



**REQUEST FOR DISCLOSURE OF PERSONAL INFORMATION**  
**Schedule 2, Part 1, Paragraph 5 (1-3) Data Protection Act 2018**  
**(Required by law or in connection with legal proceedings)**

The following form must be completed prior to the council considering a request for information under Schedule 2, Part 1 (5) (1-3). For more information, please refer to the guidance notes designed to assist you complete the form (appendix 1).

Recipients will become the data controller in respect of any personal data that is disclosed to them in relation to this request and must adhere to all relevant data protection legislation in their handling of that personal data.

**Section 1: Requester Details**

<b>Full Name:</b>	
<b>Job Title/Rank:</b>	
<b>Organisation:</b>	
<b>Address:</b>	
<b>Tel no:</b>	
<b>Email:</b>	
<b>Your Ref:</b>	

**(Please mark as appropriate):**

I am a private individual acting on my own behalf	
I represent a client(s) / company; (If so, state your client relationship and/or which company you represent)	

## Section 2: Data Subject Details

<b>Full Name:</b>	
<b>Current or last known address:</b>	
<b>Other identifying information:</b>	
<b>State the specific information you require:</b> <i>Describe in detail the information being requested stating the service areas of the Council you wish us to search if known e.g. Council Tax, Licensing, Social Care etc.</i>	
<input type="checkbox"/> Please tick here if further information has been attached.	

### Section 3: Justification for requesting disclosure

(Please mark as appropriate):

I have a court order for the information (Schedule 2 Part 1(5)(2)) (attach a copy of the order with your application)	
<b><u>The information sought is required:</u></b>	
<ul style="list-style-type: none"><li>• under an enactment or rule of law (Schedule 2, Part 1(5)(2))*</li></ul>	
<ul style="list-style-type: none"><li>• for existing legal proceedings (Schedule 2, Part 1(5)(3a))</li></ul>	
<ul style="list-style-type: none"><li>• for prospective legal proceedings (Schedule 2, Part 1(5)(3a))</li></ul>	
<ul style="list-style-type: none"><li>• to obtain legal advice (Schedule 2, Part 1(5)(3b))</li></ul>	
<ul style="list-style-type: none"><li>• to establish, exercise or defend a legal right (Schedule 2, Part 1(5)(3c))*</li></ul>	
*Please specify precisely:	

**The council will only consider disclosing information which is necessary to your case. Please detail your request as follows:**

- Describe what you aim to show or prove with this information.
- Describe why this information is **necessary** to the case, including the anticipated effect of the information not being provided.

- Provide the date, time, and location of incident if applicable.
- Please detail any steps you have already taken to obtain this information by other means. Any reasonable steps you have taken to acquire this information by other means will support arguments in favour of disclosure.
- List which conditions of Article 6 and Article 9 of the General Data Protection Regulation that you are relying on to support your application for the disclosure of information (appendix 2).

Please tick here if further information has been attached.

#### **Section 4: Authorisation & Declaration**

The Authorising Officer must be ranked Police Inspector or higher and for other 'relevant bodies' a Senior Officer/Manager. In instances where it is not operationally viable to obtain a wet signature then we will accept an email from the Authorising Officer, attaching this paperwork and confirming their approval.

I confirm that the information requested is necessary for the purpose described in this application.

I confirm that any information disclosed to me will not be used in any way which is incompatible with this purpose.

#### **Requesting Officer**

<b>Signature:</b>	
<b>Print Name:</b>	<b>Date:</b>

### **Authorising Officer**

<b>Full Name:</b>	
<b>Job Title/Rank:</b>	
<b>Signed:</b>	
<b>Date:</b>	

### **Section 5: Information Provision**

If we hold the requested information, how would you like the information to be provided?

- Via secure email
- Collection in person (proof of identification required when collecting)

### **Section 6: Where to send your request**

Requests can be submitted either via email or by post as follows:

#### **Via email:**

[InformationRequests@barnsley.gov.uk](mailto:InformationRequests@barnsley.gov.uk)

We recommend that you use a secure e-mail solution for sending personal or confidential information to us.

#### **Via post:**

**Barnsley MBC, Information Requests Team, PO Box 634, Barnsley, S70 9GG**

If you choose to post the request, please ensure it is sent securely, with the envelope marked 'Private and Confidential'.

If the form is not completed in full, you will be asked to resubmit the request. We will notify you if we do not hold the requested information or if your request for disclosure is refused.

**Please note: there is no obligation on the council to disclose information under this provision**

## Appendix 1

### **Guidance - requests for the disclosure of information under Schedule 2, Part 1 (5) (1-3) of the Data Protection Act 2018**

- Schedule 2, Part 1(5) (1-3) of the Data Protection Act 2018 allows the council to disclose personal information where it is required for legal proceedings. Applications for disclosure of information relating to civil cases are considered on a case-by-case basis.
- Requests made under Schedule 2, Part 1(5) (1-3) for information required to be disclosed by law etc. or in connection with legal proceedings, which do not fall into one of the following three categories will not be accepted;

*1. The listed GDPR provisions do not apply to personal data consisting of information that the controller is obliged by an enactment to make available to the public, to the extent that the application of those provisions would prevent the controller from complying with that obligation*

*2. The listed GDPR provisions do not apply to personal data where disclosure of the data is required by an enactment, a rule of law or an order of a court or tribunal, to the extent that the application of those provisions would prevent the controller from making the disclosure.*

*3. The listed GDPR provisions do not apply to personal data where disclosure of the data:*

*(a) is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings),*

*(b) is necessary for the purpose of obtaining legal advice, or*

*(c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights, to the extent that the application of those provisions would prevent the controller from making the disclosure.*

- Your request places no compulsion on the council to disclose information; the council may decide that it should not release the information even if the exemption applies.
- You should provide necessary reassurance that disclosure for these purposes is appropriate and in compliance with the Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR).

### **Section 1: Requester Details**

- Please provide your name, job title and organisation to allow us to identify you as a person with statutory authority to make a request under the exemption.

- Please include your address, a secure email address and a telephone number to allow us to contact you or forward the information once a decision has been made.

## **Section 2: Data Subject Details**

- Please specify the information you are looking for and, where known, any other details which would enable us to locate the data.
- You can attach any additional documents that may help us locate the information or identify the data subject. Please tick the attachments box where indicated if you are sending any additional information.

## **Section 3: Justification for requesting disclosure**

- Please state under what statutory powers you are requesting the information. Stating the specific legislation/law you require the information under will provide us with a legal basis for processing your request.
- Please provide reasons why the information is necessary to your case.
- The council reserves the right to withhold information if sufficient grounds for applying the exemption are not provided.
- Please tick the attachments box where indicated if you are sending any additional information.

## **Section 4: Authorisation and Declaration**

- The Authorising Officer must be ranked Police Inspector or higher and for other 'relevant bodies' a Senior Manager.

## **Section 5: Information Provision**

- Please state how you would like to receive the information. The most convenient, secure and preferred method is via secure email.
- When we receive a completed form, we will assess whether this information will be released. We will endeavor to provide the information you have requested as soon as possible.

## **Section 6: Where to send your request**

### **Via email:**

We recommend that you use a secure e-mail solution for sending personal or confidential information to us

### **Via post:**

.If you choose to post the request, please ensure it is sent securely, with the envelope marked 'Private and Confidential'.

**Failure to complete the form in full is likely to delay the process of obtaining the information.**

## **APPENDIX 2**

### **GDPR Article 6: Lawfulness of processing; processing shall be lawful only if and to the extent that at least one of the following applies:**

1. The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
2. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
3. processing is necessary for compliance with a legal obligation to which the controller is subject;
4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;
5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
6. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

### **GDPR Article 9: Processing of special categories of personal data.**

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State



law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

e) processing relates to personal data which are manifestly made public by the data subject;

f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.