**Request for disclosure of information under**

**Schedule 2 Part 1(2) of the Data Protection Act 2018**

**(crime prevention, law enforcement or tax collection)**

Organisations that have a crime prevention, law enforcement or tax collection function may require personal information held by the Combined Authority to prevent or detect a crime, or apprehend or prosecute an offender, or for taxation purposes.

The following form must be completed before the Combined Authority will consider any request for information under Schedule 2 Part 1(2). For more information please refer to the guidance (Appendix 1).

All requests must be submitted either in person, by post or via email. (We recommend that you use a secure e-mail solution for sending personal or confidential information to us by email).

Recipients will become the data controller in respect of any personal data that is disclosed to them pursuant to this request and must adhere to all data protection legislation in your handling of that personal data.

**Section 1 – Requester Details**

|  |  |
| --- | --- |
| Requested by  (name in full) |  |
| Organisation |  |
| Job Title |  |
| Address |  |
| Telephone number |  |
| Email address |  |
| Your reference |  |
| Date of request |  |

**Section 2 – Legal Gateway**

|  |  |
| --- | --- |
| (a) The prevention or detection of crime |  |
| (b) The apprehension or prosecution of offenders |  |
| (c) Assessment or collection of tax, duty or imposition of similar nature |  |

|  |
| --- |
| List which conditions of Article 6 and Article 9 of the General Data Protection Regulation that you are relying on to support your application for the disclosure of information. (See appendix 2) |
|  |

**Section 3 – Data Subject Details**

|  |  |
| --- | --- |
| Name |  |
| Address |  |
| Other identifying  information |  |
| Specific Information  Required |  |

**Section 4 – Information to support disclosure**

|  |  |
| --- | --- |
| Alleged Offence(s) |  |
| Reason Information is necessary |  |
| State under which statutory powers you are requesting the information |  |

**Section 5 – Authorisation**

I can confirm that the personal data requested are required for the purpose(s) stated above and failure to provide information will, in my view, be likely to prejudice that/those purpose(s).

|  |  |  |  |
| --- | --- | --- | --- |
| Name  (please print) |  | Organisation |  |
| Signed |  | Date |  |

Police Requests Only

This request must also be authorised by a person no lower than Police Inspector.

|  |  |  |  |
| --- | --- | --- | --- |
| Name  (please print) |  | Rank |  |
| Signed |  | Date |  |

**Section 6 – West Yorkshire Combined Authority contact details**

Information Governance, Legal and Governance Services, Wellington House, 40-50 Wellington Street, Leeds LS1 2DE

Email: DPO@westyorks-ca.gov.uk

**Appendix 1**

**Request for disclosure of information under**

**Schedule 2 Part 1(2) the Data Protection Act 2018**

**Guidance**

**Introduction**

Organisations that have a crime prevention, law enforcement or tax collection function may require personal information held by Combined Authority to prevent or detect a crime, or apprehend or prosecute an offender, or for taxation purposes.

Examples of organisations that can submit requests under Schedule 2 Part 1(2) are; Police, HM Revenue and Customs, Other Local Authorities or Public Bodies, acting under authorised powers.

The Combined Authority may be able to release this information by applying an exemption under Schedule 2 Part 1(2) of the Data Protection Act 2018.There is no obligation on the Combined Authority to do so and even if the exemptions applies the Combined Authority may decide that it should not release any information.

Please note that if the Combined Authority has genuine concerns about releasing any personal information (for example, because it thinks it has other legal obligations such as the information being confidential) then we may ask for a court order requiring release of the information.

**How to make a request under Schedule 2 Part 1(2)**

To make it easier for organisations requesting information under Schedule 2 Part 1(2) of the Act, the Combined Authority has created a form which should be completed before a request will be considered. Requests can be submitted either via email or by post.

**Contact details**

Information Governance, Legal and Governance Services, Wellington House, 40-50 Wellington Street, Leeds LS1 2DE

Email: DPO@westyorks-ca.gov.uk

(We recommend that you use a secure e-mail solution for sending personal or confidential information to us)

Failure to complete the form fully is likely to delay the process of obtaining the information.

**Appendix 2**

**GDPR Article 6: Lawfulness of processing**

Processing shall be lawful only if and to the extent that at least one of the following applies:

1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

2. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

3. processing is necessary for compliance with a legal obligation to which the controller is subject;

4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;

5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

6. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

**GDPR Article 9: Processing of special categories of personal data**

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

e) processing relates to personal data which are manifestly made public by the data subject;

f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.