

Policy



Supply of information to outside parties			
DCP-P-004 (formerly D123)			
Version	1.1	Host Force	Devon & Cornwall Police
Effective date	23/03/2021	Host Policy Unit	Devon & Cornwall Police Policy Unit
Version date	12/07/2022	Policy Owner	Head of Alliance Information Management
Review date	23/03/2024	Policy Author	Alliance Data Protection and Information Sharing Manager
Associated Procedures	DCP-Pr-005 Supply of Information to Outside Parties		

1. Policy Summary

This Policy (and its associated procedure) is intended for Devon & Cornwall Police employees/volunteers as well as members of its community. This Policy (and its associated Procedure) is designed to provide clarity over what information can be requested and which area of the Force would be the most appropriate Unit to deal with these types of information requests. This Policy (and its associated Procedure) have been designed to improve transparency between and Force and the community and provide reassurance as to what information may or may not be disclosed.

2. Purpose, Standards and Legal Basis

2.1 Devon and Cornwall Police (DCP) are obliged to abide by all relevant UK and European Union legislation. The Force shall comply with the following legislation and other legislation as appropriate:

- The Data Protection Act (2018) and General Data Protection Regulation (GDPR)
- Human Rights Act (1998)
- Freedom of Information Act 2000

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- Authorised Professional Practice
- National Decision Model
- Visions, missions, values
- Equality and diversity issues included but not limited to the Code of Ethics and Standards of professional behaviour

2.2 The Freedom of Information Act 2000 provides the public with rights of access to information held by public authorities. Information will be disclosed under this Act unless specific exemptions apply. The General Data Protection Regulation and the Data Protection Act 2018 provides an individual with right of access to request their own personal data. Court Orders which oblige Devon and Cornwall Police to disclose information are processed accordingly and where an Act or statute obliges disclosure. In all other cases the supply of information is at the discretion of the Chief Constable.

2.3 The production of some information is classified as 'business as usual' charges can apply. Generally, information provided under the Freedom of Information Act 2000 is free.

3. Roles and Responsibilities

3.1 This Policy (and its associated procedure) is owned by the Head of Alliance Information Management and it is their responsibility to ensure these documents are up to date and remain a useful tool to its users, including the community we serve

4. Policy Information

4.1 For the purpose of the prevention and detection of crime and anti-social behaviour, the Force has agreed policies on exchanging information with statutory agencies within partnership working, both at the aggregate/non-personal level and the personal level. The guidance regarding the supply of this information is contained within the Alliance Information Sharing Policy (J-P-071) and within the specific Information Sharing Agreements.

4.2 The General Data Protection Regulation and the Data Protection Act 2018 relates to living identifiable individuals.

4.3 No disclosure is to be made of information which identifies any living individual whether proactively or as part of a request unless a lawful basis has been identified to ensure compliance with Data Protection.

4.4 Data Protection legislation does not relate to deceased persons. Established processes for family liaison and single points of contact exist. Any request for disclosure with regard to deceased persons must be handled sensitively and appropriately. This to ensure that no identification is made of any other third

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party unless a lawful basis exists and that there is no prejudice or compromise to policing purposes.

- 4.5 Information and personal data held by Devon and Cornwall which has been collected for law enforcement purposes is not routinely available on request for various civil matters or proceedings such as personal injury claims. In the absence of an agreed point of contact within the Force or an Information Sharing Agreement for the type of request being made, the following processes outlined in this Policy and Procedure document are for the requestor to consider as potential routes for requesting disclosure of police information.
- 4.6 Where guidance regarding supply of evidence in cases involving child victims and witnesses is concerned, refer to the APP guidance on Investigating child abuse and safeguarding children
- 4.7 There will be a presumption that information will not normally be considered for disclosure until any criminal proceedings or inquests are concluded. Except in relation to road collisions (see procedure DCP-Pr-005).
- 4.8 Witnesses may be supplied with copies of their own statements made to the police at any time, unless there is reason to suppose the statement is sought for an improper purpose that might prejudice justice.
- 4.9 A witness must consent to a copy of a statement made to the police being supplied to another person. This consent must be obtained in writing by the person requesting the copy of the statement, except in relation to road collisions (see procedure DCP-Pr-005). If a witness reverses their consent decision, the Police must adhere to that decision.
- 4.10 The only circumstances in which an individual's statement will be disclosed without consent is where a court order has been obtained requiring the Police to make disclosures. If a court order has been obtained and concerns exist regarding disclosure, reference should be made to the Legal Services Department.
- 4.11 Any fees applicable to processes/disclosures in this policy can be found in the Fees and Charges Handbook.
- 4.12 Under Section 9 of the Police and Magistrates' Courts Act 1994, the Home Office has ruled that charges will not be raised for police reports or statements provided for and released to the Criminal Injuries Compensation Authority (CICA).
- 4.13 Except when otherwise directed by an Assistant Chief Constable, a charge will not normally be made to the defence in criminal proceedings for:
 - a) Interviews with police officers to take from them proof of evidence;
 - b) The attendance of police officers at a criminal court to give evidence for the defence.

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- 4.14 All material generated by Devon & Cornwall Police in any format whatsoever is the copyright of the Chief Constable and is protected by the provisions of the Copyright, Designs and Patent Act 1988.
- 4.15 Any release of material to another prosecution agency is allowed if it is relevant to issues which are the subject of an ongoing investigation where a prosecution power exists by that other agency.
- 4.16 Photographs of material that may be sensitive, or which is otherwise likely to be misused by the media, will only be released in accordance with Policy D053 External use of Police images, and the accompanying working practice guidance. Any such release must be accompanied by correspondence exactly defining the use to which the material will be put.
- 4.17 Any Order of court including Coroner's courts requiring release of material during the course of a trial which may cause concern or adverse/sensational reporting will be referred to the Media Manager, Corporate Communications Department.
- 4.18 All applications for copyright material for purposes unconnected with investigations and civil proceedings will be routed to the available Assistant Chief Constable via the Media Manager.
- 4.19 There will be no requirement on the police to provide witness statements in cases progressed under any civil 'Retail Recovery Scheme'.
- 4.20 Expenses for attendance at a tribunal hearing will be claimed on the form provided by the clerk of the tribunal before the officer leaves the hearing. The claim will be made in accordance with the scales claimed for civil litigation, plus travelling expenses and subsistence and the costs of any overtime incurred. Monies received in this way will be paid to the police fund, the officer claiming expenses in the usual way.
- 4.21 More information can be found within the Procedure document which relates to these specific areas:
- Disclosure of offender's personal details
 - Request by defence to interview police officers in criminal proceedings
 - Requests for police officers to give evidence for defence in criminal proceedings
 - Request to interview police officers or members of police staff in civil proceedings
 - Police officers or police staff giving evidence in civil proceedings
 - Police officers or police staff requested to give character references in criminal or civil proceedings
 - Court production orders from civil courts
 - Police officers witnessing incidents off duty
 - Police officers as witnesses at statutory tribunals
 - Information to Insurance Companies
 - Civil action arising from road collisions

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- Information to registration authority regarding crimes committed in nursing and residential homes
- Common Law Police Disclosure (CLPD) to employers or a regulatory body
- Disclosure of Police National Computer (PNC) stolen vehicle information (to the public by the police)
- Disclosure of Force Policy

5. Monitoring and Review

5.1 Review and amendments will be coordinated by the Policy Unit. The Policy Owner has overall responsibility for ensuring the content of the Policy is appropriate and up to date. This Policy will be reviewed every 3 years subject to legislation/process changes.

6. Associated Documents

Policy and Procedure

- DCP-P-002 Reports on Character and Convictions
- DCP-Pr-002 Disclosure and Barring Service Procedure
- DCP-P-006 Information Sharing Policy
- D053 External use of Police images
- J-P-011 Joint Records Management Policy (formerly D032)
- Devon and Cornwall Police Website Policy Page

SharePoint

- Vision, Mission & Values (DCP)
- Human Rights Legislation
- Records Management (DCP)
- Freedom of Information Act 2000 (FOIA)
- Government Security Classification (GSC)
- UK General Data Protection Regulation /Data Protection Act (2018)
- Code of Ethics (DCP)
- Police Staff Council Standards of Professional Behaviour

College of Policing

- National Decision Model
- Authorised Professional Practice (APP)

7. Document History	
Present portfolio holder	Director of Legal, Reputation and Risk

Present document owner	Head of Alliance Information Management
Present owning department	Alliance Information Management Department
Below details required for new documents, major amendments (Dorset only) or novel/contentious amendments (Devon & Cornwall only)	
Name of board and/or Chief Officer approving	Business Board T/DCC Nye
Date approved	18/03/2021
Business Board member approving (Devon & Cornwall only when not contentious or novel)	N/A
Date approved	N/A

8. Version History			
Version	Date	Reason for amendments	Amended by
1.0	23/03/2021	Review of D123 and transferred to new template	Alliance Data Protection and Information Sharing Manager
1.1	12/07/2022	Insert into updated template and Information sharing link updated. No other updates	Policy Unit

We welcome any comments or suggestions you wish to share about the content or implementation of this procedure. If you would like to make contact to discuss further, please email: Forcepolicyandprocedures@devonandcornwall.pnn.police.uk