

## Checklist for handling third party requests for personal data (City of Edinburgh Council, SAAS, DWP, other Government agencies)

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](#)

Local government, SAAS and other government agencies 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,
- c) The assessment or collection of any tax or duty or of any imposition of a similar nature. \*

Although we are permitted to release information under these terms **we are not obliged to do so**. Therefore, it is vital that if you receive a request from a 3<sup>rd</sup> party that you deal with it appropriately following the steps below. It should also be noted that organisations may be relying on legislation other than the Data Protection Act which the University would have a legal obligation to comply with, however they should specify this in their request.

*\* Student data may be disclosed to Council Tax officers as necessary without consent and on a need to know basis. The University's students who live in the Edinburgh and Fife Councils' areas are advised at matriculation that their data will be passed to these two councils. For all other Councils student consent should be sought.*

### Scenario 1 – Request over the telephone

- Do **not** give out any information. This includes confirming or denying whether an individual is a current student.
- Ask the requester to submit their request in writing, using the [Third Party Data Request form](#), to Governance Services at [dataprotection@napier.ac.uk](mailto:dataprotection@napier.ac.uk). The request should include the following:
  - The name, job title, department, contact details and signature of the requester
  - Counter-signature, job title and contact details of a member of staff senior to the requester
  - 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.
- 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. 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.

### Scenario 2 – Request received by email/letter

As above do not give out any information

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