



Cardiff Council
Data Protection Act Requests for
Information Policy

Document Control

Organisation	Cardiff Council
Title	Data Protection Act Requests for Information Policy
Author	Information Governance & Security Board
Owner	Information Governance Manager
Subject	Data Protection Act Requests for Information Policy
Review date	Yearly

Revision History

Revision Date	Revision	Previous Version	Description of Revision
10 th Oct 13	V 1.0		Cabinet approval of policy
10 th Jan 14	V 2.0	1.0	Change in Charging Policy for Section 35 Requests
October 2014	V 3.0	2.0	Annual Review. Minor changes made to policy
Feb 2016	V 4.0	3.0	Annual Review. Minor changes made to policy
April 2017	V 5.0	4.0	Annual Review. Minor changes made to policy
January 2019	V 6.0	5.0	Annual Review. Changes made following the introduction of the General Data Protection Regulation and the Data Protection Act 2018.
March 2020	V 7.0	6.0	Annual Review. Minor changes made to policy
March 2021	V 8.0	7.0	Annual review of policy
February 2022	V 9.0	8.0	Annual review of policy
April 2023	V 10.0	9.0	Annual Review. Minor changes made to policy
May 2024	V 11.0	10.0	Annual review of policy

Data Protection Act Requests for Information Policy

There are a number of different types of requests which can be submitted to the authority under the Data Protection Act which are outlined in this policy.

The procedures set out in this policy must be followed at all times when dealing with such requests.

Individual Rights Requests

Under the Data Protection Act 2018, data subjects have enhanced rights, including but not limited to;

- The Right to Access. Data subjects have the right to access data about them. This is referred to as a subject access request.
- The Right of rectification. Individuals have the right to rectify their data if it is believed to be inaccurate or incomplete.
- The Right of erasure. Staff must ensure that we do not hold data for longer than required, however citizens can now exercise their “right to be forgotten” or the right to erasure of their data.

All Individual Rights requests received by the Council must be forwarded accordingly to the Information Governance Team via IndividualRights@cardiff.gov.uk, where they will be logged so that the Council has a clear record of the request and the subsequent response issued.

The Information Governance Team will manage all individual rights requests and contact relevant officers asking to provide any information held. Service Areas will be required to respond within 5 working days to the Information Governance Team advising on whether information is held. When information is held on Council records, this must be provided to the Information Governance Team within the 5 working days.

The Council has developed letter templates which comply with our statutory obligations when dealing with Subject Access Requests under the Data Protection Act which must be used by the Information Governance Team at all times.

The 30 calendar days’ response time commences from date of receipt of the request.

Any applicant must also supply the Council with proof of their identity. They must supply either a recent bank statement, or a utility bill, (within the last three months), and Photographic ID - i.e. Passport, Drivers Licence - this must be a clear photocopy.

Individuals can access copies to our Individual Rights forms via the following link; <https://www.cardiff.gov.uk/ENG/Your-Council/Data-protection-and-FOI/Data-protection/Pages/default.aspx>

Requests for CCTV Footage

Cardiff Council operates a CCTV system in partnership with South Wales Police. The system has 300 cameras throughout Cardiff and provides images which are used to manage the highway network throughout Cardiff and also for the prevention of crime and community safety.

The Council also operates cameras for providing evidence in criminal proceedings, providing evidence in civil proceedings or tribunals and for the prevention of crime.

There may be occasions when individuals request CCTV footage where they have been captured on cameras. This mainly occurs when a crime has taken place or for evidence to support an accident which has occurred. It is important to note that individuals are only entitled to their personal data under these provisions and data relating to third parties would not be disclosed.

All requests for CCTV footage in respect of the Council's Telematics cameras are managed by the Information Governance Team and must be processed as outlined in the Council's CCTV policy & Code of Practice.

Requests for CCTV footage for all other devices are the responsibility of the device owner, who must ensure that requests are logged and processed in line with the Council's CCTV Policy and records retained for audit expectations.

If a request is submitted on behalf of someone else (i.e. Insurance Company/Solicitor) the Council must ensure that consent has been supplied before information is passed onto anyone acting on behalf of the data subject.

See Appendix 1 for a copy of the Council's CCTV Request form.

If Officer's wish to view CCTV footage internally within the Council, there will be a requirement to complete an Internal CCTV Request form. See Appendix 2.

Access to Health Records Act Requests

There may be occasions when relatives of the deceased request access to records which are classified as Health Records. Where this occurs requests should be dealt with under the Access to Health Records Act.

The person who requests such data must be the personal representative of the deceased and have a claim arising out of the person's death. A personal representative is the executor or administrator of the deceased person's estate.

Evidence must be provided to support that they are the executor of the deceased and the individual must also supply identification in the same way as the Individual Rights request provisions. This ensures that the Council can confirm their identity before providing any information.

In the main this type of request would be received by the Social Services area of the Council.

Exemption Requests

The Data Protection Act 2018 specifies certain exemptions within the non-disclosure provisions of the Data Protection Act. It allows the organisation to disclose information about a member of staff or citizen if requested by an outside organisation, which in normal circumstances may be a breach of the Data Protection Act.

Requests can come from organisations that can rely upon these exemptions because they have a crime prevention or law enforcement function and therefore have an appropriate purpose for requesting such information.

Main organisations that will request information under Schedule 2 of the Data Protection Act are HMRC, the UK Border Agency, the Police, The Department for Work and Pensions, Insurance Companies, Solicitors, or other Local Authorities.

Any Organisation requesting such information must provide the Council with a completed Disclosure form, (some organisations will use their own form), otherwise they must complete the Council's Request for Disclosure of personal data under Schedules 2 and 3 form.

The Council has a Request for Disclosure form, which can be forwarded onto any appropriate Organisation requesting information and a Guidance Note, which should be followed when dealing with such requests.

Before information is released this must be authorised by the relevant Operational Manager who must decide whether to release or not release personal information to the requestor. Officers should ensure that they refer to the Council's guidance on Schedule 2 & 3 Disclosure requests or contact the Information Governance team if they are unsure whether to disclose information.

Such requests should be managed within their relevant service areas unless they relate to a number of service areas in which case they should be immediately passed onto the Information Governance team who will be responsible for co-ordinating any such request on behalf of the authority.

A detailed record must be kept of the request and how it has been dealt with. Copies of all correspondence (including emails) between the Council and the requestor must be kept and also internal documentation. Including a copy of the final response sent.

See Appendix 3 for a copy of the Council's Exemption Request form.

CCTV Request Form

I am the subject of the CCTV Footage I am requesting
(Yes, answer Section 1, 3, 4, 5)

I am requesting CCTV Footage on behalf of a friend, family member or client
(Yes, please answer *all* sections and have the data subject sign section 2.1)

SECTION 1: DATA SUBJECT DETAILS (who the request is about)

Title

First Name

Surname

Date of Birth

 / /

House Name/Number

Address 1

Address 2

Town

Post Code

Email Address

Telephone Number

SECTION 2: DETAILS OF THE APPLICANT MAKING THE REQUEST

(if applicable)

Full Name

Company Name/Contact Name (if applicable)

House Name/Number

Address 1

Address 2

Town

Post Code

Telephone Number

Email address

Reference Number (**applicable for insurance/solicitor firms representing the data subject only**)

We are only able to provide footage on the individual whose subject within this request. Any other information and persons will be pixelated in line with the Data Protection Act 2018. If you require non-pixelated footage, your request should be dealt with by an insurance/solicitor company or by the police.

SECTION 2.1: DATA SUBJECT CONSENT (if applicable)

I Confirm I am the named Data Subject in Section 1 and have freely agreed for the Individual named in Section 2, to request CCTV on my behalf.

SIGNED

DATE

.....
SECTION 3: REQUEST DETAILS

Please include the date of incident:

/ /

Please indicate a time frame from which your request refers to;

From / To (Information should be provided using the 24 hour clock HH:MM)

Please indicate an incident location;

Details of the Incident

NOTE: Please attempt to be as specific as possible. For example: In a Road Traffic Accident, it would be helpful to include;

- Vehicle Descriptions: Make, Model, Colour and Third party vehicle details
- Vehicle Registration mark(s) (VRM)
- Exact location
- Road name(s)
- Landmarks
- Direction of Travel
- Road Lanes
- If possible, a google map screenshot

SECTION 4: SUPPORTING DOCUMENT

In order for your request to be processed, Cardiff Council requires;

- A clear copy of valid photographic ID of the **data subject** (i.e. Passport, Driver's License)
- Proof of address, dated within the last 3 months for the **data subject** (i.e. Bank statement, utility bill)

I confirm that I have inserted **copies** of the above **(please tick)**

SECTION 5: DECLARATION

In exercise of the right granted to me under the terms of the Data Protection Act 2018, I request that you provide me with a copy of the information above. I understand that I will only receive footage of the data subject. Any third party information (e.g. Vehicle Registration Marks) will not be provided and will be **pixelated, however** if it is an insurance company or solicitor requesting the information an non-pixelated copy can be provided as long as signed consent has been given by the data subject.

I confirm that I am the data subject, or that the data subject is aware their personal data will be processed for purposes indicated above.

I understand that Cardiff Council have one calendar month to respond to my request. This timeframe is statutory, unless there are circumstances in which this timeframe requires extension, or where further information from myself is required. We will contact you directly, if the circumstances above occur.

I have read and understood the terms of this Declaration and **consent** for my personal details to be submitted to the Information Governance Team

Signed

Date

Please send your request to the address below;

Data Protection Officer
Cardiff Council
Information Governance Team
County Hall
Atlantic Wharf
Cardiff Bay
CF10 4UW
Email: **DataProtectionCCTV@Cardiff.gov.uk**



Internal Request for Disclosure of CCTV

From: Service Area

Request for Access to Data under the Data Protection Act 2018, Schedule 2, Part 1, Paragraph 2

Processing of personal data shall be lawful only if and to the extent that at least one of the following applies;

- *(i) Access is necessary for the performance of contract (e.g. breach of employee or third party contract)
- *(ii) Access is necessary for the compliance with a legal obligation to which the Local Authority is subject to (e.g. compliance with health and safety legislation)
- *(iii) Access is necessary in order to protect the vital interests of an individual (e.g. to protect someone's life)
- *(iv) Access is necessary for the performance of a task carried out in the public interest (e.g. City centre management)
- *(v) Access is necessary for the purposes of legitimate interests pursued by the controller (e.g. Legal Action)
- *(vi) Access is necessary for the prevention and detection of crime and/or fraud and/or to protect the public funds we administer

Please provide specific details of the suspected crime or other relevant purpose[s] for which the specific information is being requested.

Please provide the following data/images CCTV or other recorded video footage/images for the time period(s);

Date:

Timeframe:

(Please use 24hr format)

Camera Number(s)

(If known)

Please state how the non-release of the specific information you have requested is likely to prejudice your enquiries/significantly harm the stated purposes for which the information is being requested.

Declaration: Any data supplied by is governed by the Data Protection Act 2018 and General Data Protection Regulations and will be processed in line with these requirements. I agree to use the data only for the purpose(s) specified above, and in accordance with the Act, to treat the data in confidence and to destroy the data securely.

Details of the Person requesting the information:			
Signed:		Date	
Print Name:			
Position/Rank:			
Contact Details:	Telephone		
	Email		
	Organisation		
	Address		

This form should be signed and completed by the person requesting the information

Cardiff Council Authorising Officer: to be completed by Operational Manager (of the Service Area providing CCTV Footage). Please ensure that you have followed the Council's Guidance on requesting information from other

bodies

Name

Signed

Position

Date

Disc Reference

number Log

Number

This form to be retained for a minimum of 5 years.
Appendix 3

REQUEST FOR DISCLOSURE OF INFORMATION UNDER THE DATA PROTECTION ACT 2018 SCHEDULES 2 & 3

PLEASE NOTE *that information requested is provided to you at the discretion of Cardiff Council in line with our statutory requirements under the Data Protection Act. Failure to complete all parts of this form could result in your request being rejected.*

SECTION ONE: REQUESTED INFORMATION *(TO BE COMPLETED IN ALL CASES)*

Who are you requesting personal information about?

Family name		DOB	
First name/s			
Nationality / Place of birth			
Current address			
Last known address			

Please include any other information that may help our searches.

What personal information are you requesting?

Please provide detail on why this personal information is needed ¹

If possible identify which area(s) of the Council you believe will hold information relevant to this request

¹ The Data Protection Act 2018 permits disclosure in certain circumstances where the disclosure is necessary and proportionate when considered against an individual's right to privacy. This section must detail why you believe disclosure in this instance is necessary.

Please complete either section two, three or four below. This will depend on whether you are requesting information under Paragraph 2, 4, or 5 of Schedule 2 of the Data Protection Act.

**SECTION 2: CRIME AND TAXATION – GENERAL
REQUESTS FOR INFORMATION UNDER SCHEDULE 2, PARAGRAPH 2 OF THE
DATA PROTECTION ACT 2018**

Are you requesting the information for (*tick one as appropriate by double-clicking on box*):

Prevention or detection of crime	S2(2)(1a) DPA 2018	<input type="checkbox"/>
Apprehension or prosecution of offenders	S2(2)(1b) DPA 2018	<input type="checkbox"/>
Assessment or collection of any tax or duty	S2(2)(1c) DPA 2018	<input type="checkbox"/>

Please state how non release of the information will prejudice your investigation

**SECTION 3: IMMIGRATION
REQUESTS FOR INFORMATION UNDER SCHEDULE 2, PARAGRAPH 4 OF THE
DATA PROTECTION ACT 2018**

Are you requesting the information for (*tick one as appropriate by double-clicking on box*):

Maintenance of effective immigration control	S2(4)(1a) DPA 2018	<input type="checkbox"/>
Investigation or detection of activities	S2(4)(1b) DPA 2018	<input type="checkbox"/>

Please state how non release of the information will prejudice your investigation

**SECTION 4: LEGAL PROCEEDINGS
REQUESTS FOR INFORMATION UNDER SCHEDULE 2, PARAGRAPH 5 OF THE
DATA PROTECTION ACT 2018**

Are you requesting the information under one of the following (*tick one as appropriate by double-clicking on box*):

Disclosure is required by an enactment, rule of law or an order of a court/tribunal	S2(5)(2) DPA 2018	<input type="checkbox"/>
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If you have ticked S2(5)(2) above, please provide below the name of the relevant piece of legislation, together with the section number(s) which require disclosure by the Council.

Purposes of, or in connection with, legal proceedings	S2(5)(3a)DPA 2018	<input type="checkbox"/>
Purpose of obtaining legal advice	S2(5)(3b)DPA 2018	<input type="checkbox"/>
Purposes of establishing, exercising or defending legal rights	S2(5)(3c)DPA 2018	<input type="checkbox"/>

If you have ticked one of the above, please provide details below on why you believe the disclosure is necessary.

Declaration: We accept that any data supplied by Cardiff Council is governed by the Data Protection Act 2018. We agree to use the data only for the purpose(s) specified above, and in accordance with the Act, to treat the data in confidence and to destroy the data securely if it is not applicable to the investigation.

This form should be signed and completed by the person requesting the information

Details of the Person requesting the information:			
Signed:		Date	
Print Name:			
Position/Rank: <i>(Officer of at least the rank of Inspector)</i>			
Contact Details:	Telephone		
	Email		
	Organisation		
	Address		

Authorised by (Cardiff Council):			
<i>Please ensure that you have followed the Council's Guidance on requesting information from other bodies</i>			
Signed:		Date	
Print Name:			
Position/Rank:			

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

https://cityofcardiffcouncil.sharepoint.com/:b:/r/sites/IG/PublicLib/Data%20Protection%20Act%20Requ%20ests%20for%20Information%20Policy_Welsh.docx.pdf?csf=1&web=1&e=1wJUk6