

PERSONAL RECORDS PROCEDURE



SUMMARY

'STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ IN PARTICULAR SECTION 1.2.'

The purpose of this procedure is to set robust processes in place relating to the collection, holding and use of personal employment related information on police officers or police staff by Gwent Police.

The procedure includes guidance and instruction on:

- what personal information should be held;
- who may have access to it;
- how it should be stored;
- in what circumstances it may be disclosed to a 3rd party;
- how long it should be retained once a person leaves Gwent Police.

The guiding principle of the procedure is that any information held on individuals should be accurate, relevant, adequate - but not excessive, not held longer than the purpose for which it is required and comply with statutory obligations.

The desired outcome is that Gwent Police ensures a reasonable balance between the legitimate requirements of the Force in managing its operation and meeting its legal duties and an individual's right to respect for his or her private life.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

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1.0 Guidance, Procedures, Tactics

1.1 Risk Assessments and Health and Safety Considerations
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The Gwent Police service dynamic risk assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if required or requested.

1.2 Specific Instructions, practices and procedures

1.2.1 What Personal Information should be held

In order to comply with appropriate legislation, the general principle that will apply is that all information held on individuals should be accurate, relevant, adequate - but not excessive, and not held longer than the purpose for which it is required.

On joining Gwent Police, all new staff will be informed that it is the organisation's practice to collect, store and use information about them for employment and other legitimate purposes as notified to the information commissioner's office.

For the purposes of this procedure a distinction is made between:

- Manual personal record files - paper based file held by divisional personnel teams on all police officers and staff, which contain employment and other information.
- Information held on Delphi - A computer system, which is used to create a personal record of service for staff.
- Other personal information - any other means of recording and retaining personal data, such as spreadsheets, word documents, paper files etc. There should always be documented reasons as to why such data is held, and a stated time scale for reviewing retention.

This procedure is primarily concerned with manual personal records and is not intended to address electronic data. The rules and regulations relating to electronic data is covered by the Delphi operating procedures and the Forces other IS policies and procedures.

Wherever possible information sent for inclusion in personal records should be based on facts and not opinions. Special care must be taken by managers and other professionals to ensure that when an opinion is recorded, it is clear that it is an opinion and is not presented as fact. Further guidance in relation to this matter can be obtained from the Information Commissioner Office, Data Protection Good Practice Note, 'How does the Data Protection Act apply to professional opinions?'

http://intranet/support/is/icu/data_protection/icocodes/professional%20opinion.pdf

1.2.2 Manual Personal Records Procedure

A manual personal record file will be created for all:

- Police Officers
- Special Constables
- Police Staff permanent and temporary
- Volunteer workers

Manual Personal records files must not be created for:

- Agency Workers (To ensure there is no confusion regarding their non-employee status; detailed records should not be maintained on Agency Workers, only relevant information e.g. in support of the National Agency contract should be collected)
- Contractors

Only one record file should be created and the personnel section in the division where the person works will hold this securely. If an individual temporarily transfers to another division within Gwent Police, the division where their substantive role is, should retain the personal record. Files for officers or police staff on career breaks or seconded outside the organisation will be held in Central HR.

Where documents to be held on the personal record also name another individual(s) as the focus of specific information, the other name(s) must be blanked out from the document so as to render them unreadable to anyone accessing the file.

1.2.3 Examples of the type of information, which may be held on a manual personal record.

- Home address and / or contact address
- The individual's original employment application
- Interview assessment forms
- Pre employment checks:
 - vetting of qualifications
 - references
 - report confirming fitness to perform the role
 - Ability to work in the UK
- Offer of employment letter
- Contract(s) of Employment and any subsequent variations
- Acknowledgement of receipt induction checklist material (Police Staff)
- Successful applications for subsequent posts
- Probation progress reports (Police Staff)
- Confirmation of satisfactory completion of probation (Police Staff)

- Records of agreed business interests (Police Officers)
- Notification of Additional Employment and/or Business Interest (Police Staff)
- 48-hour working week - opt out form
- Requests / notifications of:
 - discretionary domestic compassionate leave
 - disability related leave and sickness
 - parental leave
 - maternity leave
 - adoption leave
 - maternity support leave
 - flexible working
- Requests for career breaks
- Information related to sickness absence e.g. Sickness absence documents, OHU management information and copies of any Absence Management Procedures.
 - Part A - text
 - Part B - text
- Report on managers sickness absence visits
- Documents in relation to and actions taken under
 - Management of short term (intermittent) absence procedure
 - Management of long term sickness procedure
- Attendance Support Meetings (Police Officers)
- Information relating to disregarding of sickness requests related to injuries on duty
- Performance improvement programme records (i.e. capability)
- Unspent oral, written and final written disciplinary warnings.
- Police officers change of address request
- Authorisation for viewing of personal information
- Authorisation for release of personal information from commercial organisations for e.g. mortgages, loans etc
- Resignation notice/leaver papers

Guidance on retention period for documents can be obtained from the Force's Management of Records, Procedure which is available via the intranet http://intranet/stage/operational/cfpp/corporate_services/Policy/M%20-%20Policies/128-1b%20issue%201%20-%20management%20of%20records%20including%20disposal%20SHORTCUT.doc

Divisional Personnel Officers must maintain a log of all live disciplinary / capability warnings to facilitate the removal and subsequent safe disposal of the warning once the penalty period has expired.

1.2.4 Examples of Information that must not be included in manual personal records

a) Sensitive Personal Data such as:

- Ethnic origins
- Sexual orientation
- Trade Union membership
- Religion
- Nature of disability
- Political views

b) Medical Records:

(Which should be held by the Occupational Health Unit)

- Physician records of examination
- Diagnostic records
- Laboratory test records
- Drug screening records
- Accident Reports,
- Copies of management referrals,
- Nurses notes
- Any other medical records with personally identifiable information about individual employees

c) Investigation Records

(Which should be held by Standards Department)

d). Security Vetting Checks and Security Clearance Investigation Records

(Which should be held by Standards Department)

e). Grievances raised made under the Fairness at Work Procedure

(Which should be held securely by the appropriate personnel manager)

f). Exit Interview information

(Which should be held by the appropriate personnel manager)

g). Other examples of data that should not be held on personal records include

- Information relating to legal cases
- Personal credit history
- Personal criminal convictions
-

1.2.5 Who may Access Personal Records

a) Individuals and their representatives

An individual may view their manual personal record by submitting a written request to their Divisional Personnel Office using form 112/25 Appendix A. This includes Police Officers who wish to exercise their right under Section 15 of the Police Regulations to inspect their personal record. Individuals will be provided with photocopies of any document they have viewed that relates to them, upon request. If an individual wishes to allow a personal representative to view their file and or be provided with a copy of any information contained within the file then access / information will only be given following receipt of a written request to their Divisional Personnel Officer using form 112/26 Appendix B.

If an individual wishes to receive a copy of all or part of their personal record they can request this by completing form 112/27 Appendix C. While it is not Force Policy to charge staff for the time and material involved in undertaking this work staff are requested to be reasonable with regards to the amount of data requested.

For security reasons the file must be viewed in the presence of a member of the personnel department.

B) Other Access

The Personnel Officer has to ascertain the reason for someone to access a personal record, and then consider whether this is in line with legislation. Access to personal records must only be granted to those with a legitimate need to use the information in their jobs. The following are permitted to view personal records only where they have a legitimate reason for doing so:

- Chief Officers
- The individual's Head of Department or Divisional Commander
- The individual's Line Manager
- The Data Protection Officer or nominated representative
- Members of the Professional Standards Department
- Members of the Legal Services Department
- Members of the Personnel Department (including Career Development) who require access by nature of their specific roles.

Note the viewing of a file by someone preparing a speech for a leaver would not be considered as a legitimate request unless authority was granted by the individual.

Any exceptional circumstances or unusual requests should be referred to the Head of Human Resources.

Wherever possible, the person requiring access to a personal record should view

the file within the personnel department. Where it is necessary to remove the file from the personnel department, the person to whom the file is entrusted is fully responsible for ensuring it is viewed, held and used in a way that is compatible with this procedure.

1.2.6 Secure Storage

All manual personal records must be held in a locked cabinet and/or locked room controlled by the personnel department. Only authorised members of the personnel department should have access to the key.

Designated personnel department staff are responsible for ensuring that whenever records are in use they are booked out and tracked in such a way that they can be located at all times.

Divisional Personnel Officers will maintain a log of:

- any person who has viewed a personal record and their reason for doing so;
- any person who has removed a personal record from the personnel department and their reason for doing so.

If personal records are used during the working day, they must not be left unattended in offices and must not be left open in circumstances where unauthorised persons, such as visitors can view the content.

Personal records must be transported between Offices by hand and not by internal or external postal services. They must comply with the provisions of protective marking.

All data held in electronic format must be held in an appropriately secure area of the server and/or with password protection. For further information on the safe handling and storage of electronic data refer to the Information Security Policy, Data Protection Policy and or the Data Protection statement.

1.2.7 Amendment to personal records due to change of gender

All personal records should be amended to reflect the individual's chosen gender, including Delphi personnel computer record, PV on Oris, Occupational Health Unit records etc.

All records held in a personal record must be weeded and relevant information transferred to a new file. Nothing should remain on file that would disclose to a third person a change has occurred. All material that can not be disposed of should be placed in a sealed envelope and attached to the new file with the instruction centred top and bottom "RESTRICTED – STAFF -. PERSONNEL MANAGER ONLY". In the case of the Occupational Health Unit file, the envelope will be marked "RESTRICTED – STAFF OCCUPATIONAL HEALTH

ADVISER / FORCES MEDICAL ADVISER ONLY ”.

Further information is available in the force procedure entitled Employment of Transgender People.

1.2.8 Responding to External Requests for Disclosure of Information from Personal Records

a) 3rd Parties

In order to safeguard the interests of individuals, caution should be exercised before responding to requests for disclosure of Information from external organisations. Information should only be given where there is a legitimate reason for doing so. Personnel staff should take steps to check the legitimacy of any request and the identity and authority of the person making it. Examples of legitimate disclosure of information would be to organisations such as: Inland Revenue, Child Support Agency and Benefits Agency.

Signed consent from the individual should be obtained before responding to requests from commercial organisations such as Banks, Loan Companies Building Societies etc using form 112/28 Appendix D.

b) Police Officers - Disclosure for Court Purposes

The only information to be disclosed to courts is that contained in The Police Regulations 2003 i.e.:-

A personal description

Details of place and date of birth

Details of marriage and any children

A record of any HM Forces service or service with another police force

Results of any qualifying examination

Record of postings, removals, injuries, periods of illness, punishments and the date of ceasing with the reason, cause and manner of leaving

C) Procedure for Disclosure of Personal Records for Court Purposes

An up-to-date copy of the officer's computer record of service should be printed. Under the medical history section, the nature of the illness should be blanked out, leaving the dates of the absence, the days lost and whether or not it was as a result of injury on duty.

The record of service with amended medical history can be supplied to court.

1.2.9 Individuals Leaving Gwent Police

When a person leaves Gwent Police Force then the personal record must be stored in a secure location in accordance with Appendix B of the Disposal Guidance Personnel Records, of the Force's Management of Records Including

Disposal and Retention Procedure. Available via the intranet http://intranet/stage/operational/cfpp/corporate_services/Policy/M%20-%20Policies/128-1b%20issue%201%20-%20management%20of%20records%20including%20disposal%20SHORTCUT.doc

1.2.10 Removal and Disposal of Items from Personal Records

Designated personnel department staff are responsible for ensuring a record log is maintained of all items removed from manual personal records. Special care must be taken when disposing of items from files to ensure that they are disposed of in a way which is compatible with the aims of this procedure.

1.2.11 Appeals Procedure

Where a member of staff believes personal data held on them is inaccurate or not relevant they should bring this to the attention of their line manager. The line manager should arrange to review the data in conjunction with the divisional personnel officer and where necessary meet with the member of staff.

The Line Manager will notify the member of staff within 10 days of:

- what steps have been taken to correct and/or remove some or all of the data;
- what (if any) data is considered accurate and relevant and will continue to be held.

In the event of a dispute the employee should contact the Head of Human Resources either in writing or via E-mail stating the data to which they refer, what they believe should be done to correct the data, and / or why they believe the data should no longer be held.

The Head of Human Resources will then reply within 10 days confirming:

- they have or intend to comply with the request in full;
- they have or intend to comply with the request in part and the parts of the request they consider are unjustified and why;
- they consider the request is unjustified and why

1.2.12 Individual Roles and Responsibilities

The Head of Human Resources is responsible for:

Ensuring that personnel staff receive the necessary training and guidance to comply fully with the provisions of this procedure.

Ensuring that any breaches of the procedure are managed in accordance with the Forces existing policies and procedures. Giving advice and guidance on any exceptional circumstances or unusual requests.

The Divisional Personnel Officers are responsible for:

Ensuring that all personal records under their jurisdiction are held, managed, maintained and controlled in a manner fully compliant with this procedure and in compliance with the Data Protection Act.

All other Police Officers or Police Staff with a legitimate reason to access personal records are responsible for:

Ensuring that any personal records they view or hold is used and stored in a way that is compatible with this procedure.

The Data Protection Officer is responsible for:

Giving advice and guidance on data protection issues and deciding on data disclosure matters.

1.3 Related protocols, practices or service agreements with other agencies

Data Protection Act 1988
The Information Commissioner's Office
The Employment Practices Code
Fair Processing of Data Notice

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

The scope of this procedure relates to the processing i.e. the collection, storage and use of information relating to employees' manual personal employment records from the initial obtaining of information once a person has been employed through to the deletion of former employees' records.

The procedure also sets out:

- who in Gwent Police is able to access personal records
- how an individual may view their own personal record
- in what circumstance information may be disclosed to a 3rd party

2.2 Aims of Procedure

The aim of this procedure is to ensure the necessary processes are in place to allow Gwent Police to maintain a reasonable balance between its legitimate need and legal requirements to collect, maintain and use information about staff and an individual's right to respect for his or her private life.

3.0 Introduction

3.1 Origins/Background Information

Gwent Police Data Protection Policy sets out the Force's objective to achieve the lawful handling of information, by comply with the eight principles of the Data Protection Act 1998.

The Information Commissioner's Employment Practices Code, sets out guidance to assist organisations in ensuring a reasonable balance is maintained between the need to collect maintain and use records about the workforce and an individual's respect for his or her private life.

3.2 Motivators/Driving Forces

This procedure has been developed to give clear and practical guidance on how Gwent Police can comply with principles of the Data Protection Act and the recommendations of the Information Commissioner's Employment Practices Code.

It will also enable the Force to maintain the trust of Police Officers and Police Staff by ensuring work related decisions are based on accurate and relevant information that facilitates the fair and equitable treatment of staff.

3.3 The Legal Basis and Legitimate Aims

The legal basis for this procedure is Section 6 of the Police Act 1996, which puts an obligation on the Police Authority to maintain an 'efficient and effective' police service. Having accurate information on personnel supports this aim.

Regulation 15 of the Police Regulations 2003 concerns the content of the personal records of each member of a police force.

Regulation 16 of the Police Regulations 2003 provides for the transfer of a police officer's records.

Regulation 17 of the Police Regulations 2003 concerns the personal record of a police officer on leaving the service.

The Data Protection Act 1998 concerns the lawful use of data.

3.4 Appendices

Appendix A: Request to Access Own Manual Personal Records File

Appendix B: Request for a Representative to Access a Manual Personal Records File

Appendix C: Request for a Copy of Information from Personal Record

Appendix D: Authorisation to Provide Information to a 3rd Party Organisation

4.0 Implications of the Procedure

4.1 Financial Implications/Best Value

There should be no additional financial implications with the updating and continuance of this procedure.

4.2 Human Resources/Training

Line managers will be required to support police personnel to ensure that the aims of this procedure are complied with.

4.3 Strategic Plan Links

People are the principle means by which we can deliver our aim of becoming the safest place to live, work and visit .

4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The

results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000.
- Disability - Disability Discrimination Act 2005.
- Gender Sexual Discrimination Act 1975.
- Age- Article 13 Treaty of Amsterdam (2003)
- Sexual Orientation -Treaty of Amsterdam (2003)
- Religion- Article 13 Treaty of Amsterdam (2003)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

4.5 Consultation

Force Independent Advisory Group
Police Authority
ACPO
Divisional Departmental Heads
Superintendents Association
Police Federation
UNISON
Gwent Police Women's Association
Gwent Black Police Association
Gwent Police Disability Network
Gay Police Network
Freedom of Information Officer
Data Protection Officer
Information Security Officer

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 6

Article 8

Article 9

Article 10

Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

Section 3.3 refers

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure?

Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interests protected are broadly the same and generally include:

1. National Security
 2. Public Safety
 3. The protection of health or morals
 1. The prevention of disorder or crime; and The protection of the rights of others.
- This procedure does not aim to breach these rights.

Q3. How are staff made aware of the clearly defined decision making processes?

Section 1.2 refers

Q4. What are the minimum standards of documentation in relation to decision making?

Section 1.2 refers

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

Section 1.2 refers

5.3 Rights, Publication, Audit and Inspection

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties?

This procedure can be disclosed

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this procedure will have recourse to civil law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this procedure. Where dismissal is contemplated an individual has a statutory right to attend a hearing to discuss the matter. This includes a statutory right to be accompanied to the meeting by a trade union representative or a work colleague. There is also a statutory right to appeal.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

This procedure document can be scrutinised during Inspection undertaken by the Police Authority and HMIC.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this procedure under ECHR which cannot be resolved.

This procedure has been vetted.

6.0 Promotion and Distribution

In order to highlight the existence of this procedure to staff there will be the following :

- GO entry following ratification
- Publication on the Force Intranet and internet

7.0 Monitoring / Review

The Head of Human Resources at Headquarters is the owner of the Human Resources Information System and is responsible for ensuring that information held centrally in respect to personal records (electronic or paper) is accurate, relevant and has not been retained beyond agreed retention times. They are also responsible for ensuring and monitoring that unique information kept within an individual Personal Record, has documented reasons justifying the keeping of that information with review dates for review of retention attached to the document

Monitoring will be in line with the principles of the Race Relations (Amendment) Act 2000.

8.0 Procedure Identification Page

Procedure Title: Personal Records

Reference: 101/2 b issue 2

Procedure Ownership: Head of Human Resources

Portfolio/Business Area Owner: ACPO Operational Support

Procedure Written By: Personnel Manager / Policy Officer

Department Responsible: Human Resources

Procedure Lead: Head of Human Resources

Links to other Policies/Procedures: Equal Opportunities, Information Security, Data Protection, Fairness at Work, Race Equality Scheme, Health and Safety.

Procedure Implementation Date: 27th April 07 PSG

Procedure Review Date: Apr 09

Gwent Police

Request to Access Own Manual Personal Records File

To: Divisional Personnel Officer

I wish to arrange access to view my manual personal records file.

Name:

Employee Number:

Division:

Department :

Phone Number for Contact:

I will be accompanied by:

Signed

Please note you will be required to provide proof of identity such as your Gwent Police Identity Card before being allowed to viewing your file.

The personnel department will notify you of the day, time and place you may view your file.

112/25

Gwent Police

Request for a Representative to Access a Manual Personal Records File

To: Divisional Personnel Officer

I wish to permit my representative access to view my manual personal records file.

Name:

Employee Number:

Division:

Department :

Phone Number for Contact:

Representatives Name:

Division:

Department :

Phone Number for Contact:

Signed

Please note your representative will be required to provide proof of identity such as their Gwent Police Identity Card before being allowed to viewing your file.

The personnel department will notify you of the day, time and place you may view your file.

112/26

Gwent Police

Request for a Copy of Information from Personal Record File

To: Divisional Personnel Officer

I wish to receive a copy of the following documents from my personal record file

Please give as much information as possible to help identify the required document(s).

Item	Description	Date

I wish to receive a complete copy of my personal record file

Name

Employee Number

Division

Department

Phone Number for contact

Signed

You will be required to prove proof of identity such as you Gwent Police Identity Card at the time of making this request.

Note the Divisional Personnel Officer must send a copy of this request to the Data Protection Officer

112/27

Gwent Police

Authorisation to Provide Information to a 3rd Party Organisation

Under the requirements of the Data Protection Act, Gwent Police can only respond to requests from Banks, Building Societies, Landlords, Housing Associations etc to be provided with personal information relating to mortgage, loan or housing applications etc with an individual's permission.

Name of Organisation Requiring Information:

I consent to Gwent Police providing personal information to the above named organisation from my personal record file.

Please tick box if you wish to receive a copy of the information sent

Signed

Name:

Employee Number:

Division:

Department :

Phone Number for Contact:

112/28