



Guidance - Right of Access Request

Data Protection Act 2018 (DPA)

UK General Data Protection Regulations (GDPR)

Guidance and information on a Right of Access Request.

- 1) What this allows you to request/apply for.
- 2) Exclusions and limitations (includes who can apply).
- 3) Information on where else to go for other matters.
- 4) Guidance on how to complete. What you need to do next.
- 5) Your rights and legislation.
- 6) Charges and procedures for payment if applicable.

1) What this allows you to request/apply for

This guidance is about how to apply for information about yourself and your rights on locally held records only. The form and associated process is for locally held records/information held about you by Essex Police.

2) Exclusions and limitations (includes who can apply)

The associated Right of Access form is not for use of the following purposes:

Exclusions

1. Applying only for data held on the Police National Computer (PNC).
2. Applying only for a Police Certificate for the visa or emigration purposes for specific countries.
3. Disclosure for employment purposes.

Limitations

Any person can apply for information held by Essex Police about themselves only. Essex Police will not disclose if information relates to a live investigation unless the Officer in the Case (OIC) can confirm that no prejudice will be caused by the release otherwise a disclosure will only be made by order of the court. Please refer to A90 Guidance regarding the Family Court Order process.

3) Information on where else to go for other matters

For data held on the Police National Computer (PNC) or for a Police Certificate

- For guidance and application forms, please refer to the information on the ACRO website <https://www.acro.police.uk>

Employment purposes

- If you require a disclosure for employment purposes and you live in England, and Wales, please contact: the Disclosure and Barring Service (DBS) <https://www.gov.uk/request-copy-criminalrecord>
- If you live in Scotland, please contact: Disclosure Scotland via their website www.mygov.scot/disclosure-types
- If you live in Northern Ireland, please contact: Access NI via their website <https://www.nidirect.gov.uk/campaigns/accessni-criminal-record-checks>

Employment advisory note

It is a criminal offence for a current or prospective employer or recruitment agency to require an individual to make a Right of Access request as a condition of employment or for the provision of goods or services. They should instead be using the existing formal criminal records check arrangements operated by the Disclosure and Barring Service (DBS), Disclosure Scotland or Access Northern Ireland.

If you have been asked by someone to apply for information about any cautions or convictions under the Right of Access process and provide them with the response for the purposes of your current job, or a job you have been offered, or to enter a contract for goods, facilities or services - there is no requirement to complete the Right of Access form (see above advice).

If yes, then whoever has asked you may be committing an offence under Section 177 of the Data Protection Act 2018. You have not committed any offence in submitting your request and your request will be processed.

You are not obliged to do so, but we would appreciate it if you would provide details of whoever has asked you to apply through Subject Access and under what circumstances. Please email info.rights.of.access@essex.police.uk. We may pass these details to the Information Commissioner's Office who may investigate further with a view to prosecuting whoever has asked you.

4) Guidance on how to complete. What you need to do next.

1. Complete any mandatory sections as indicated on the form with a *. The information you provide on this form will be used for processing your request and to ensure the accuracy of Police systems.
2. Include proof of identity to help establish your identity. This application must be accompanied by copies of **two** official documents.
3. **Name, current & valid postal address, date of birth and signature**, must be clearly shown, for example: birth certificate, driving licence, passport, medical card, bank statement, utility bill, rent agreement. If you have changed your name, please supply relevant documents evidencing the change.

DO NOT SEND ORIGINAL DOCUMENTS AS THESE WILL NOT BE RETURNED. It will assist with processing your application if one of the documents is a photographic identity document such as your passport or driving licence. Photographic ID is required when requesting media such as Body Worn Video, CCTV or photos. Essex Police reserves the right to request original documentation in some cases. Where original documents are requested, they will be returned by registered post.

Send the completed form and proof(s) of identity to:

Info.rights.of.access@essex.police.uk

**The Information Rights Team
Essex Police Headquarters, PO Box 2
Chelmsford
Essex
CM2 6DA**

Applicants who are unable to comply for whatever reason can attend the local police station with their chosen ID documents. The front office staff can print off an A95, which can be filled in while at the police station. The front office staff will take copies of the applicants ID, at the same time verifying it, then email the application form and copy of documents to the Information Rights Team.

What Essex Police will do next?

On receipt of your receipt of the completed form and satisfactory proof of your identity, Essex Police will acknowledge your request and provide you with our unique reference number. Essex Police will search for the information you have requested and respond to you within one calendar month.

For further information about the Right of Access process is available on the website at www.essex.police.uk or by contacting the Information Rights Team at info.rights.of.access@essex.police.uk

Note: Essex Police will be unable to provide you with information contained on police systems over the telephone or by email prior to completion of your request.

5) Your rights and legislation

You have a right to be told whether Essex Police is processing information about you and a right to a copy of that information, unless certain exemptions apply.

You can expect a response to be provided to you within one calendar month following receipt of the completed form and satisfactory proof of your identity.

You will be entitled to your information only and not to information relating to or which can identify another person. If you think that information might be held about you that may identify or been provided by another person, you may want to obtain their written consent to enable the information to be provided to you. They will also need to provide satisfactory proof of identity.

The legislation allows us to extend the response period by a further two months where requests are complex or numerous. If this is the case, we will inform you within one month of receipt of your request and explain why the extension is necessary.

Additional Rights

Please refer to the Essex Police website for general details in relating to the Fair Processing Notice, Privacy Notice and Retention Policy. Additionally for further rights under GDPR such as right to be informed, right to rectification, right to erasure/to be forgotten, right to restrict processing, right to data portability, right to object and rights in relation to automated decision making and profiling.

Chief Constable's Rights

The provisions of the Data Protection Act mean that in certain circumstances some personal data will not be provided. For example, you will not be provided with personal data if releasing it to you would be likely to prejudice a criminal investigation. In some cases, we may not provide you with information that identifies other individuals unless Essex Police feels it is reasonable to do so.

Your right to complain

If you feel your request has not been properly handled, or you are otherwise dissatisfied with the outcome of your request you have the right to complain.

Complaints should be submitted within 20 working days from the date of this response and should be addressed to the Information Rights Manager at the above address or by email to: info.rights.of.access@essex.police.uk. Please include any reference you may have in the title of the email.

We will conduct a review to investigate your complaint and endeavour to reply within 20 working days. Please explain which aspect of the response from Essex Police you are not satisfied with.

If you are still dissatisfied following our review, you have the right to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Essex Police.

The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire, SK9 5AF or via <https://ico.org.uk/>

6) Charges and procedures for payment if applicable

No disclosure or postal charges apply for this disclosure, further details can be found via <https://www.essex.police.uk/foi-ai/essex-police/other-information/information-rights-schedule-of-fees/>