Ysgol Cybi

Gweithdrefn Rhannu Gwybodaeth gyda Awdurdodau Heddlu'r Deyrnas Unedig (Gwynedd a Môn) / *Procedure for Sharing Information with Police Authorities in the United Kingdom (Gwynedd & Anglesey)*

(Fersiwn 2, Hydref 2021 / *Version 2, October 2021*)

Fersiwn / *Version*	**Dyddiad / *Date***	**Crynodeb o newidiadau / *Summary of changes***	**Dyddiad a Dderbyniwyd gan Fwrdd o Lywodraethwyr / *Date Accepted by Board of Governors***
F1/*V1*	Gorffennaf 2021 / *July 2021*	Gweithdrefn newydd / *New procedure.*	
F2/*V2*	Hydref 2021 / *October 2021*	Newid i baner y ddogfen a mân newidiadau / *Change to the document banner & minor changes*	30/09/26

Dyddiad yr adolygiad nesaf / *Date of next review*	
Bydd y gweithdrefn hon yn cael ei adolygu gan Ynys Môn yn: / *This procedure will be reviewed by Anglesey in:*	Hydref 2024 / *October 2024*
Yr unigolyn a fydd yn ymgymryd â'r adolygiad fydd: / *The review will be undertaken by:*	Swyddog Diogelu Data Ysgolion Môn / Anglesey *Schools Data Protection Officer*

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Rydym yn hapus i ddarparu'r weithdrefn hon ar ffurfiau eraill ar gais. Defnyddiwch y manylion cyswllt uchod. / *We are happy to provide this procedure in alternative formats on request. Please use the above contact details.*

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Appendix A- Request to external organisation for the disclosure of personal data to the Police

1. Introduction

The process of sharing information about individuals with the Police Authority needs to adhere to strict guidelines under the provisions of the *Data Protection Act 2018* and the *UK General Data Protection Regulation (UK GDPR).* The new legislation creates obligations that organisations must follow.

The purpose of this procedure is to regulate, manage and implement the process of sharing the data of pupils, former pupils and staff with Police Authorities. Following the recommendations in this document will:

- help to ensure that individuals/schools that share information adhere to data protection legislation and other statutory provisions;
- ensure that information shared complies with data protection and *UK GDPR* legislation;
- ensure that the school has received a sufficient legal basis that enables the sharing of information;
- ensure that the school remains within the law and avoids regulation actions and penalties;
- inform individuals that procedures are in place that comply with data protection regulations with their information gathered.

2. Aims of the Procedure

The aim is to share information with Police Authorities within the United Kingdom in order to assist with criminal investigations:

- prevent or detect crime;
- prosecute or apprehend offenders;
- protect the essential interests of individuals.

This procedure will provide schools with a timely process to respond to an information request from the Police.

3. Principles

There must be compliance with data protection laws when processing data:

- personal information must be dealt with fairly and lawfully;
- data must be received and processed for specific purposes only;
- information must be adequate and relevant without being excessive;
- information must be accurate and kept up to date;
- information must not be stored for longer than is necessary;
- data must be stored securely.

The accountability principle also means that the school, as the data controller, must demonstrate compliance with the above.

The following must be considered before considering any request:

- ***UK GDPR* legislation and the *Data Protection Act 2018;***
- **the legal basis that permits us to share the data.**

4. Responsibilities

The school is registered with the Information Commissioner's Office (ICO) in accordance with the conditions of the *Data Protection Act 2018*. The school is the data controller for information gathered from individuals within the school.

Everyone will need to be aware of their expectations when dealing with information requests from the Police.

He/she should be responsible for ensuring that responses to information requests from the Police comply with *UK GDPR* legislation and the *Data Protection Act 2018.*

4.1. The Governing Body

- the *'Protocol for Sharing Information with Police Authorities in the United Kingdom'* must be adopted.

4.2. Headteacher/Designated Line Managers

- responsible for managing the procedures;
- ensure that all school staff are aware of their compliance responsibilities when processing information requests.

4.3. Teaching Staff

- ensure that they are aware of their compliance responsibilities when processing information requests;
- ensure that they reach the expected standards of their post, to the best of their ability, in accordance with their employment contract;
- collaborate reasonably with the school during any informal process or if a formal process is requested.

4.4. Local Authority - Schools Data Protection Officer

- provide advice and guidelines to schools on procedures;
- provide guidelines to schools/headteachers on the Police information request process;
- be a contact point for staff/Police if there are concerns regarding the information sharing process.

4.5. The Police

Actions that members from the North Wales Police Authority and members from other Police Authorities within the United Kingdom must take before obtaining access to any information about pupils, former pupils and staff that is held by a specific school:

- follow the right procedure when requesting information;
- complete the relevant form with the **information required - clearly and specifically (*Appendix A);**
- be aware that the school has a policy that must be followed and complied with.

5. The procedure that must be followed if an information request from the Police is received:

- information **should not be shared** under any circumstances if the **relevant form** has not been completed and received by the school;
- there will be a need to ensure that the individual requesting access to information completes the relevant form under ACPO arrangements (see ***Appendix A**);
- the officer granting access will need to have a copy of the data protection access form in his possession prior to commencing the work of permitting access as **information will not be released otherwise.**

5.1. PREPARING THE DOCUMENTS

- an officer within the school, who is responsible for information requests, must be nominated to prepare documents to be disclosed to the Police;
- document checks should include electronic files, e-mails, paper files and any other file that could be relevant;
- the officer will be responsible for preparing all documents, ensuring that the file includes all information related to the pupil before moving to the next step;
- in terms of pupil files, responsibility for them lies with the schools that were or are attended by the pupil, not the education department/Learning Service.

Disclosing confidential information about any child is a very serious matter.

6. CONTACT WITH THE DATA PROTECTION OFFICER

- a Schools Data Protection Officer can provide advice regarding matters that are included in files that include information about individual children. The DPO can advise in difficult cases where files need to be screened;
- the legal department in every authority can advise whether or not there is uncertainty and whether it is suitable to release information about children that have received/are receiving their education within Gwynedd and Anglesey schools or staff that are working/have worked at the school. It is also possible to obtain advice from the legal department in complex cases in relation to children;
- all information should be read carefully before it is released in order to consider whether or not information about third parties should be redacted or not. This must be determined in every case on an individual basis. It will

not be appropriate to delete information on all occasions. The Schools Data Protection Officer can advise on this process.

7. PROVIDING THE INFORMATION

Information should be provided in the most suitable manner depending on the circumstances by:

- inviting the Police to the school;
- sending an e-mail;
- making arrangements with the Schools Data Protection Officer.

7.1. Meeting

- a **suitable, quiet and strictly confidential location** will need to be arranged before permitting access to information;
- during the meeting with a member of North Wales Police Authority or another Police Authority, the officer will be responsible for ensuring that suitable information is disclosed and **only the relevant information required for the case in question;**
- during the process of granting access to information, it will be possible for a specific member of the Police to have an **opportunity to read the specific file;**
- if a photocopy request is granted, **it must be ensured that documentation has been screened first;**
- a **copy of the original pack and the copy provided to the Police** must be kept.
- **it is possible for the Police to make notes in the room** but not to bring a specific person into the room with the specific intention of making notes about the information or the file in question.

At the end of the meeting, the information/file will remain in the possession of the school or officer appointed by the authority to undertake the work.

7.2. E-mail

- information can be disclosed electronically, **if required**. Particular **care should be to taken** to ensure that the e-mail has been **encrypted** and that the **correct e-mail address** is used.

7.3. Paper Copies

- paper copies will need to be provided occasionally, either **on site**, or by **post**;
- if using Royal Mail, **registered post** or **special delivery** should always be used and it should be ensured that the envelope used is **suitable** and strong enough;
- **a copy** of the pack provided to the Police **should be kept**.

Whichever method is used, it should be ensured that the school has a record of what was disclosed for its own purposes.

8. Child Protection Information

The *UK GDPR* and *Data Protection Act 2018* do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

Relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being. The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child.

Fears about sharing information should not be a barrier to safeguarding and promoting the well-being of children at risk of abuse or neglect.

If unsure of what information can be shared, please discuss with the Schools Data Protection Officer.

For more information regarding sharing information to safeguard children, please refer to the Welsh Government's document- *Social Services and Well-being (Wales) Act 2014, Working Together to Safeguard People, Information sharing to safeguard children, Non-statutory guide for practitioners, July 2019.*

9. Contact Details

Advice is available for the nominated person from:

Louise Jones - Gwynedd Schools Data Protection Officer
Elin Williams - Anglesey Schools Data Protection Officer

Contact Details for Anglesey:

Schools Data Protection Officer

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Appendix A
Version 1.1.3

NORTH WALES POLICE
A **safer** North Wales

Request to external organisation for the disclosure of personal data to the Police

Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 or GDPR Articles 6(1)(d) & 9(2)(c)

To:	Click or tap here to enter name of person this is sent to (recipient).
Position (where known):	Click or tap here to enter their position in their organisation.
Organisation:	Click or tap here to enter name of their organisation.
Address:	Click or tap here to enter address of their organisation.

I am making enquiries which are concerned with:

- ☐ The prevention or detection of crime*
- ☐ The prosecution or apprehension of offenders*
- ☐ Protecting the vital interests of a person*

☐ I confirm that the personal data requested below is needed for the purposes indicated above and a failure to provide that information will be likely to prejudice those matters.

☐ I confirm that the individual(s) whose personal data is sought should not be informed of this request as to do so would be likely to prejudice the matters described above.

**Check mark as is appropriate*

Information required:

Click or tap here to enter text setting out what information is required.

Why the information is necessary for the purpose:

Click or tap here to enter text to explain why the information is necessary for your policing purpose. Beware of disclosing information which is excessive or may pose operational risks to your investigation, but also be aware that failure to explain the necessity clearly may delay or prevent disclosure.

Police Reference:

Click or tap here to enter Crime Reference No., Case File No. etc. where necessary

From:

Rank/Number/Name:	Click or tap here to enter details of person completing form.
Station:	Click or tap here to enter details of station where you are based.
Date/Time:	Click or tap here to enter date and time of completion.
Telephone Number(s):	Click or tap here to enter your telephone number(s).
Email address:	Click or tap here to enter your official police email address.
Signature*:	

Counter Signature**:

Rank/Number/Name: Click or tap here to enter details of person providing counter signature.

***as required by recipient*

Please see Guidance Notes on following page

Undertaking of lawful use of data disclosed to the police service:

Information disclosed to the police service is protected against unlawful reuse by the second data protection principle[2], which prohibits data collected for one purpose being reused for another. If data disclosed to the police service is needed for another purpose, it will be reused only if the new purpose is lawful or a lawful exemption applies, and only data necessary and proportionate to that new purpose will be used.

Therefore, the police service undertakes to ensure that any use or reuse of the data disclosed is lawful, compliant with the data protection principles and processed using appropriate safeguards to the rights and freedoms of the data subject.

Please be aware that we cannot comply with a request to limit use of data which is overridden by a statutory or common law duty or obligation. However, the reuse will be subject to the safeguards described above.

We respectfully request that the same or equivalent measures are observed in your handling of this request for information.

Additional information you may wish to provide to the police service:

In order to help us safeguard against risk to the data subjects, your organisation, and the police service, please provide with your disclosure any additional information you believe

[2] General Data Protection Regulation Article 5(1)(b) and Data Protection Act 2018 Part 3 Section 36

necessary to best handle the data you choose to disclose. This may include, but is not limited to:

- Risks we could not reasonably anticipate
- Any expectation to consult with your organisation should reuse be necessary
- Legally enforceable restrictions on reuse of the data

Explanatory Note

This form is used by the police when making a formal request to other organisations for personal data where disclosure is necessary for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. It places no compulsion on the recipient to disclose the information, but should provide necessary reassurance that a disclosure for these purposes is appropriate and in compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Crime and Taxation - The GDPR regulates the processing of personal data where it is done so for non-Law Enforcement purposes. Article 23 of the GDPR permitted the UK Parliament to create, via legislation, exemptions from particular elements within the GDPR which would otherwise compromise the public interest. The Data Protection Act 2018 sets out exemptions from the GDPR which apply in some circumstances. They mean that some of the data protection principles and subject rights within the GDPR do not apply at all or are restricted when personal data is used or disclosed for particular purposes.

The most relevant exemption for Law Enforcement is that within the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 2 (Crime & taxation: general). This applies where personal data is disclosed by an organisation subject to the GDPR to the police for the purposes of *the prevention or detection of crime* or *the apprehension or prosecution of offenders*.

It restricts the application of the GDPR data protection principles and subject rights (as listed in the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 1) to the extent that the application of those provisions would be likely to prejudice *the prevention or detection of crime* or *the apprehension or prosecution of offenders*.

In effect the exemption means that an organisation can provide personal data to the police where necessary for the prevention or detection of crime or the apprehension or prosecution of offenders without fear of breaching the GDPR or Data Protection Act 2018.

Organisations already processing data for the prevention and detection of crime may wish to consider compatibility with their conditions for processing instead of using this exemption. For example, Schedule 1 Part 2 Paragraph 10 provides the condition for processing (including disclosure) for purposes compatible with this request.

Vital Interests – To protect life or prevent an immediate and credible risk to life, GDPR Article 6(1)(d) provides a lawful basis for organisations to disclose personal data to the police where the disclosure *is necessary in order to protect the vital interests of the data subject or of another natural person.* Article 9(2)(c) provides for processing of special category data to the same ends, where the data subject is legally or physically incapable of consent.

Further guidance on the use of this form may be obtained from your Data Protection Officer.

Completion Guidance

Police officers or staff completing this form should type and tab between the fields on the form. The information required field should provide the recipient with sufficient information to allow them to locate the information sought. Where a signature and/or counter signature are required the form will need to be printed off and signed manually. Some organisations may require a counter signature to be added to the form. Normally this should be the supervisor or line manager of the person completing the form, but may be a higher rank if reasonably required by the recipient.