

ACRO Criminal Records Office

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Procedure for Subject Access Disclosures

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1 Introduction

- 1.1 Under Section 45, Data Protection Act 2018 (DPA), individuals may request a copy of information held about them which is held on computer or in paper records. This is commonly referred to as a subject access disclosure request. Where an individual wishes to exercise their rights under the DPA, they should contact the person or organisation that they believe is processing the data.

2 Background

- 2.1 A subject access request may be made verbally or in writing (this includes email, phone and online requests). A request must include enough information to enable the person or organisation to which the subject is writing to satisfy itself as to their identity and to find the information.
- 2.2 The data controller shall comply with a request promptly and in any event within one calendar [month](#) of the date of receipt of the request without undue delay. A data controller should act promptly in requesting any further information or documentation necessary to fulfill the request. If a data controller is not processing personal information of which the individual is the data subject, the data controller must reply saying so. necessary to fulfill the request. If a data controller is not processing personal information of which the individual is the data subject, the data controller must reply saying so.
- 2.3 Some information may be exempt from disclosure to the data subject. General exemptions to subject access, which would be applicable in the ACRO context are national security, the prevention or detection of crime, the apprehension or prosecution of offenders, data which relates to a third party who has not consented to disclosure and administrative data/ data which does not amount to personal data.
- 2.4 All applicants who have data held about them are notified by ACRO, as part of their right under Section 45 DPA, that their data is held for policing purposes.

3 Procedure

3.1 General

- 3.1.1 The ACRO Criminal Records Office (ACRO) provides subject access on behalf of all police forces in England, Wales, Northern Ireland, Jersey and the Isle of Man, to persons wishing access to their personal data held on the Police National Computer (PNC/LEDS).

Requests for subject access from the PNC are made either verbally, written or online to ACRO. Requests from data subjects living overseas are also sent direct to ACRO for processing.

- 3.1.2 ACRO will reply directly to the data subject with the result of the PNC search.

3.1.3 *S31/S43*

- 3.1.4 Where written authority is received giving permission for a third party to deal with the request on behalf of the data subject the document should be attached to the GSA record.
- 3.1.5 Any additional information which may help the Customer Service team with queries should be recorded on GSA in **S31/S43**.
- 3.1.6 The three exemptions which can be applied are:

- Prevention or detection of crime
- Data relates to a third party who has not consented to disclosure.
- Data which does not amount to personal data.

Only the exemptions which apply specifically to the request can be applied. For example, if no information has been exempted relating to prevention or detection of crime then this exemption will not apply. (See Appendix – page 54)

3.2 Applications without correct documentation (Returned to Applicant)

- 3.2.1 ACRO can return a request under section 52 (4) Where the Controller has reasonable doubts about the identity of the individual making a request.
- 3.2.2 Some applications are received incomplete via post or email; these applications still need to be submitted onto GSA and returned to applicant via email if the applicant has provided one. If not, please send the applicant a letter explaining the reasons (in full) as to why the application cannot be processed, including all information received from the applicant.

3.3 Receipt of Requests

- 3.3.1 Some subject access requests are received by post. The post room staff will deliver them to the subject access team on the morning of receipt, the ***S38*** allocated 'manual logging' on this day will complete the request.

- 3.3.2 Some requests are received by email, and these should be logged on to GSA in the same way as postal requests by the **S31/S38**.
- 3.3.3 The calendar month timescale for processing requests begins when the request is received by ACRO or exceptionally by the local force, and not the date the applicant has signed the request form. Once received from the post room or online, the request should be checked for date of receipt at force. This may be either a date stamp or a written date with signature. Care should be taken when logging to check the date at force as this can be different to the force stamp on the front of the form when received by ACRO.
- 3.3.4 ACRO has one calendar month from the date of receipt at force to prepare and dispatch the disclosure to the subject. However, the legislation requires that the request is dealt with as soon as possible.

3.4 Procedure for urgent requests

- 3.4.1 Some requests are dealt with urgently in accordance with the criteria set out in the subject access Manual of Guidance (MOG). All requests for urgent processing are tasked to the ***S38*** team for consideration.

3.5 GSA Procedure for logging requests

- 3.5.1 ***S31***
- 3.5.2 To add an alternative address, change the drop-down box to yes and enter details.
- 3.5.3 Although the applicant may apply by post/ email/ verbally, they can request that their disclosure is sent by email. At data entry stage you need to change the Disclose field from No to Yes.
- 3.5.4 Attached is the current guidance for email and verbal requests for subject access that have not come in via a police force and are not accompanied by an application form (verbal request because of an NLT call).

3.6 Logging Postal Requests

3.6.1 *S31/S43*

3.6.2 *S31/S43*

3.6.3 *S31/S43*

3.6.4 *S31/S43*

3.7 Emailed Application Requests - Importing

3.7.1 Open the email and double click the attachment.

3.7.2 In GSA, *S31/S43*

3.7.3 *S31/S43*

3.7.4 *S31/S43*

3.7.5 *S31/S43*

3.7.6 *S31/S43*

3.7.7 Once all the above is done, the email request can be moved to the deleted folder of the inbox.

3.8 Blue on Blue

S31/S43 Check the previous record as to why the applicant might be applying again. If it is a duplicate request on the same date, mark in addition information “duplicate request”, click close and cancel. If it is more than three months since the previous request which caused the Blue-on-blue flag to appear, you do not need to

freeze and may process as normal. If the blue-on-blue record is still active or within 1 month or dispatch, then please task to customer service for clarification.

3.9 Proof of signature

We no longer require a proof of signature as many of our requests are received online.

3.10 Persons with No Fixed Abode

There are no rules for this situation – seek guidance from a Head of Section in the first instance, and the ACRO Information Management team after that.

3.11 Persons with No Fixed Abode and charitable organisations

If a charity is acting on behalf of a homeless data subject who has provided them with written, signed and dated third party authority, we will accept that request, particularly if no other proof of ID can be provided.

3.12 Email or postal disclosure.

If it is not clear from the request whether the data subject requires their disclosure to be returned via email or post, you will always select return via email as the default.

No tasks for subject access should be set, if we do not have the information to complete the check, these applications will be returned to the applicant. (see 3.2)

3.13 Deceased persons

We cannot process an application from someone applying for information on a deceased person. This request needs to go to the data protection officer for the police force where the deceased person resided as a Freedom of Information Act request.

The clerk receiving should use the draft email in the Subject Access Draft Emails folder titled “SAR for deceased person”. The clerk needs to include force contact details, address, website, and DPO contact email within the message.

If there is no email address provided, use the text of the email to generate a letter. ***S31/S43***

3.14 Third party authority

We can receive requests where the applicant has given a third-party authority to receive the disclosure/ answer queries on the applicant's behalf. If this is the case, we require some form of either written authority from the applicant (in the case of a solicitor, third party acting on their behalf, including a child over the age of 13 years), a copy of the power of attorney if the applicant is not capable of making either the request themselves or signing a written authority, or a document that proves the third party is acting as the applicant's litigation friend. Without some kind of proof that this third party has authority to receive the disclosure/ answer queries on the applicant's behalf, we should not be disclosing anything to them.

3.15 Third party authority – parents applying on behalf of their children

- 3.15.1 When we receive a request submitted by parents on behalf of their children, regardless of whether the third party to access data field has been completed, we need to consider the child's age before proceeding. If the child is under 13 years of age, we should suspend the record and raise a task to the *S31/S38*

S31/S38 will then contact the local force to check whether there are any issues that will prevent the parent/ person making the request being given access to that data. If a negative response is received from the force, we will still require some form of proof.

of address that the child does live at the same address as that parent, to support their claim of parental responsibility.

We would expect a child aged 13 or over to apply for their own information.

3.16 Requests for PNC Audit Data

Guidance received from the National Subject Rights Group is that if ACRO receive any requests for PNC Audit Data, the requestor needs to be referred to the relevant force to make the request. ACRO are not permitted to disclose this information. If the request has been received online, the request should be cancelled and the requestor given relevant advice. *S31*

3.17 Creating a Task

3.18 PNC searching and Identification of records.

Detailed information on PNC searching can be found in the PNC Review Handbook of Searching

- 3.18.1 If applicant has previously applied a Blue-on-Blue marker will appear, indicated by a red mark next to the Trace field on InfoBase main screen. A previous request may provide additional information which will assist with searching and correctly matching the applicant to a PNC record. If it appears to be a request received within the last three months.

This can be deemed as excessive as a copy of the disclosure can be sent. Please send an unable to proceed email to the applicant and advise a copy can be provided by contacting our customer services department. If the applicant has had any offences deleted from PNC and has provided documentation to confirm this, please proceed as normal.

3.18.2 *S31*

3.18.3

3.18.4 *S31*

3.18.5 *S31*

3.18.6 *S31*

3.18.7 *S31*

3.18.8 *S31*

3.18.9 *S31*

3.19 Wanted / Missing Reports (WM)

3.19.1 *S31*

3.19.2 *S31*

3.19.3 *S31*

3.19.4 Operational Information (OI)

S31

S31

3.20 Impending Prosecutions

3.20.1 If there are any impending prosecutions on the record, we do not make enquiries to result them and will send the disclosure out with the impending prosecutions included.

3.21 ViSOR Subjects

3.21.1 *S31*

S31

3.22 Foreign Offences

- 3.22.1 Foreign offences will be disclosed as they stand, unless subject to normal exemptions.

3.23 Referring a case to a *S38*

- 3.23.1 Where further clarity is needed or where there is doubt as to the identity of an individual against a PNC record a case must be referred to the *S38* for a second opinion. This can be done in person, Teams and not by setting a task.

3.24 Back Record Conversion (BRC)

- 3.24.1 *S31*

3.25 Freezing a request

- 3.25.1 Where further enquiries are needed to progress with a request, the clock counting down the one calendar month statutory response time (SLA) will be stopped until the information needed is obtained. The request is referred to as being frozen. We need to inform the data subject why we are pausing the application as soon as possible.

- 3.25.2 Valid reasons for stopping the clock for a request are:

- It is not possible to immediately establish a match to a PNC record but contact with the applicant may elicit the information such as If fingerprints need to be taken to establish a match on PNC. Offences, police dealings, address of the applicant at a particular time, alias names, occupation, tattoos, marks and scars, DL number, NI number, passport, and number.
- *S31/S43* If a request indicates that the applicant is seeking information we cannot provide, send a return to applicant email confirming why we cannot complete the search and close the application.

This should also include direction to the force that can provide the information they are seeking.

3.25.1 *S31*

3.25.2 Where a frozen case reaches 28 days past the date of being frozen, with no reply being received from the applicant, the case will be returned to the applicant confirming the reasons why.

3.25.3 Where an applicant has responded to a QwA request, but further information is required, consideration should be given to extending the deadline on a case-by-case basis to ensure the applicant has sufficient opportunity to provide all the necessary information.

3.26 Editing the disclosure

3.26.1 *S31/S43*

3.26.2 All exemptions must be considered on a case-by-case basis. Therefore, it is the responsibility of the *S38* to ensure that all information filtered via the *S31/S43*

3.26.3 *S31*

3.26.4 Some details will need to be manually filtered such as:-

S31

3.26.5 The following do not need to be filtered from the disclosure:

- Occupations

3.26.6 *S31*

3.26.7 *S31*

3.26.8 *S31*

3.26.9 *S31*

For more detailed information about editing disclosure documents refer to Appendix 2.

3.27 Attaching documents to GSA

3.27.1 Documents may be attached to any GSA record. This may include letters received from applicants providing further information, identity documents which have been received and email responses. See flow chart on attaching documents. *S31*

3.28 Sending the responses by post

3.28.1 ACRO cannot offer any other postal options other than 1st class delivery. We cannot offer a courier option or recorded delivery option.

3.29 Sending the responses by email

3.29.1 Emailed subject access disclosures are sent to applicants on the day that they are completed. *S31*

- 3.29.2 With requests that have been manually entered (as opposed to online requests) and the data subject has requested disclosure via email, staff must check that the email address recorded on GSA tallies with that on the request form, prior to issuing the disclosure, in order to prevent data breaches.
- 3.29.3 Where the email address is unclear from the request form, this must be tasked to Customer Services and clarified with the applicant prior to the disclosure being emailed out.

3.30 Diary

- 3.30.1 *S31/S43*

3.31 Template letters

- 3.31.1 *S31/S43*

3.32 Quality Control

- 3.32.1 Where a QC identifies an error with a PNC search, the file is to be returned to the *S38* for correction and/or further searches. If however, there is a difference of opinion between the QC and *S38* as to whether a record is a match, if agreement cannot be reached, this should be referred to either a *S38* or *S38* for resolution providing all other avenues have been explored to resolve.
- 3.32.2 If the issue cannot be resolved the file is to be referred to a Head of Section for a decision.

3.33 Supervision

- 3.33.1 The Head of Section will follow the revised data protection breach guidance where a breach of the Data Protection Act has occurred.
- 3.33.2 Where the identification of any record is in doubt, it should be referred to a *S38* or a *S38*.

3.34 Escalation Policy

3.34.1 Identity Disputes Prior to Disclosure

Where ***S38*** are not certain of a positive match to a record on the PNC, they consult their colleagues in the first instance and if there is still a question mark regarding the match they can consult a ***S38*** for a second opinion.

If, following a consultation with a ***S38***, it is still not possible to decide as to whether a case is or is not a positive match the case should be referred to a Head of Section. Where there is still doubt the Head of Section should refer the case to the Deputy Manager for a decision.

3.34.2 Identity Disputes Post Disclosure

Where a member of the public is disputing that a disclosed criminal record relates to them, the matter will be dealt with in the first instance by the ***S38*** team. The details of the request must always be checked to ensure that no error was made by ACRO prior to disclosure. If no error is apparent, any necessary steps to resolve the dispute e.g. elimination fingerprints should be taken.

Where the dispute relates to the accuracy of a record, for example the record relates to the individual, but they are disputing the information held, they should be referred to the relevant force Data Protection Office.

All errors made by ACRO must be reported immediately to the HOS (unless the mistake warrants a breach, then data breach guidance must be followed).

3.34.3 Breaches of the Data Protection Act

Breaches of Data Protection, for example where an applicant has been sent a criminal record which clearly relates to another person, must be referred immediately to a Head of Section, who in turn will have responsibility for reporting the breach, following data breach guidance.

The Head of Section will ensure that every effort has been made to recover any information which has been wrongly disclosed.

3.34.4 Other Urgent Operations Issues

Where any team member is in any doubt about a disclosure or breach or potential breach of DPA, they should consult with a Head of Section or the Deputy Manager in all cases.

Calendar month:

<https://ico.org.uk/your-data-matters/time-limits-for-responding-to-data-protection-rights-requests/>

3.35 Process Flowchart – Logging requests on to GSA (all) (2 pages long)

An * indicates that additional information is available, for details refer to Appendix 1

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3.36 Recipients Information Insert

Following recommendations from the NSAG (now NSRG) and NPCC Data Protection Officer, the Recipients Information insert will no longer be issued with subject access disclosures.

3.37 Editing Disclosure Guidance

There are no fixed rules for applying exemptions, and each case must be individually considered on its merits. There will be occasions where no data is disclosed, for example where a subject is currently wanted.

See Appendix 2 to this guidance for detailed information on editing disclosure documents.

4 Quality Control

The QC process will be monitored by the relevant Deputy Managers, within the department for the purpose of compliance.

The monitoring will take into consideration any changes to the business, legislation, or operational requirements.

The Head of Section will ensure that this policy remains accurate and compliant with both legislation and national/ local drivers and will advise the Senior Management team as appropriate.

5 Supervision

This policy will be reviewed annually on the anniversary of its date of publication by the Head of Section, their Line Manager and as appropriate the Senior Management Team.

The review will focus on changes to the procedure and working practice made during the preceding year and its relevancy to the current business model.

6 Impact of Policy/Procedure

Policy - NA

Procedure

- Equality Impact Assessment
- Financial Implications
- Staffing/Training
- Crime & Disorder
- Risks
- Consultation

7 Other related Policies, Procedures & information sources

Related Policies

- FPP 21308 Safe Use of Display Screens
- FPP 21300 Health & Safety
- FPP 23710 Annual Leave & Bank Holiday Leave
- FPP 02106 Data Protection
- FPP 28400 IT Security Management
- ACRO BS0005 Clear Desk
- ACRO BS0007 Encrypted Memory Sticks
- ACRO BS0009 Mobile Phone
- ACRO HR0001 Recruitment & Selection
- ACRO HR0002 Assisted Study
- ACRO HR0003 Core Hours

ACRO HR0005 Standards of Behaviour
ACRO HR0006 Eating at Workstations
ACRO HR0007 Lone Working Policy

Related Procedures

FPP 06104 Force Identity and Warrant Cards
ACRO BS0001 Major Emergency
ACRO BS0002 Fire Emergency
ACRO BS0003 Office Closure
ACRO BS0004 Out of Hours
ACRO BS0005 Clear Desk

Information Sources

ACRO SMT
ACRO HR Dept.
ACRO Business Support
ACRO Portfolios
ACRO Finance Dept.
ACRO Facilities Dept.
Hampshire I.T. Dept.
Hampshire FPP Library
ACRO DPO
ICO website

Appendix 1
Process Flowchart –

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Appendix 2

Editing Disclosure Guidance

There are no fixed rules for applying exemptions, and each case must be individually considered on its merits. There will be occasions where no data is disclosed, for example where a subject is currently wanted.

This guidance is in line with current ACRO Criminal Records Office (ACRO) subject access disclosure practice and has the approval of the National Police Chiefs' Council (NPCC) Data Protection and Freedom of Information Group.

Any information, which is not intelligible to the subject, e.g. codes, must be explained.

If a subject considers that a request for subject access has not been dealt with correctly, they may either apply to a court or complain to the Information Commissioner. A data controller must therefore be prepared to defend their decisions regarding disclosure.

The following key is used throughout this guidance.

D = Disclose to subject

E = **Consider** exemption. However, where disclosure is likely to prejudice the policing purpose, e.g. potential future tactics/intelligence, then data should not be disclosed.

Reference to Relevant Forces/case owners will be necessary in some cases.

Basic Details

S31

Aliases

S31

Operational Information

S31

Exemptions

Exemptions can be applied as follows:

Data which does not amount to personal data.

This exemption is not a law enforcement purpose and therefore does not come under s.45(4) of the DPA 2018. It is an exemption provided under the General Data Protection Regulation instead.

S45(4)(b) Prevention or detection of crime

The Information Commissioner has advised that it is not legal to apply an exemption without justification. For example, you can not apply an exemption under S45(4)(b) if no data has been removed as intelligence.

S45(4)(e) Data relates to a third party who has not consented to disclosure.

Fields without any data

S31/S43

Monetary values

Occasionally text relating to monetary values will come across from PNC that will need changing from pounds to £ or There is no need to add noughts to the end of whole numbers e.g. £50 does not need to be changed to £50.00. **If for example, £20 euros comes over remove the £ sign**

Others processed with

Remove heading (other details under this heading are automatically removed by GSA). This is third party information which should be redacted under Section 45(4)(e).

Police Officers/ Police Staff

Generally the names of police officers and police staff will remain on the disclosure when acting in their official capacity and where their details are likely already known to the data subject e.g. arresting officer, officer in the case, officer taking fingerprints, officer taking photograph, cautioning officer etc. ***S31***

Spelling and grammatical errors

These should not be corrected as ACRO does not own the data and therefore cannot make any changes.

Station codes

Station codes will not be removed. For example, 01RH will be shown as 01RH.

Text entries

To be reviewed on a case-by-case basis. If the information would be known to the applicant, then it should not be routinely redacted. ***S31***

There must be a justification for any redacted text. For example, intoximeter readings and bail dates would be known by the data subject so should not be redacted.

Another example would be where a prohibition is known to the data subject such as 'not be in possession of opened vessels containing alcohol in a public place.'

Third party data

Other people's names – remove *S31*. If the third party's date of birth is also shown, redact. This is only completed by *S38*, usually after an applicant has been sent a further information email querying a name and have replied saying they do not have one but all other information matches.

Persons identified only by their relationship with the data subject e.g. mother, father, sister, brother – remove (*S31*).

Persons identified **only** by their occupation or job role e.g. Probation/Civ. This information should not be removed as it will already be known by the data subject and does not identify the individual by name. However, if the person is named and is identifiable due to their name and post, this is third party data and should be redacted from the disclosure, including any other details that could identify the person e.g. contact details, including address e.g.

Conditions: HDC (HOME DETENTION CURFEW) ON 21/12/99 ONLY FROM 1500 TO 0715. THEREAFTER FROM 1915 TO 0715 BETWEEN 22/12/99 AND 07/02/2000 SUPERVISION BY PROBATION OFFICER ...

Most 3rd party names and details should not come over anymore. On the rare occasion they do in error, they must be removed.

Third party names will sometimes appear in disposal entries e.g. 'Compensation £50.00 Joe Bloggs' – in any such instance, the third-party name *S31*.

Wanted/Missing marker and/ or Operational Information

S31