

only if not releasing it would be likely to prejudice (that is significantly harm) any attempt by police to prevent crime or catch a suspect.

3.2. **What questions do you need to ask?**

3.2.1. For every request for personal information you receive (and about each separate individual), you need to ask the following questions:

- Am I sure the person is who they say they are? (For this reason particular care should be taken if the request is made over the telephone). Best practice is to ask for the callers name and rank then phone the caller back to ensure the identity and position of the caller. N.B this number must be the central switchboard/office phone number, not a mobile or direct dial telephone number. Information should not normally be disclosed over the telephone.
- Is the person asking for this information doing so to prevent or detect a crime or catch or prosecute an offender?
- If I do not release the personal information, will this significantly harm any attempt by the police to prevent crime or catch a suspect? (The risk must be that the investigation may very well be impeded).
- If I do decide to release personal information to the police, what is the minimum I should release for them to be able to do their job?

3.3. **Do you have to release the personal information requested?**

3.3.1. As a Trust, we want to help the police to prevent crime or catch a suspect, but it is up to the Control Manager / Control Duty Manager to decide to release personal information under this exemption. Even if you decide that the exemption applies, you still do not have to release the information.

3.3.2. If you have genuine concerns about releasing the personal information (for example, because you think you have other legal objections such as the information being confidential), then you can ask the police to come back with a court order requiring the release of the personal information. If the court decides you should release the information, you will not break the Act by obeying the order.

3.4. **Processing Requests**

3.4.1. If you receive a call, fax, e-mail or letter from any Police Officer asking for disclosure of information, forward it to the Control / Duty Control Manager.

3.4.2. The Police Officer will be asked to complete a Section 29 form (NEAS 137: Police Request for Personal Information Form) which should be returned to NEAS via post, safe haven fax or secure email (neas.information@nhs.net).

3.4.3. The Control / Duty Control Manager will be responsible for deciding whether the information can be disclosed and if further advice is required, they should contact the Data Protection Lead.

- 3.4.4. On receipt of a written request, a response can be prepared. This will generally be a control report, audio recording or a Patient Report Form (PRF).
- 3.4.5. All police requests will either be prepared by the Control Administrator during office hours and by the Duty Control Manager (nominated deputy) out of hours.
- 3.4.6. Therefore, Control will deal with any police requests without having to transfer them to different departments (the only exception being that a PRF request will need to be forwarded to the Clinical Admin Assistant and ANY requests around child protection / vulnerable adults MUST go to the Designated Safeguarding Officer.
- 3.4.7. The request must be logged and updated on progress and forwarded to the Data Protection Lead on a monthly basis.
- 3.4.8. Always ask the Officer to confirm receipt of the information from you. This is for audit trail purposes and to show reasonable cause in disclosing the information.