



## **Guidance Sheet for Organisations Requesting Information from Bristol City council under Schedule 2 of the Data Protection Act 2018**

### **What is Schedule 2 Part 1 Paragraph 2**

The police and other agencies e.g., other local authorities, government departments, office of the public guardian, utilities companies etc, can request access to personal information held by local authorities for specified purposes. We are not obliged to provide the information where we do not think the request is lawful or necessary.

They can ask for information if it's about:

- prevention or detection of crime
- the apprehension or prosecution of offenders
- assessment or collection of tax, duty or imposition of a similar nature.

### **How to make a request under Schedule 2 Part 1 Paragraph 2**

Organisations wishing to request disclosure of personal/sensitive personal information held by the BCC under schedule 2 must complete the appropriate form. This is BCC's form which we ask organisations to complete: [BCC disclosure requestform.docx \(live.com\)](#)

Note from time-to-time organisations may send to us their own version of the form which is acceptable provided it answers the questions in BCC's form. There is no point asking the organisation to complete both their form and our form if theirs suffices.

The purpose of the schedule 2 form is to enable BCC to respond to requests for the disclosure of personal data by providing the necessary information to locate the data in question. It also allows BCC to make an informed decision concerning the request for release of the information based on the understanding of the grounds for applying the exemption and assess the merits of the request.

**Completing the form:** Any form received by BCC should typically contain the following:

- Name, job title/rank, organisation and contact details to enable us to identify the requester as a person with the authority to make a request under the exemption and allow us to contact them or forward the information once a decision has been made.
- Name of data subject including any other names the data subject is known by, current or last known address and any other identifying data such as national insurance number or other personal identifiers where known. Any other details

which would enable us to locate the data, e.g., directorate or department the individual has had contact with, where the data is likely to be held or the dates when the individual was in contact with BCC.

- Details of the specific information required and what you as the requesting organisation intend to do with it and how long they intend to retain it. Clarify on what basis the sharing of data is lawful with reference to Schedule 2 Part 1 Para. 2/5 Data Protection Act 2018, and to Articles 6(1) and 9(2) of the UK GDPR. If asking for information relating to criminal convictions and offences, state official authority and how you are authorised to process the information with regard to Article 10 UKGDPR or with reference to Schedule 1 DPA 2018.
- Details of how not providing the information would prejudice your lawful purpose. For the purposes of crime prevention or apprehension/conviction of an offender, the requested information should relate to a specific individual.
- Details of the powers (if any) under which you are requesting the information.

#### **Authorisation and sending the information:**

- Personal/sensitive personal data should only be disclosed via a secure email, or via special delivery post.
- For requests from the police, the form must also be authorised by a person of no lower rank than Sergeant, or otherwise higher than the person making the request.
- For requests from other organisations other than the police, the authorised signatory should be of a higher position within the organisation than the person making the request.
- email to [subjectaccessrequest@bristol.gov.uk](mailto:subjectaccessrequest@bristol.gov.uk). Schedule 2 requests are logged onto the council's icasework system so should be sent to the above email address so they can be managed and allocated to the appropriate service area for response.

For internal BCC use:

***The final decision to release the requested information rests with BCC. Note the Schedule 2 exemption must not be used as a "fishing expedition" and such requests should be refused.***

*Once BCC is satisfied there is a legal basis to ask for the information, that the information being asked for is justified and no more than necessary for the requesting organisation's purpose, and, that if BCC did not provide the information, the requesting organisation would be prejudiced you can disclose the information. You do not need the approval or sign off of data protection. Whilst in most cases it is clear whether disclosure is justified or not if in doubt you can raise any concerns with [data.protection@bristol.gov.uk](mailto:data.protection@bristol.gov.uk) prior to disclosure.*

*Most requesting organisations have legal powers and duties they rely on to request disclosure – though keep in mind this should only be with regard to the minimum amount of data needed, so if for example the request was for the current address of a tenant you may not be justified in providing the whole tenancy file.*

*Finally, when disclosing information, you should redact any third-party data if you will be providing a document that contains both the data subjects and another person's data.*