime and taxation is received from a Local Authority or another body, those persons tasked with assessing whether personal data are to be released for the purposes of crime and taxation (See this Policy, Section 2.2.2) shall determine whether the request has been made with an equivalent level of detail and authorisation to that expected of the Police in similar circumstances.
  - Requests made by telephone or in person (where no written request is provided) are not generally acceptable.

### **2.2.2. Authorisation**

Requests for the release of personal data to the Police or any other body for the purposes of the prevention or detection of crime or for taxation **must** be managed by the office manager.

The decision to release the requested information will be made against the criteria set out in this Policy. These mirror guidance issued by the UK Information Commissioner concerning section 29 of the DPA.

### **2.2.3. Action on receipt of an invalid request**

Should a request be judged to be invalid by Clyde Resources Ltd for one of the following reasons:

- Not made in writing (or another permanent form);
- Insufficient information to allow Clyde Resources Ltd to determine whether the requested information can or should be released; or
- Not approved by the appropriate ranking Officers (which may require a Superintendent or greater, depending on circumstances)

then the request will be refused (normally in writing) and the requestor will be asked:

- To return with the required information and/or appropriate approvals; or
- To seek a Court order requiring Clyde Resources Ltd to release the requested information.

### **2.2.4. Documentation of decisions**

All requests to release information for the purposes of crime or taxation must be documented for audit purposes, such documentation to include a copy of the request, the initial assessment of the request and a summary of the actions taken by Clyde Resources Ltd.

This information is to be held separately, and access to this information will be restricted.

### 2.2.5. Release of information

Where Clyde Resources Ltd decides that it is obliged to release personal and/or sensitive personal data, then it will release only the minimum information necessary for the requestor to conduct their lawful duties.

Clyde Resources Ltd will not provide a third party with access to information systems enabling that party to search for information – unless compelled to do so by Court Order.

### 2.2.6. Acting with the knowledge that a request has been made for the purposes of the prevention or detection of crime or for taxation

#### *Duty of care*

By receiving a request for information for the purpose of the prevention or detection of crime or for taxation Clyde Resources Ltd may become aware of events/circumstances where it may wish to act, so that it can address its duty of care and other responsibilities. Clyde Resources Ltd will not act on any knowledge gained from the receipt of such an information request without first seeking guidance and, as necessary, permission from the requestor. Such communications between Clyde Resources Ltd and the requestor will be documented for audit purposes.

## 3. Responsibilities

### 3.1. *Members of staff*

Should a request for information by the Police or a similar authority be made, then that is to be referred to the office manager at Clyde Resources Ltd

Details of information requests made for the purposes of the prevention or detection of crime or for taxation are to be kept strictly confidential. Any form of further use of information surrounding such requests outwith the requirements of an individual's job role/description, or any instruction issued to them, may constitute a criminal offence and a breach of policy.

## 4. Reporting breaches

In the first instance any suspicion of a breach of this Policy should be reported to the office manager in writing.

## 5. Sanctions

Where a serious breach of the Data Protection Act 1998 has occurred, namely where unwarranted and unauthorised access to personal information has occurred (in terms of volume or sensitivity) and where the potential harm to individuals has become an overriding consideration, then Clyde Resources Ltd representative as Data Controller (the Vice-Principal (Governance & Planning)) will report the matter to the UK Information Commissioner and any other relevant authorities.

## 6. Availability

This Policy will be published on the company Intranet and on the office noticeboard.

A copy of this Policy and subsequent revisions are to be made available to the Police on request.