

Third Party Material Request Form

Guidance for Individuals

This guidance aims to support individuals when personal information about you, held by a third-party, is requested by the Police within a criminal investigation.

Please Note: When 'seeking consent' is referred to within this guidance, this relates to explicit consent under the Common Law duty of confidentiality, NOT consent under Data Protection.

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Summary of Key Points:

The police cannot request an individual's personal records as standard for every case. They must have reason to believe the third party holds the information requested; they must have a properly identifiable foundation for the reasonable line of enquiry, which relates to an issue in the case (not assumption or speculation); and the request must be necessary / strictly necessary and proportionate.

For victim's counselling records, police must start with the assumption that the request will not be necessary and proportionate, and must show how it is, and they must also have reason to believe that the information sought is likely to have substantive probative value to a reasonable line of enquiry.

The police should not make blanket requests for an individual's entire personal records, appropriate parameters must be applied wherever possible.

The police must record the request for an individual's personal records on a Third Party Material Request Form and provide relevant sections of the form to the individual wherever possible.

A Police Inspector / Police Staff equivalent or above must review and authorise or reject requests for an individual's personal records. **For victim counselling requests, this is raised to a Police Chief Inspector / Police Staff equivalent or above.**

The third party may wish to speak to you about the request, however it is your choice whether to do so or not, and the Police Investigator will record your wishes on the request form.

There is no automatic entitlement for the Crown Prosecution Service / defence / court to see your personal records. This will depend on the circumstances of the case and category the records fall into.

You can have someone present with you when the police speak to you about the request.

Health & social care records are subject to rules on confidentiality. Your Common Law consent is usually required to share these types of records with police. However, in some circumstances, such as when the police are investigating a serious crime, your Common Law consent may not be needed

For non-health & social care requests within a criminal investigation, the police do not require your Data Protection consent and should not ask for it. They may seek your views and agreement.

You can ask for time to consider the request, and you may wish to seek advice ahead of the request form being completed. In most instances the Police Investigator will be able to accommodate this, however if this cannot be provided, they will explain why not.

If you do not want the police to request your personal records from the third party, let the Police Investigator know. If you wish, they will record your objection and views on the request form.

Objecting to a third party material request will not result in your case being automatically discontinued. The outcome will be entirely dependent on the circumstances of the case.

The request may need to continue, even if you object, if it relates to the right to a fair trial or there is an identifiable basis for believing that an individual or society is at risk of serious harm, and this risk cannot be managed through less intrusive means.

You can raise any concerns you have with the police request for your personal records direct to the third party. Their details will be on the Third Party Material Request Form.

Usually, the Request Form will not be sent to the third party immediately after it has been completed, to allow you time to further consider the request and seek further information or advice where necessary. If this cannot be accommodated, the Police Investigator will explain why not.

If you are unhappy with how the police have managed the request or your personal records, **you can make a complaint.**

You can withdraw your agreement / Common Law consent at a later stage if you wish. The impact of this withdrawal on the request will depend on the stage it is in.

The third party will not automatically provide the police with your personal records. They do not have to provide you information to the police without a court order. The third party will consider their legal obligations under the Data Protection Act, the duty of confidentiality, and their organisations processes on sharing information with the police, as well as any views or objections you provide.

INTRODUCTION

1. General information and purpose of this guidance:

This guidance is to help you understand what happens when we request information about you from other organisations, why we do this, and what rights you have.

We understand that the police requesting to review your personal records can feel intrusive and has the potential to cause concern. You are encouraged to share your views, ask any questions, and raise any objections you have to your Police Investigator or contact one of the support agencies listed in this document throughout the process.

Throughout this document, your personal data or material may be referred to as third party material. Third Party Material is material held by a person, organisation, or government department other than the investigator and prosecutor, either within the UK or outside the UK. Third parties are not directly involved in the case in question but may hold information relevant to it. Examples of this type of material include medical notes, education records, and social services records.

UNDERSTANDING THE POLICE REQUEST

2. Why are the police asking to review my personal records?

When the police investigate an allegation of a crime, they have a legal duty under the [Criminal Procedure and Investigations Act 1996](#) to follow all reasonable lines of enquiry, whether these point towards or away from the suspect.

A reasonable line of enquiry is an action that helps the police to establish what has happened – whether it supports the idea that someone is guilty or shows they might not be. Police Investigators must be fair and objective. What is reasonable in each case will depend on the particular circumstances. For example:



If the suspect says they were somewhere else, it's reasonable to check if there's proof, like phone data or witness statements.

If a victim says they received threatening messages, it's reasonable to look at their phone or social media to find those messages.

If the suspect says someone else had access to their account, it's reasonable to check login history or device data.

If the police have made a request to review your personal records, it is because they believe that a third party holds information about you that is relevant to a reasonable line of enquiry and an issue in the case. However, ahead of any third party material request taking place, the police must:

- 1** Have reason to believe that the third party holds the information required.
- 2** Have a properly identifiable foundation for the enquiry and a clear reason why they believe your personal records contain information relevant to an issue in the case. This cannot be based on simple assumption or speculation.
- 3** Be satisfied that the request is necessary, or strictly necessary where the request relates to sensitive personal data, and proportionate to prevent, detect, investigate, or prosecute serious crime.
- 4** Start with the assumption that for a victim's counselling records, the request is not necessary and proportionate. Where they can show that the request is necessary and proportionate, they must have reason to believe that the information sought is likely to have substantive probative value to a reasonable line of enquiry.

3. Can the police request personal records as standard?

No. An individual's third party material must never be requested automatically. It should never be assumed that because of the nature of an offence that is being investigated that particular types of material will need to be accessed. **The request must be necessary.**

The personal data sought must be **necessary to achieve the relevant purpose.**

In a criminal investigation context, this will be to prevent, detect, investigate or prosecute serious crime.

There must be a **logical link to that purpose.** It must be a **reasonable line of enquiry and relevant to an issue in the case**, with a properly identifiable foundation for the enquiry, and there must be a clear reason why the police believe your records contain relevant material. This cannot be based on simple assumption or speculation.

Before requesting your personal records, the police should also consider whether there are **alternative less intrusive ways to obtain the information required.** Any alternative methods that have been considered and excluded will be shared with you.

The request must be strictly necessary where the personal data reveals or relates to your racial or ethnic origin, political opinions, health, religious or philosophical beliefs, trade union membership, sexual orientation, sex life, genetic data and biometric data (where used for identification purposes). This is because this kind of data is considered special category data, also known as sensitive personal data.

- The police will also need to meet one of the conditions set out in schedule 8 of the [Data Protection Act](#). The most likely conditions that will be met are:
 - necessary for the administration of justice.
 - necessary for the exercise of a statutory function and for reasons of substantial public interest.
 - necessary for the safeguarding of children and of individuals at risk.

4. Will the police request all of my personal records?

No. There are limits to what can be requested. The police must not make blanket requests or ask for all of your personal records as standard. **Requests must be proportionate.**

The police need to balance ensuring a fair trial for the accused with any intrusion into the private life of an individual.

Only the minimum relevant information that will meet the purpose of the request should be requested.

To help focus the request, the police will apply clear parameters wherever possible, and they will set these out on the Third Party Material Request Form.

For example, they may only ask for your personal records within a certain date period or for information regarding a particular event / engagement with health or social care services. The Police Investigator may ask for your assistance in setting the request parameters.

5. What if the police want to request my counselling records?

It is important that victims feel able to access counselling and therapy in respect of the crime they have been subjected to. Therefore, there are additional requirements that police must meet in order to submit a request for a victim's counselling records.

For the purposes of section 44A(5) of the Police, Crime and Sentencing Act 2022, the specified counselling services for the purposes of a counselling information request is a service, remunerated or voluntary, registered and unregistered, which offers psychological, therapeutic or emotional support aimed at improving a victim's emotional, psychological and mental health.

Below is a non-exhaustive list of individuals who may undertake activity that falls within the definition of counselling.

Registered on a statutory register:	Unregistered:
<ul style="list-style-type: none"> • Person registered with the General Medical Council • Person registered with the Health and Care Professions Council • Person registered with the Nursing and Midwifery Council, or • Person registered with Social Work England, or • Registered on an accredited voluntary register • Person registered on a voluntary register accredited by the Professional Standards Authority for Health and Social Care. 	<ul style="list-style-type: none"> • Independent domestic violence adviser (IDVA) • Independent sexual violence adviser (ISVA) • Independent stalking advocate, or • Minister of religion • Other unregistered persons

Ahead of any third party material request taking place, the police must:




- 1 Have reason to believe that the third party holds the information required.
- 2 Have a properly identifiable foundation for the enquiry and a clear reason why they believe your personal records contain information relevant to an issue in the case. This cannot be based on simple assumption or speculation.
- 3 Be satisfied that the request is necessary, or strictly necessary where the request relates to sensitive personal data, and proportionate to achieve the purpose of preventing, detecting, investigating, prosecuting crime.

However, for a victim’s counselling records request, the police must also:

- 4 **Start with the assumption that requests for victim counselling information are not necessary and proportionate.** Contesting this presumption is the exception and compelling reasons or factors specific to the case must be provided.
- 5 **Satisfy a further test of “substantive probative value” to a reasonable line of enquiry.** This refers to the meaningful evidential significance of the counselling records, and the likelihood that the evidence will add significant value to the point being investigated.

Robust rationales as to how these additional requirements are met must be included on the Third Party Material Request Form.

The following alone are not sufficient grounds:

-  That the records exist and relate to counselling, the incident, or the victim’s account, or that records were created close in time to the incident or the date the crime was reported.
-  Hypothetical relevance to the investigation, including credibility or reliability assumptions based solely on the victim receiving counselling.
-  Suggestions that the records may concern the victim’s reputation, sexual activity (with anyone, including the accused), or unrelated abuse allegations involving others.

[Victim Information Requests: Code of Practice](#) sections 79 – 91 outline full details of the additional requirements and what the police must consider ahead of any request for a victim’s counselling records.

Owing to the significant sensitive nature of victim counselling records, these types of requests require a higher level of police authorisation. Instead of a Police Inspector, a Police Chief Inspector / Police Staff equivalent or above must review and authorise any request for a victim’s counselling records. This rank is 3 levels higher than the Investigating Officer.

(Police Investigator > Police Sergeant > Police Inspector > Police Chief Inspector).



6. Where should police record the request for my personal records?

National Police Chiefs Council (NPCC) have provided a Third Party Material Request Form template to outline request details and record your views or objections, where you wish to have these recorded. You will receive a copy of the relevant sections before the request is sent. This will not include the authorising officer review and third party response sections.



7. Who authorises the request for my personal records?

- **For most requests, a Police Inspector or Police Staff equivalent or above** will be required to review and authorise the third party material request.
- **For victim counselling records, this is raised to a Chief Inspector or Police Staff equivalent or above.**

These ranks reflect the level of consideration required when considering a request for personal data that may feel intrusive to the individual concerned, particularly where concerns or objections are raised.

Uniformed Officers will have an indication of their rank on their shoulder epaulets, as below.

	Police Constable (PC) Detective Constable (PC) Investigating Officer (IO) This is the starting rank for police officers and police staff investigators.		
	Police Sergeant (PS) Detective Sergeant (DS) The first supervisory rank, most sergeants are responsible for a team of constables.		
	Police Inspector (Insp) Detective Inspector (DI) Uniformed inspectors typically oversee a shift of constables and sergeants. They also take charge of major incidents in their force area.		
	Chief Inspector (C/Insp) Detective Chief Inspector (DCI) This role can vary from force to force but a Chief Inspector often acts as the senior police officer in larger towns, overseeing large teams such as investigations or operations.		
	Superintendent Detective Superintendent At this senior management rank, a Superintendent would usually be in charge of a section of a Command.		
	Chief Superintendent Detective Chief Superintendent – Typically responsible for policing of a geographical area of their force.		
	Commander (Met Police) Directly accountable for leading and commanding the operational policing responses within their designated area of responsibility or specialism.		
	Deputy Assistant Commissioner (Met Police) Supports the Service management board to lead the service.		
	Assistant Chief Constable (ACC)		Assistant Commissioner (Met Police) These chief officers are mainly responsible for a specific function or business area within their police force, for example, Investigation or Operations.
	Deputy Chief Constable (DCC)		Deputy Commissioner (Met Police) They act as deputy for their Chief Constable, handling the running of the force and supporting the Chief Constable.
	Chief Constable (CC)		Commissioner (Met Police) These officers are responsible for the effective running of their force.

8. Can the authorising officer reject the request for my personal records?

If they do not consider the request to comply with the requirements the police are held to, then yes.

To approve the request, the Authorising Officer will review the Third Party Material Request Form and will need to be satisfied that the following points have been complied with.

- a) The information contained within the request has been completed accurately.
- b) The request contains the required information and considerations, and the rationale has been recorded.
- c) The request is in pursuit of a reasonable line of enquiry and relevant to an issue in the case, and there is a properly identifiable foundation for the enquiry and a clear reason why it is believed the records contain relevant material.
- d) The amount of information being requested has been minimised, and that clear parameters have been applied so this is not a generic request for material.
- e) This is the most proportionate way to obtain the information and it is not reasonably practicable to use any less intrusive means.
- f) The right support was provided to the individual, and I am confident they fully understood the request
- g) Where any objection has been raised, the request remains necessary and proportionate, and the objection is recorded.
- h) For counselling information requests: Thorough considerations, as set out in s76– 89 of the ‘Victim Information Requests: Code of Practice’, have been made. The assessment that the presumption that the request is not necessary or proportionate is justified and has been rebutted, and that the information is likely to have “substantial probative value”.

The Police Investigator should notify you if the request has been rejected by the Authorising Officer.

9. Will the third party want to speak to me about the police request?

Third parties have their own obligations to you and your personal records that they hold, and legal requirements they must adhere to. Therefore, **there may be some instances where the third party may wish to speak to you about the request.** This may be to clarify something with you, or to discuss your concerns where you have raised an objection to your personal records being shared with the police.



However, it is your choice whether to speak to the third party or not.

The Police Investigator will ask you this question when completing the Third Party Material Request Form and will record your preference.

Where you are happy for the third party to contact you, if required, the Police Investigator will ask for your preferred method of contact and will record this on the Third Party Material Request Form too. For example, you may prefer a text message in the first instance.

10. Other than the police, who else may see my personal records if the third party provides them?

There is no automatic entitlement for anyone to see your personal records. This will depend on the circumstances of the case and the category the records fall into. Any personal records that the police receive will be referred to as ‘material’ and will fall into one of the following categories:

1. **Evidence:** This is material that the prosecution will use in court in order to prove the criminal offence.
2. **Relevant Unused Material:** This is any material that is not being used as evidence, but that appears to the Police Investigator or Disclosure Officer to have some bearing on an offence under investigation, any person being investigated, or on the surrounding circumstances, unless it is incapable of having any impact on the case.
3. **Disclosable Unused Material:** This is any relevant unused material that has been identified as being capable of undermining the prosecution case or assisting the defence case or their bail application.
4. **Irrelevant Unused Material:** This is everything else that does not fit in the other categories. This material should not be shared with the defence, Crown Prosecution Service, or the court.

If the police receive irrelevant material, they should delete it wherever possible, and as soon as possible in line with the force’s Privacy Notice. However, there may be occasions when this is not possible if it is intrinsically linked to material that falls into the first two categories and impossible to separate.

Before the suspect is charged with an offence:

The suspect may be told about or be shown aspects of your personal records where this falls as evidence. This usually happens in a recorded suspect interview, so that the suspect can respond to the evidence.

In certain cases, parts of material will be shared with the Crown Prosecution Service where this falls as evidence or disclosable unused material, in order for them to decide whether the suspect should be charged with an offence.

After the suspect is charged with an offence (where they become the ‘defendant’):

The defendant and the Crown Prosecution Service will see material that falls as evidence.

The Crown Prosecution Service will also see any material that the police consider to be disclosable unused material.

Where the Crown Prosecution Service lawyer agrees the status of disclosable unused material, this material will be shared with the defence, unless it is deemed unsafe to do so.

Any disclosable unused material that is shared with the defence will be edited to ensure that personal details or other irrelevant information are not unnecessarily revealed (e.g. phone numbers and addresses, events, medication, operations, or personal feelings).

Where it feels unsafe to share disclosable unused material with the defence, even with edits applied, a judge will become involved and will make the final decision as to whether or not it should be shared with the defence. This takes place in what is called a ‘Public Interest Immunity Hearing’.

The prosecution will notify both you and the third party of any Public Interest Immunity application, so that you can share your views on this, if you wish.

11. Data Protection – what are my rights?



Under The Data Protection Act 2018, individuals are entitled to exercise certain rights.

To find out more about how this police force uses your personal data and how to exercise your data rights, see the force's privacy notice on their website or request a copy by calling 101.

CONSIDERING THE POLICE REQUEST

12. Can I ask for time to consider the request for my personal records before providing my views?



Yes. It is important that you fully understand what police are requesting and why, and the process that will be followed. **If you need more time to consider the request or wish to seek advice ahead of completing the Third Party Material Request Form, let the Police Investigator know so this can be discussed.** In most instances they will be able to accommodate this, however where this cannot be provided the Police Investigator will explain why this is.

13. Will the police send the third party material request form to the third party straight after I have provided my views?

In most instances, the Police Investigator will not send the Third Party Material Request Form to the third party immediately after the form has been completed. This is to allow you time to further consider the request and content of the completed form, so you can ask any further questions or seek further information or advice where necessary. For example, you may wish to discuss the request with a trusted friend, family member, support worker, or legal advisor. The Police Investigator will discuss this time frame with you, as this will be case specific. If additional time cannot be provided the Police Investigator will explain why this is.

14. Can I have someone with me when the police speak to me about the request for my personal records?

Yes. Should you require additional support to make sure you understand what is being requested and why, and the process that will be followed, this should be accommodated. **For example:**



A parent, guardian, or next of kin.



If you are in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation.



A voluntary organisation or support service.



An Independent legal advisor.



A trusted individual such as a friend or carer.

The Investigating Officer will need to ensure there is no conflict of interest in this person or organisations involvement. For example, they should not be a suspect, someone involved in the case, or someone that works with or for the suspect.

15. Do the police need my consent or agreement to request my personal records?

When police submit a request for third party material within a criminal investigation, they are doing so under the [Criminal Procedure and Investigations Act 1996](#), which places a legal duty on investigators to pursue all reasonable lines of enquiry, whether they point towards or away from a suspect. **However, policing has always sought to address the legal basis that third parties will rely upon to consider and respond to the request once received, in order to aid the process.**

Where the police are requesting your health and social care records, such as from the NHS, the third party will usually require your **Common Law consent**, as health and social care professionals owe a Common Law duty of confidentiality to their patients and service users.

There may be some circumstances where health and social care information can be shared without your Common Law consent. There may be a public interest in disclosing information if the benefits to an individual or society outweigh both the public and the patient's interest in keeping the information confidential.

For example, if there is an overriding public interest in disclosure to prevent, detect, or prosecute a serious crime or prevent serious harm to an individual. Your doctor and other healthcare professionals must follow the guidance from their employer and / or their professional regulator.

For all other types of requests for your personal records, the police will seek your 'agreement' on behalf of the third party, not your Data Protection consent. It is likely the third party will not need to rely on your Data Protection consent to process the information, nor will the Police later process using consent, and instead a different lawful basis to process will be used.

This is because guidance from the [Information Commissioner](#) directs that Data Protection consent is not an appropriate basis for requesting third party material in a criminal investigation. There are difficulties in achieving freely given, valid Data Protection consent from individuals in this situation, for the following reasons:

- ✘ The perceived power imbalance between the police and individuals. It can feel daunting speaking up to police officers and so this avoids you feeling pressured to give your consent.
- ✘ Being subjected to a crime can be incredibly traumatic, which may impact your ability to properly decide whether you want to consent to this or not.
- ✘ The police are legally required to store any materials relevant to the investigation, therefore it would not be possible to remove your consent once the material has been requested.

In all instances, the police will seek views, along with views of any appropriate others, and, if you wish, record any agreement / Common Law consent or objections you have on the Third Party Material Request Form. The police will take these into account, and should you object, assess whether there is an over-riding need to seek your information.

16. How do I obtain my own personal information?

You can request your own personal information by making a subject access request direct to the third party. Check if the third party has a website, as this may provide details and guidance on how to make a subject access request. Otherwise, phone or email the third party direct to discuss this.

CONCERNS AROUND THE POLICE REQUEST

17. Can I get advice from someone, other than the Police Investigator, if I have concerns around the police request?

Yes. If you have concerns, you can seek external advice at any time in respect of the police request for your personal records. For example, you may wish to discuss the request with a trusted friend, family member, support worker, or legal advisor.



18. What should I do if I do not want the police to review my records?

You should speak to the Police Investigator, who will listen to your reasons and work with you to address any concerns or objections raised. They will work to gather and understand your views and, if you wish, record these on the Third Party Material Request Form. You can also indicate on the form whether you would be happy for the third party to contact you to discuss the request, and if so, how you would prefer this contact to be made.

19. Can I raise my concerns directly with the third party?



Yes. The Third Party Material Request Form will provide the details of the third party, and you can contact them directly if you wish to discuss your concerns around the request.

20. What may happen if I object to the police reviewing my records?

Objecting to a third party material request will not result in your case being automatically discontinued. Below are the possible outcomes if you choose to object to the third party material request, although this will be entirely dependent on the circumstances of the case. These could include:

Nothing:

The material may not be requested; the investigation continues and there is limited impact. For example, where the third-party material request aimed to strengthen existing evidence.

The request may continue:

There may be certain instances where despite your objections, the request for your third party material may need to continue. For example:

- If the third party material requested is required to ensure the right to a fair trial.
- Or if there are reasonable grounds to believe that is an identifiable basis for believing that an individual or society is at risk of serious harm and this risk cannot be managed through less intrusive means, and / or it is necessary for the prevention, detection or prosecution of serious crime, especially crimes against the person.

This is because the seriousness means the public interest in disclosure of the information outweighs the intrusion of the individual's privacy. You should be informed when this happens, unless to do so is deemed to increase the risk to you or others.

Material may be ordered by a court:

The court may request that the police seek to obtain the material and should the third-party refuse to provide it, may order the third party to provide the material to the police. This is because the court needs to be sure that the defendant will still be able to have a fair trial. Whether a fair trial is possible will depend on the circumstances of each case. If this option occurs, the individual will be informed, and their views will be considered.

The investigation / prosecution may be unable to proceed:

Decisions on the progression of a case must be based on whether the suspect can still have a fair trial without a line of enquiry being completed. If the records are judged to be crucial for evidencing whether a crime occurred, the investigation / prosecution may be unable to proceed.

21. How can I make a complaint?

If you have a complaint regarding how the police have managed your personal records, you can complain to the Force's Data Protection Officer. Details around this will be included in the Force Privacy Notice, which you can see on the force website or request a copy by calling 101.

Alternatively, you can contact the force's Professional Standards Department via their website.

If you are not content with the police force responses to your complaint, you have the right to take your complaint further:



Information Commissioner's Office (ICO):

If the complaint is about how your data has been processed or used.

The ICO are the UK's independent body set up to uphold information rights.

They can be contacted by the following means:

- **Website:** <https://ico.org.uk/make-a-complaint/>
- **Phone:** 0303 123 1113



Independent Office for Police Conduct (IOPC):

If your complaint is about the police's conduct.

The IOPC independently investigate the most serious and sensitive matters. These are the type of matters that have the potential to affect public confidence in the police, such as deaths and serious injuries. They can be contacted by the following means:

- **Website:** [Complaints | Independent Office for Police Conduct \(IOPC\)](#)
- **Phone:** 0300 020 0096
- **Email:** enquiries@policeconduct.gov.uk
- **Post:** Independent Office for Police Conduct (IOPC), PO Box 473, Sale, M33 0BW
- **Text Relay:** If you require text relay services to communicate, call 18001 020 8104 1220. You will need the Relay UK app installed on your phone or computer to use this service.



Victim's Code:

If you believe that you have not received any of your Rights under The Victim's Code, you can ask your Member of Parliament to refer your complaint to the Parliamentary and Health Service Ombudsman.

The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation.

They can be contacted by the following means:

- **Victims Code:** <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>
- **Website:** <https://www.ombudsman.org.uk/>
- **Phone:** 0345 015 4033

AFTER THE POLICE REQUEST

22. If I have provided my agreement / Common Law consent for police to request my personal records, can I withdraw this at a later stage?

If you have given your agreement / Common Law consent to the police accessing your personal records and you wish to withdraw this, notify the Police Investigator as soon as possible. The Police Investigator will discuss this with you, to understand your concerns and why you wish to withdraw your agreement / Common Law consent. **The impact of this withdrawal on the request will depend on the stage it is in.**

If the request has NOT yet been submitted to the third party:

The Police Investigator will update the Third Party Material Request Form to reflect that you have withdrawn your agreement / Common Law consent, and why. You will be invited to re-sign the form, should you wish to, however this is your decision.

If the original request form had already been submitted to the authorising officer to consider, the Police Investigator will notify the authorising officer and provide them with a copy of the revised form noting that you withdraw your agreement / Common Law consent.

Please refer to section 20 above in respect of whether the request will continue to proceed to the third party.

If the request HAS been submitted to the third party – but the material NOT yet received:

The Police Investigator will update the Third Party Material Request Form to reflect that you have withdrawn your agreement / Common Law consent, and why. You will be invited to re-sign the form, should you wish to, however this is your decision.

The Police Investigator will notify the authorising officer and provide them with a copy of the revised form noting that you withdraw your agreement / Common Law consent to re-consider.

The Police Investigator will provide the third party with the revised copy of the form, noting the withdrawal of your agreement / Common Law consent.

If the request HAS been submitted to the third party – and the material RECEIVED:

Once police are in possession of the relevant third party material requested, their legal obligations under the Criminal Procedure and Investigations Act 1996 (CPIA) requires them to retain all material relevant to the investigation. The Police Investigator will still wish to discuss your concerns, and will ensure these are recorded, however they are legally required to retain all relevant material at this stage.

23. Will the third party automatically comply with the police request for my personal records?

No. Once the third party has received the request, they will consider if a disclosure should be made. Third parties do not have provide your information to the police without a court order. The third party will consider their legal obligations under the Data Protection Act and the duty of confidentiality and the processes that their organisation has put in place for sharing information with the police. They should also consider any views or objections you provide.

24. What may happen if the third party refuses to provide my personal records as requested?

Third parties are not obliged to provide material to the police without a court order. The third party will consider whether a disclosure should be made in line with their legal obligations under the Data Protection Act and the duty of confidentiality and the processes that their organisation has put in place for sharing information with the police. They should consider any agreement / Common Law consent, views or objections you provide.

If the third party refuses to disclose the material requested to the police, this will not result in your case being automatically discontinued.

Below are the possible outcomes if the third party refuses to comply with the request, although this will be dependent on the circumstances of the case. These could include:

Nothing:

The investigation continues and there is limited impact. For example, where the third-party material request aimed to strengthen existing evidence.

Material may be ordered by a court:

This is different to the police request, and a court order is not inevitable. The court may order the third party to provide the material to the police. This is because the court needs to be sure that the defendant will still be able to have a fair trial. Whether a fair trial is possible will depend on the circumstances of each case. If this option occurs, you will be informed, and your views will be considered.

The investigation / prosecution may be unable to proceed:

This will not be automatic. Decisions on the progression of a case will be based on whether the suspect can still have a fair trial without a line of enquiry being completed. If the records are judged to be crucial for evidencing whether a crime occurred, the investigation / prosecution may be unable to proceed.

25. What happens if the third party provides the police with more of my personal records than they asked for?

The third party should not share non-relevant information with the police. [Data minimisation](#) should be a priority for both the police and the third party to avoid excessive sharing of information, and to maintain trust and confidence.



If non-relevant information is shared, the Police Investigator will focus on the original parameters set within the Third Party Material Request Form. Irrelevant or unnecessary information should be deleted from police systems, and documentation of this action should be maintained to comply with accountability responsibilities.

26. What law applies once the police are in possession of my records?

Once the police have possession of your records, they will process the personal material in accordance with [Part 3 Law Enforcement Processing of the Data Protection Act 2018 \(DPA\)](#), which allows the police to process personal material when it is necessary for a law enforcement purpose.

The law enforcement purposes are defined under section 31 of the DPA 2018 as: ‘The prevention, investigation detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.’

The processing of your personal records may include, taking possession, reviewing, making records, and further sharing where necessary, for example when legally required within criminal proceedings.

Data protection legislation controls how your personal information is used by organisations, including businesses and government departments. In the UK, data protection is governed by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

27. How will I know what is happening with my personal records, what has been shared and with whom?

The police will tell you. The Police Investigator will agree a contact plan with you. This will include how often you wish to be kept informed and at what stages of the investigation. You can also request to know what material has been reviewed and when it is shared and with whom. You can contact the third party directly to request sight of the material shared with police.

28. How will my personal records be kept secure?



Any material will be handled, stored, and retained securely in accordance with the ‘Information Security: Information Assurance College of Policing Authorised Professional Practice (APP)’.
[Information assurance | College of Policing](#)

29. If I have questions or concerns later about the information shared, what can I do?

If you have any concerns or queries, you can discuss this with the Police Investigator and explain the reasons to them. You may also wish to contact a support agency or legal advisor for advice and support. Wherever possible, raise any concerns or queries as soon as possible.



SUPPORT AGENCIES











If you have additional queries you can speak to the officer in charge of your case, or you may find the support agencies below helpful. We recommend you seek support as soon as possible, and where possible before the Third Party Material Request Form is completed.

<p>UK Government Website</p>	<p>Support After Murder and Manslaughter 0121 472 2912</p>	<p>Victim Support 0808 1689 111</p>	<p>Citizens Advice Bureau</p>	<p>Independent Sexual Violence Advisors</p>
<p>24/7 Sexual Abuse hotline 0808 500 2222</p>	<p>24/7 National Domestic Abuse Helpline 0808 2000 247</p>	<p>24/7 Rape & Sexual Abuse Support Line 0808 500 2222</p>	<p>24/7 Sexual Abuse hotline (for men) 1-800-656-4673</p>	<p>National Stalking Helpline 0808 802 0300</p>
<p>Female Genital Mutilation Helpline 0800 028 3550</p>	<p>Modern Slavery and Exploitation Helpline 08000 121 700</p>	<p>Rights of Women</p>	<p>Galop (LGBT+) 0800 999 5428</p>	<p>ManKind 0808 800 1170 / 01823 334 244</p>



ADDITIONAL INFORMATION

Please also find relevant additional information below.

<p>Data Protection Act 2018</p> 	<p>UK GDPR</p> 	<p>Data (Use and Access) Act 2025</p> 	<p>Information Commissioner's Office</p> 	<p>Request for Victim Information Code of Practice</p> 
<p>Victim's Code</p> 	<p>ICO Guidance on Children's Rights</p> 	<p>Mental Capacity Act Code of Practice</p> 	<p>Attorney General's Guidelines on Disclosure</p> 	<p>Criminal Procedure & Investigations Act 1996 Code of Practice</p> 



GLOSSARY OF KEY TERMS

Authorising Officer: A police supervisor responsible for reviewing and either authorising or rejecting third party material requests submitted by a Police Investigator. The required rank varies depending on the sensitivity of the material requested.

- General requests – Inspector / Police Staff equivalent or above
- Victim counselling record requests – Chief Inspector / Police Staff equivalent or above

Confidential Patient Information: The term 'confidential patient information' is a legal term defined in section 251 (10) and (11) of the National Health Service Act 2006. It is information about any patient, alive or dead, that meets the following requirements. It meets the definition if the information:

- is identifiable or likely to be identifiable, for example from other data likely to be held by the person or organisation receiving the data - if a patient could be identified from it.
- was given in circumstances where the individual is owed an obligation of confidence.

Patients are entitled to expect an obligation of confidence from the health and social care services they receive. Section 251's definition of patient has been expanded to include people who might more often be called service users or customers - those receiving adult social care from, or which is arranged by, a local authority.

Chief Inspector (or Police Staff Equivalent): The minimum rank required to authorise requests for victim counselling records, due to the highly sensitive nature of such material. A Chief Inspector is three management ranks higher than the Investigating Officer.

Police Investigator > Police Sergeant > Police Inspector > Police Chief Inspector.

Counselling Services: The specified counselling services for the purposes of a counselling information request is a service, remunerated or voluntary, which offers psychological, therapeutic or emotional support aimed at improving a victim's emotional, psychological and mental health.

Counselling services may be offered by both registered and unregistered individuals. While registration with a professional body can indicate adherence to certain standards and guidelines, it is not a requirement for all counselling providers. ([Code of Practice for Victim Information Requests](#))

Disclosure: The process where relevant material is provided from one person / organisation to another.

Disclosure Officer: The disclosure officer is the person responsible for examining material retained by the police during the investigation; revealing material to the prosecutor during the investigation and any criminal proceedings resulting from it, and certifying that they have done this; and disclosing material to the accused at the request of the prosecutor.

The functions of the investigator, the officer in charge of an investigation and the disclosure officer are separate. Whether they are undertaken by one, two or more persons will depend on the complexity of the case and the administrative arrangements within each police force. Dedicated Disclosure Officers are generally only utilised for serious and complex cases, such as investigations within Major Crime Teams, Complex Abuse Units, or Economic Crime.

Evidence: Material that the prosecution will use in Court to prove the offence.

Inspector: The minimum rank required to authorise most third party material requests. An Inspector is two management ranks higher than the Investigating Officer.

Police Investigator > Police Sergeant > Police Inspector.

Law Enforcement Purposes: The prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

Material: This is material of any kind, including information and objects, which is obtained or inspected in the course of a criminal investigation, and which may be relevant to the investigation. This includes not only material coming into the possession of the Police Investigator (such as documents seized in the course of searching premises) but also material generated by them (such as interview records). In relation to medical material, this includes medical records or other confidential patient information held by healthcare organisations. However, it excludes blood and tissue samples.

Personal Data: Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

Police Investigator: Often referred to as the officer in charge of an investigation or Officer in the Case (OIC). A Police Investigator may be a Police Constable (PC), a Detective Constable (DC), or a civilian Investigating Officer (IO). The Police Investigator is responsible for directing a criminal investigation. Ensures general policies are upheld and that the Police Investigator pursues all reasonable enquiries. Makes sure that proper procedures are in place for recording information and retaining records of information and material obtained during the investigation.

Processing: Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.

Reasonable Line of Enquiry (RLOE): A reasonable line of inquiry is that which points either towards or away from the suspect. What is reasonable will depend on the circumstances of the case and consideration should be had of the prospect of obtaining relevant material, and the perceived relevance of that material.

Third party material should only be requested in an individual case if it has been identified as relevant to an issue in the case. This will depend on the circumstances of the individual case, including any potential defence, and any other information informing the direction of the case. Access to third party material should never occur as a matter of course. It should never be assumed that because of the nature of an offence that is being investigated that particular types of material will need to be accessed. There will be cases where no

investigation of third party material is necessary at all, and others where detailed scrutiny is needed. There must be a properly identifiable foundation for the inquiry, not mere conjecture or speculation. ([Attorney General's Guidelines on Disclosure](#))

Relevancy / Relevant Material: Material may be relevant to an investigation if it appears to a Police Investigator, or to the officer in charge of an investigation, or to the disclosure officer, that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case.

Special Category Data (also known as Sensitive Personal Data): Special category data is defined in UK GDPR as personal data revealing an individual's racial or ethnic origin, political opinions, health, religious or philosophical beliefs, trade union membership, sexual orientation, sex life, genetic data, and biometric data, where used for identification purposes. It does not include personal data about criminal offences, allegations, or convictions.

Sensitive processing:

- (a) the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership.
- (b) the processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual.
- (c) the processing of data concerning health.
- (d) the processing of data concerning an individual's sex life or sexual orientation.

Substantive Probative Value: "Substantial probative value" refers to the meaningful evidential significance of the information contained within the counselling records. This test focuses on the likelihood that the evidence will add significant value or substance to the point being investigated. It goes beyond just relevance to assess the weight and worth of that evidence in the context of the investigation, imposing a higher threshold than for other types of material and going beyond the relevance test set out by the CPIA Code of Practice. Assessing the "substantial probative value" of counselling records is inherently fact-sensitive and requires a careful consideration of the specific circumstances and objectives of the investigation. ([Code of Practice for Victim Information Requests](#))

Third Party Material: Material held by a person, organisation, or government department other than the police and prosecutor, either within the UK or outside the UK. Third parties are not directly involved in the case in question but may hold information relevant to it.

Third Party: Anyone other than the Police and the Crown Prosecution Service (CPS). For example, NHS, GPs, Schools, and Social Services.