



**Disclosure Procedure:  
Request for Information by Law Enforcement Agencies**

<b>Rev</b>	<b>Date</b>	<b>Purpose of Issue/Description of Change</b>	<b>Equality Impact Assessment Completed</b>
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<b>Policy Officer</b>	<b>Senior Responsible Officer</b>	<b>Approved By</b>	<b>Date</b>
Head of Compliance	University Secretary	Compliance Task Group	3 <sup>rd</sup> October 2016

*This Policy will be reviewed in 3 years*

## Disclosure Procedure: Request for Information by Law Enforcement Agencies

### 1. Background

These Procedures are intended to cover situations where the University receives requests from the Police or other organisations / agencies with law enforcement responsibilities (such as the Department for Work and Pensions, local authorities, HM Customs and Revenue and the UK Visas and Immigration) for personal information about students, staff or other individuals whose information the University holds. These Procedures also include requests for the provision of any CCTV footage<sup>1</sup>.

Personal information held by the University is managed in accordance with the Data Protection Act 1998 (DPA) and the University's Data Protection Policy<sup>2</sup>. The Act and the University's Policy provide guidance on the circumstances when it is lawful to disclose and transfer personal information outside the University and in general this should be carried out "fairly and lawfully" and in accordance with the University's Data Protection Notification.

There are, however, exemptions within the DPA which allow the University, under strict guidelines, to release information to law enforcement agencies without the consent of the individual whose information is being released, and regardless of the purpose for which the information was originally collected.

In particular personal information may be released if:

- the information is required for safeguarding national security (DPA, Section 28)
- failure to provide the information would prejudice the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of any tax or duty (DPA, Section 29)

Personal information may also be disclosed without contravening the terms of the Act where that disclosure is required by law.

Before the University releases any information to a law enforcement agency it must satisfy itself that the disclosure is necessary and required for a legitimate purpose.

The University seeks to co-operate with the police and with other agencies in the prevention and detection of crime and these Procedures set out the steps to be followed when responding to requests for personal information from these external agencies.

These Procedures should also be considered in conjunction with the University's *Prevent Policy* and its Information Sharing Agreement with partners to the Prevent and Channel Programme.

### 2. Requests for Information

It is important that the University responds to all requests for information in a consistent manner and the University therefore operates a Single Point of Contact system for all law enforcement requests which is overseen by the Head of Compliance, Planning & Governance Office. To facilitate this any member of staff who receives a request for personal information from the Police or any other agency with law enforcement responsibilities must forward it as soon as possible to the Governance & Compliance Officer, Planning & Governance Office. The Planning & Governance Office will then ensure that the request is handled in

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<sup>1</sup> Specific guidance on the operation of the University's CCTV system can be found in the *CCTV Code of Practice* available from the Planning & Governance Office

<sup>2</sup> Available from the Planning & Governance website

accordance with the remainder of these Guidelines. Further advice on requests for information from the police or other agencies should be directed to the Head of Compliance.

Staff should not feel pressurised to disclose information “on the spot”, as it is very rare that the police or agencies require the information urgently (although such circumstances are dealt with in Section 4 below).

### **3. Planning & Governance Office Procedures**

#### **[a] Police Requests**

All police forces have standard forms (known as Section 28/29(3) forms or “data protection forms”) which must be used to request personal information from Bangor University, in accordance with guidance issued by the Association of Chief Police Officers. The form must certify that the information is required for an investigation concerning national security, the prevention or detection of crime or the apprehension or prosecution of offenders, and that the investigation would be prejudiced by a failure to disclose the information. **All requests from the police, (apart from emergency requests, which are dealt with at section 4. below,) should be received on a Section 28/29(3) / data protection form, should clearly state all the information being requested and should be signed and dated by an officer of the rank of Sergeant or above-**

#### **[b] Other Agencies with Law Enforcement Responsibilities**

Other agencies may not routinely use standard forms to submit their requests. However any request for personal information should:

- Be in writing, on headed paper, and signed by an officer of the agency;
- Describe the nature of the information which is requested;
- Describe the nature of the investigation in broad terms, including citing any relevant statutory authority for requesting the information;
- Certify that the information is necessary for the investigation.

On receipt of such a request the data would normally be disclosed, after due consideration of the University’s legal position to provide such data, by the Head of Compliance.

### **4. Requests for Disclosure of Information in Emergency Situations**

The University acknowledges that, from time to time and in extraordinary circumstances, police forces, other law enforcement agencies or other emergency services may urgently require personal data from the University and may not be in a position to complete the usual required paperwork at that time. These requests are usually received by the University’s Security Section but may be received by any member of staff. Requests of this type would include urgent requests for provision of CCTV footage for genuine police operational reasons and / or requests for contact information for members of staff or students.

In these circumstances, during normal office hours, staff should contact the Head of Compliance, or the Governance and Compliance Officer, in the first instance for advice and authorisation before providing any information / CCTV footage.

If the request is being dealt with out of normal office hours, during University holidays or at a weekend and information or images are required immediately to deal with an ongoing police or other law enforcement incident the procedures outlined below should be followed:

1. The University's Security Section should note all of the emergency information required, the circumstances of the request and the name, rank and number of the requesting Police Officer.
2. Authorisation and / or advice should then be sought advice from the Campus Services Manager (Security) or Deputy.
3. Where the request isn't straightforward or the information isn't easily located the Campus Services Manager (Security) or Deputy may seek advice from the Head of Compliance.
4. Once the release of information or images is authorised the Security Team Leader or Assistant should note in the security log the exact circumstances of the request, the name, rank and number of the requesting Police Officer. This information should be forwarded to both the Head of Compliance and the Governance and Compliance Officer as soon as practicably possible.
5. If information / images are released in emergency circumstances the Planning & Governance Office will ensure that the request is followed up with a formal written request from the relevant law enforcement agency, either by supplying a S28/29(3) / data protection form or a letter on headed paper appropriately authorised.