

Freedom of Information Publication Scheme



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PUBLICATION NUMBER:	1022
PUBLICATION STATEMENT:	Please note that this information is correct as at 1st May 2020 and may be subject to change. Essex Police aim to review and update this publication annually.

TITLE:	Request for information for Civil Legal Proceedings
DATE RANGE:	1 st May 2020 to date
BACKGROUND INFORMATION:	<p>Information can be requested by Essex Police to provide information held on Essex Police local system for use in civil legal proceedings. Most requests will relate to applicants seeking redress by way of financial compensation.</p> <p>This guidance sets out the process to apply for information and the exclusions and limitations that apply.</p> <p>Disclosures made for civil legal proceeding are made under Schedule 2 part 1, 5(3) of the Data Protection Act 2018.</p>
RELATED DOCUMENTS/LINKS:	<p>http://legacyapps.netr.ecis.police.uk/forms/form_templates/A97.dotx</p> <p>http://legacyapps.netr.ecis.police.uk/forms/form_templates/A97_GUIDANCE.dotx</p> <p>https://www.essex.police.uk/rqo/request/ri/request-information/rso/request-information-about-yourself-or-someone-else/</p> <p>http://legacyapps.netr.ecis.police.uk/forms/form_templates/A90_GUIDANCE.dotx</p>

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FOI PUBLICATION

Essex Police has a guidance document and process for requests for information. Requests can be made via completion of the A97 form, guidance information is available via the A97 guidance form.

Advisory note: Searches and their subsequent disclosures fall under three categories;

- **Third party name and address only disclosure,**
- **Basic disclosure**
- **Additional advanced search disclosure.**

Each category involves increasing levels of time to search and provide the information requested and this is reflected in the resultant costs. Further details can be found via the A97 Guidance and A97 submission form (link included above)

Exclusions

Disclosures are discretionary and each request is considered on its own merit. Disclosure is based on careful consideration of all facts including the necessity, suitability, fairness, lawfulness, proportionality, adequacy and relevancy.

If a request for such information is declined, you may wish to consider seek Legal advice regarding compelling Essex Police to disclosure via a Court Order. Court order guidance is available via the FOI publication scheme

Requests disclosed under Schedule 2 Part 1(5) of the DPA 2018, can be charged. Charges will be in accordance and will be charged in accordance with The National Police Chiefs' Council (NPCC) Charge Rates

Limitations

Most applications will be made by solicitors or legal advisors with the intention of taking civil action.

Applications made direct to Essex Police by members of the public without legal representation will only be actioned subject to the following conditions:

- **Suitable identification**
- **Proof that the disclosure is necessary in connection with legal proceedings (including prospective legal proceedings), establishing exercising or defending legal rights or for the purpose of obtaining legal advice. Details to be included with the form**

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.

The discretionary nature of these requests mean that Essex Police do not have to disclose some or all of the applicants or third parties personal data.

There are no legal time frames that civil requests are obliged to be actioned within however the time scales should be considered reasonable.

Information regarding other methods to follow for other information requests

Right of Access - provides access to your personal data held locally by Essex Police, (exemptions may apply). (A95 Guidance/form)

Court Order - Essex Police work closely with the Family Court. Information can be obtained via a Court Order through legal representation or directly through the court system. Please contact the court for further details. (A90 Guidance)

Housing enquiries – see application form and guidance document titled Private Landlord form (A93 Guidance/form)

Charges do apply for disclosure and postal service. If Third party information for legal proceedings i.e. name and address is requested for the purpose of legal proceedings, there is no fee/postal charge. Charges do apply if Third party information is requested for other purposes.

Please see the following document for further details <https://www.essex.police.uk/SysSiteAssets/foi-media/essex/other-information/published-items/foi-schedule-of-fees-information-rights.pdf>

Fees are payable in advance. In some circumstances, Essex Police will refuse to disclose the information requested, or certain parts of the information. If the request is refused in full, then the applicant will be reimbursed any fee they have made for disclosure.