

Checklist for handling requests for personal information from the police.

To be read in conjunction with:

[Section 8 of the Data Protection Code of Practice](#)

And

[Examples of Third Parties who may request disclosure of personal information](#)

The police may request third party personal information under Schedule 2 Part 1(2) of the Data Protection Act 2018 (DPA).

for the purposes of:

- a) The prevention or detection of crime,
- b) The apprehension or prosecution of offenders,

Although we are permitted to release information under these terms **we are not obliged to do so**. The decision on whether to release the information is ours to make, only a court order can force us to release the information. Therefore, it is vital that if you receive a request from the police that you deal with it appropriately following the steps below.

Scenario 1 – Request received in person or over the telephone

- Do **not** give out any information. This includes confirming or denying whether an individual is a current student/staff member.
- Ask the police officer to submit their request in writing on an appropriate DPA Schedule 2 Part1(2) request form to Governance Services at dataprotection@napier.ac.uk. The form should include the following:
 - Their name, rank, badge number, contact details and signature
 - Counter-signature and contact details of a senior officer
 - An explanation of the nature of the investigation and the subject's role in the investigation
 - A description of the information required
 - A summary of why this information cannot be reasonably obtained from another source
 - The exemption under which they are requesting the information
 - The lawful basis for processing (Schedule 2 or 3 of the DPA)
- On receipt of the completed form [Governance Services](#) may contact you to establish whether the requested information is held. If the information is held Governance Services will then assess whether the information can be released to the Police. This is based on whether:
 - a) The summary of the investigation and the student's involvement demonstrate a legitimate need for this information to be released.
 - b) Withholding this information could prejudice the investigation.

N.B – if the police advise that this is an emergency situation which requires an immediate response (i.e. danger of death or injury to the data subject or any other person) please take a note of the request/circumstances and the contact details of the Police Officer and telephone [Governance Services](#) or speak to your Head of School or Service area or nominated deputy. As per [Section 8.7 of the Data Protection Code of Practice](#)

Scenario 2 – Request received by email/letter (not on an appropriate Schedule 2 Part 1(2) form) *

- As above do not give out any information
- Respond and ask the police officer to submit their request in writing on an appropriate DPA Schedule 2 Part 1(2) form to Governance Services at *dataprotection@napier.ac.uk*. The form should include the following:
 - Their name, rank, badge number, contact details and signature
 - Counter-signature and contact details of a senior officer
 - An explanation of the nature of the investigation and the subject's role in the investigation
 - A description of the information required
 - A summary of why this information cannot be reasonably obtained from another source
 - The exemption under which they are requesting the information
 - The lawful basis for processing (Schedule 2 or 3 of the DPA)
- On receipt of the completed form Governance Services may contact you to establish whether the requested information is held. If the information is held Governance Services will then assess whether the information can be released to the Police. This is based on whether:
 - a) The summary of the investigation and the student's involvement demonstrate a legitimate need for this information to be released.
 - b) Withholding this information could prejudice the investigation.

*If you are unsure whether an appropriate form has been used then contact [Governance Services](#)

Scenario 3 - Request received by letter/email on appropriate Schedule 2 Part 1(2) request form

- Forward the request to Governance Services at *dataprotection@napier.ac.uk*
- If the form was received by email acknowledge the request and advise the police officer that it is being dealt with by Governance Services who will contact them in due course.