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Essex Police aim to review and update this publication annually.

TITLE: Private Landlord – Information request in respect of tenants’ property for non-civil legal action

DATE RANGE: 30th September 2020 to date

BACKGROUND INFORMATION: Private landlords can apply for information held on Essex Police local systems about a tenant’s property for non-civil legal action.

This guidance sets out the process for private landlords to apply for information held on Essex Police local systems about a tenant’s property for non-civil legal action. Further information is available below A93 guidance.

For other private landlords or other general housing enquiries, including tenant or social housing – other routes are available – please see below - Any completed A93 application will be rejected.

RELATED DOCUMENTS/LINKS:

http://legacyapps.netr.ecis.police.uk/forms/form_templates/A93.dotx

http://legacyapps.netr.ecis.police.uk/forms/form_templates/A93_GUIDANCE.dotx

http://legacyapps.netr.ecis.police.uk/forms/form_templates/A97_GUIDANCE.dotx

http://legacyapps.netr.ecis.police.uk/forms/form_templates/A97.dotx

<https://www.essex.police.uk/rqo/request/ri/request-information/rso/request-information-about-yourself-or-someone-else/>

FOI PUBLICATION

Essex Police has a guidance document and process for requests for information from private landlords relating to tenant’s property for non-civil legal action. (A93 and A93 guidance form see above)

Private landlords may request lists or copies of the investigation reports/incidents at one or more of their premises, these tend to be requests where their property has suffered criminal damage, or if the premises has been subject to police attendance due to criminal activity. If private landlords

are **not** taking civil legal proceedings, they may be entitled to request summaries of the incidents at their premises on completion of form [A93](#).

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. 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 a court

If private landlords are taking civil legal proceedings

Private landlords may request third party information where their property has suffered criminal damage. As victims of crime, generally landlords will be provided with enough information to allow them to seek civil redress or compensation from the offender. Where personal data is concerned Schedule 2 Part 1(5) of the DPA 2018 applies. Landlords can submit an **[A97 Request for Civil Legal Proceedings to obtain required information available. \(see links above\)](#)**

The Victims Charter code of practice obligates Police Officers to update victims of crime of the appropriate disposal within a mandatory time limit. In addition to the disposal the victim will be provided with the name and address of the person if proven guilty of the offence, or freely admitting the offence, together with confirmation of that fact.

Such requests may be handled by the Information Rights Team if disclosure has not already been provided under the Victims Charter.

Limitations

Disclosures for the purpose of 'vetting for letting'

Landlords may be keen to vet potential tenants based on their criminality or otherwise. Essex Police will not engage in such vetting as there is no lawful basis to do so. However, it should be noted that cases where landlords are concerned about possible 'high risk' tenants, for example sex offenders,

such disclosure will be addressed elsewhere in the force, in this case by the [Crime and Public Protection Unit](#).

A tenant may obtain their own personal data by means of a Right of Access Request. This can include a criminal record check which can be obtained by contacting ACRO direct and a Local Right of Access Request (form A95). Enforced Right of Access request by a landlord is not permitted within the remit of the Data Protection Act. However, should an individual freely request such information about themselves it is their right to provide this to any third party if they so wished.

Right of Access requests will be handled by Information Rights Team. **Form A95** is available via Essex Police's website and above related links

Information regarding other housing matters – tenant rehousing – tenant, court order, private landlord - please see the link for A93 guidance above.

Civil legal proceedings by Landlord

Where Essex Police is convinced that the disclosure is necessary for the purposes of civil proceedings or intended civil proceedings (such as evictions), then a discretionary disclosure may be made. Disclosure will however be limited, and it is likely that personal data may be removed from the disclosure. **Form A97** is available via the Essex Police website and above related links.

Court Order to compel a disclosure

Landlords may seek to obtain court orders compelling disclosure of information from Essex Police. Such orders will be handled by the Information Rights Team.

Requests for information from Social Housing Authorities

Social housing authorities may request lists or summaries of incidents at one or more of their premises and these tend to be requests where their property has suffered criminal damage, or the premises has been subject to Police attendance due to criminal activity.

This may be for the purposes of moving the tenants or assessing the risk of harm to a tenant at a location, for instance if subject to anti-social behaviour (ASB) within a property.

These will be handled by the officer in the case, or ASB Officer at the Local Policing Teams.

North LPA Ext 400359 (07977 993212)

South LPA Ext 490156 (07813 294870)

West LPA Ext 362290

Requests for information regarding offences within the curtilage of the tenant's property for eviction purposes are covered under Section 84, Schedule 2 Ground 2 of the Housing Act 1985 as amended by Section 144 of the Housing Act 1996.

Requests from social housing authorities regarding eviction should be submitted direct to Crime and Public Protection at Essex Police HQ. The request may be in writing or sent to email address c&pp.disclosure@essex.police.uk

Disclosures will be constructed using factual information, using the principle that 'the minimum disclosure required is the maximum disclosure permitted'. Police intelligence will not be disclosed. Disclosure may be limited and may only cover the last 12 months and where there is

- a) Evidence of Convictions, Cautions or Penalty Notice for Disorder for offences committed in the accommodation or the immediate vicinity
- b) Evidence of 'positive Police action' or behaviour evidenced by Police Officers committed in the accommodation or the immediate vicinity
- c) Where Police proceedings have not yet been completed, or where No Further Action results from Police attendance, the Police may disclose limited 'statements of fact' that relate to the incident for the consideration of the civil court

Charges apply for disclosure and postal service. 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>

Payment will be required in full before disclosure will be provided. Details regarding methods of payment is shown at the bottom of the schedule of fees