

Guide Number: 5

Subject: Requests for personal information under Schedule 2, Part 1 of the Data Protection Act 2018

Background

This procedure sets out the conditions under which personal data that the University holds as a data controller under the Data Protection Act 2018 (“the DPA” or “the Act”) may be disclosed to third parties outside normal working hours.

General Principles

Under the Act, personal information should not be passed to a third party without the consent of the Data Subject.

An exemption under Schedule 2, Part 1, 2(1) allows us to release personal information without consent in specific circumstances. They are:

- for the detection or prevention of a crime;
- the apprehension or prosecution of offenders; and
- the assessment or collection of any tax or duty.

Information that is required for the purpose of safeguarding national security may be released pursuant to s.110 DPA.

The majority of requests for information under Schedule 2, Part 1, 2(1) are made by the Police, although other agencies may also seek to make use of this exemption, such as the Department for Work & Pensions and the NHS Counter Fraud Service, where they are investigating alleged offences.

A further exemption under Schedule 2, Part 1, 4(1) relates specifically to immigration. We are permitted to release personal data without consent in the following circumstances:

- the maintenance of effective immigration control, or
- the investigation or detection of activities that would undermine the maintenance of effective immigration control

A request on this basis would be made by UK Border Force.

This document makes specific reference to the Police, but the principles apply to any statutory body that has the powers listed under Schedule 2, Part 1 of the Act.

It is our university’s policy that the disclosure of personal data to the Police for the purposes of the prevention or detection of crime will not be authorised unless the conditions set out in the Act and guidance on the interpretation of the relevant provisions from the courts or the Information Commissioner’s Office are met.

Schedule 2, Part 1, 2(1) Requests

A valid request must:

- be in writing;
- be signed by the requesting officer and countersigned by an officer senior in rank to the requesting officer and of a rank no lower than inspector;
- state the purpose for which the information is required;
- provide details identifying the person about whom personal data is being sought;
- state the precise information required about the individual;
- certify that the investigation would be prejudiced by a failure to disclose the information.

Until a proper request has been received, no information should be disclosed, nor should it be confirmed or denied whether the individual concerned is, or has been, a student or member of staff of the University.

In the event that the any third party do not present the appropriate paperwork the University have appropriate forms for completion here. Put in a link to the form It is the University as data controller that determines whether it is appropriate to release personal data. Responses to Schedule 2, Part 1, 2(1) requests must be approved by the Information Governance team before release.

Request made during normal working hours

All such requests are processed by the Information Governance Team. We aim to respond to requests immediately and will provide data on the day of receipt of request for straightforward cases. Where it is necessary to seek information from other parts of the University, this may take longer but we endeavour to respond within two working days of receipt. The Information Governance Team are available between 8.30 am and 5.00 pm, Monday to Friday. Requests should be emailed to: infocompliance@leedsbeckett.ac.uk.

Requests made outside normal working hours

Requests made outside normal working hours will be dealt with on the next working day. In exceptional circumstances, where the Police need information urgently and the Information Governance team are not available they must contact the Security Office, James Graham Building, Headingley Campus. The duty Security staff will contact the Security Manager who will advise whether the request should be dealt with immediately or referred to the Information Governance Team for consideration on the next working day. If the Security Manager judges that the information should be released immediately or is unsure, they will contact the University Secretary or Deputy Secretary to take advice. The University Secretary or Deputy Secretary will authorise and facilitate access to the data via staff in RSO for student-related data requests or appropriate staff in HR for staff-related requests.

CCTV footage

Requests for CCTV footage are treated in the same way. A written request compliant with Schedule 2, Part 1, 2(1) DPA is required and will be considered in accordance with the procedure above, the footage having first been reviewed by Security Services in liaison with Information Governance staff before release.

Useful Contact Details

Security Office	0113 812 3165
Security Manager (Lorraine Foster)	07826 876 578
Information Compliance & Data Protection Manager (Mandy Dobson)	0113 812 3904
Head of Information Governance (Lorna Gladstone)	0113 812 2550