

(ADD FORCE LOGO)

Interim Third-Party Material Request Form

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Cover letter / email to third-party provider

Dear Sir / Madam,

This is an application from the police for access to material/information I believe you hold as this has been identified as a reasonable line of enquiry in an ongoing criminal investigation and is believed to be relevant to an issue in the case.

Paragraph 3.5 of the Criminal Procedure and Investigations Act 1996 (CPIA) Code of Practice states that Police are under a duty to pursue all reasonable lines of inquiry, whether these point towards or away from a suspect.

In the first half of the request form, I set out my rationale for why I am requesting this information. I also make clear whether or not it has been appropriate for me to inform the individual before making this application, and if not, why not. If appropriate, the form includes the individual's views on the request.

Please complete the second half of the form to respond to the request, confirming whether you hold this material. As I am not reviewing the entirety of the records, please volunteer any information that I have not identified, but may be relevant based on the circumstances I provide in this form.

Once I am in possession of the material provided, it will only be shared with other parties when fulfilling a legal obligation. Within the context of this criminal investigation, those parties will likely be the Crown Prosecution Service, defence, counsel and courts.

Where access is declined or refused the material should be preserved in case the court requires disclosure of some or all of the material.

Should you have any queries on sharing information with the Police please visit [Sharing personal data with law enforcement authorities | ICO](#) or [Data sharing information hub | ICO](#)

Yours faithfully,

Name	
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Information note for third parties regarding consent

Why haven't the police sought the consent of the individual for the TPM request?

The Information Commissioner's Opinion explains that relying upon consent of the victim in justifying the processing of their data is unlikely to comply with data protection legislation¹.

This is because there are difficulties in achieving freely given, valid consent from individuals in an investigation, for example due to a perceived power imbalance or trauma undergone by the individual.

Investigators are required to work with and consult individuals, and so their views and objections will have been sought and recorded. These will be considered by investigators when balancing the public interest in obtaining the material against the consequential impact on the victims' privacy².

Third parties are obligated to consider the lawful basis for sharing information with the police. It is for you, the organisation, to determine the lawful basis but, in the context of a criminal investigation, this is likely to be Article 6(f) ("legitimate interests")³. You may wish to refer to the ICO's [Legitimate Interests Assessment](#)

If you are still unsure, the following ICO toolkit provides guidance on whether data should be shared or not: [Can I share personal data with a law enforcement authority, such as the police? | ICO](#)

Further information and guidance can be found at:

- ICO data sharing information hub: <https://ico.org.uk/for-organisations/data-sharing-information-hub/>
- ICO guidance on sharing personal data with law enforcement authorities: [Sharing personal data with law enforcement authorities | ICO](#)

¹ [commissioners-opinion-whos-under-investigation-20220531.pdf \(ico.org.uk\)](#)

² [commissioners-opinion-whos-under-investigation-20220531.pdf \(ico.org.uk\)](#)

³ [commissioners-opinion-whos-under-investigation-20220531.pdf \(ico.org.uk\)](#)

Part 1: Third Party Material Request Form

(This section details who the third-party material relates to and details of the investigating officer)

Please refer to the officer and/or individual FAQs for additional guidance

Third Party (holder of the information / material)	

Individual (Person to whom the records relate)			
Name		DOB	
Address			
Other information to aid identification of material held For example, any known linked cases, references, previous names, or addresses / locations.			
In respect of this criminal investigation, the individual is a...		(Choose an item)	
If Other, please specify:			

Crime report No:	
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Officer Details	
Name & Warrant No / FIN	
Station / Department / Team	
E-mail address	
Telephone number	
Date & time the form was completed:	
Any specific deadlines the material is required before:	
Why the material is required by this deadline:	
<input type="checkbox"/> I understand that a copy of this form up to the Individual Views section must be provided to the individual if they have been informed of the request.	
<input type="checkbox"/> I understand that a separate form must be completed for each third party.	

Part 1a: The information being requested

(This section explains what third party material is being sought, why it is being sought, and why it is necessary and proportionate to obtain it for the investigation/purpose)

The third-party material that is being requested: (Select one)

(Choose an item.)

If Other, please specify:

The circumstances of the investigation and why reviewing the requested third-party material is a reasonable line of enquiry and relevant to an issue in the case:

Explain the offence(s) under investigation and the circumstances.

Explain why you believe review of the third-party material is a reasonable line of enquiry and how this is relevant to an issue in the case.

There must be an identifiable basis for this belief, not mere speculation. (See pages 9 – 12 of the [Attorney General's Guidelines on Disclosure](#) for further guidance)

The relevant parameters to the material being sought:

Date / time parameters of the material sought. Ensure that you are tailoring the time period or areas to the facts of the case, and not just requesting the entirety of the records held by the provider.

Any other parameters that will assist the provider to target the specific material that you need.

The reason it is strictly necessary and proportionate to seek the personal material:

Explain how the intrusion of privacy is justified and what alternative less intrusive methods of obtaining this information have been considered, and if available, why it is not practicable to use them.

Specify how the information will be reviewed to minimise intrusion, yet secure information sufficiently. (See pages 46 – 47 of the [Attorney General's Guidelines on Disclosure](#) for further guidance)

Part 1b: Views of the Individual

(This section details whether the individual has any views or objections to the request)

Individual's Views Not Obtained	
<input type="checkbox"/>	The individual should <u>not</u> be informed of this request because this would be likely to prejudice the investigation.
	Explain why this would prejudice the investigation.
<input type="checkbox"/>	The individual has been contacted and did not wish to discuss any views or objections in relation to this request with police.
	Include any thoughts around this, including any reason you believe the individual did not wish to engage.
	<input type="checkbox"/> The individual is happy to be contacted by the third party. Preferred method and contact details:
	<input type="checkbox"/> The individual does not wish to be contacted by the third party.
	<input type="checkbox"/> The individual's views around contact by the third party are unknown to police.
<input type="checkbox"/>	The individual could not be located.

– OR –

Individual's Views	
Remember, the individual is not providing consent or agreement. Describe the individual's <u>view</u> of the request being made, including any objections.	
Declaration by the Individual	
I understand that I am not being asked to provide agreement or consent for this request, however I understand that I am entitled to have my views of the request for my personal data recorded, and I am satisfied with how they are recorded in this form. I have been provided with support to understand the request and I understand that I will be provided with a copy of this form and a Frequently Asked Question sheet which includes details of support agencies.	
Contact by the Third Party	<input type="checkbox"/> I am happy to be contacted by the third party. Preferred method and contact details:
	<input type="checkbox"/> I do not wish to be contacted by the third party.

[OFFICIAL – when completed]

Individual signature	
Time / date	
Name of responsible adult	
Signature of responsible adult	
Time / date	

DRAFT

Investigating officer views (must be completed if the individual's views are provided)

Describe how your need to receive the personal data is impacted by the individual's views. This is especially necessary if the individual does not want any or all of the requested data to be shared by the third party. You must justify why your need for the data outweighs the individual's right to privacy.

Part 1c: Authority to Request Third-Party Material

To ensure we are seeking access to third party material in pursuit of a reasonable line of enquiry, this application has been ratified by an Inspector or Police staff equivalent.

I, in my capacity as an Inspector or Police staff equivalent, have considered the following in relation to this authorisation:

- The form is completed accurately and contains the required information and considerations.
- The request is a reasonable line of enquiry, and the review of the third-party material is required as this has been identified as being relevant to an issue in the case.
- Less intrusive means of obtaining the required information have been appropriately considered, and where precluded, an appropriate explanation provided.
- Whether the right support was provided to the individual so that I can be confident that the person providing their views fully understood the request.
- Where any objection has been raised, the request remains necessary and proportionate.

Having considered the above,

I authorise this request for third-party material

I reject this request for third-party material*

Reason for rejection:

(*If rejected, return the form to the investigating officer, and explain the reasons why. A copy of the rejected form should be stored by the investigating officer within the case file)

Name

Warrant No / FIN

Signature

Date

Part 2: Third Party Response Form

Third Party Response	
<input type="checkbox"/>	We do not hold the requested information
<input type="checkbox"/>	We hold some / all the requested information and: <i>(select one)</i> <ul style="list-style-type: none"><input type="checkbox"/> we are disclosing all of it<input type="checkbox"/> we are disclosing some of it<input type="checkbox"/> we are disclosing none of it<input type="checkbox"/> Other. Please specify:
The Individual (Choose an item)	

Description of material to be disclosed (if any)
Include the date parameters of any material held.
DRAFT

Reasons for not disclosing all or part of the personal data
Include, if relevant, what additional information may help you reconsider the request.

The personal data will be provided	
<input type="checkbox"/> to view at our location	<input type="checkbox"/> by secure email
<input type="checkbox"/> by you collecting a copy in person Address:	<input type="checkbox"/> by post (signed for delivery)
<input type="checkbox"/> by another method. Describe:	

Handling instructions

- The material provided can be shared with the defence after suitable redaction for relevancy and Data Protection.
- Some or all of the material would require specific redaction for sensitivity before it could be shared with the defence, above that of Data Protection. This could be achieved through discussion between agencies.
- None of the material is suitable for onward sharing with the defence, irrespective of redaction, and should therefore be classified as Sensitive under CPIA.

Please outline the reasoning for this below.

In instances where sensitive third-party material provided is assessed as meeting the Disclosure Test under CPIA (reasonably considered capable of undermining the prosecution case or of assisting the defence), these views will be taken into consideration and where required an application made for a Public Interest Immunity Hearing to prevent disclosure of such material to the defence.

Describe any additional data handling or sharing conditions, or any conditions to the treatment, onward sharing, storage or return of the material where applicable.

Additional comments

Describe if there is data not specifically requested, but which may be appropriate to disclose based on the context of the request, or anything else you wish to add. Please provide a rationale for any data provided.

Third Party Lawful basis for the disclosure

Personal Data – the disclosure is lawful because the following apply:

- Necessary for compliance with a legal obligation to which the controller is subject; **Article 6(1)(c)** of the Data Protection Act 2018
- The data subject has given consent to the processing of his or her personal data for one or more specific purposes **Article 6(1)(a)** of the Data Protection Act 2018
- Necessary in order to protect the vital interests of the data subject or of another natural person; **Article 6(1)(d)** of the Data Protection Act 2018
- Necessary for a task carried out in the public interest - **Article 6(1)(e)** of the Data Protection Act 2018
- Necessary for the legitimate interests pursued by the data controller or another third party (the police) - **Article 6(1)(f)** of the Data Protection Act 2018

Special Category Data – the disclosure is:

- None to be disclosed
- Necessary for reasons of substantial public interest and on the basis of law - Article 9(2)(g) of the Data Protection Act 2018
- Other. Please specify:

and we meet the DPA 2018 Schedule 1 Part 2 condition of:

- Preventing or detecting unlawful acts
- Preventing fraud
- Suspicion of terrorist financing and money laundering
- Safeguarding of children and individuals at risk

Criminal Data – this disclosure is:

- None to be disclosed
- Extension of conditions in Part 2 of this Schedule referring to substantial public interest. This condition is met if the processing would meet a condition in Part 2 of this Schedule but for an express requirement for the processing to be necessary for reasons of substantial public interest.
- We **meet one of the DPA 2018 Schedule 1: Part 2 conditions** for the disclosure (which do not require a substantial public interest when used for criminal offence data processing)* (*select one*)
 - preventing or detecting unlawful acts***
 - preventing fraud***
 - suspicion of terrorist financing and money laundering***
 - safeguarding** of children and individuals at risk*
 - other*** (*if relying on a different condition then seek guidance from the Information Management Team and/or legal services*): Enter details of DPA 2018 Schedule 1: Part 2 condition met
 - other*** (*if relying on a different condition then seek guidance from the Information Management Team and/or legal services*): Enter details of which additional condition applies

Yours sincerely,

Name	
Contact Number	
Contact Email	
Date of completion	