



Rights of Access Requests Policy (Surrey and Sussex) (1181/2024)

Abstract

This policy details where and how requests and applications for information should be submitted. It also includes frequently asked questions and details common errors to avoid when submitted a request in order to prevent significant delays.

Policy

1. Introduction

1.1 The [Data Protection Act 2018](#) and [UK General Data Protection Regulation \(GDPR\)](#) allows any individual to find out what information is held about them either electronically, or as physical records. This policy ensures individuals requesting information from Surrey Police or Sussex Police understand what the criteria and process is and can manage their expectations in relation to timeframes, and what information they can lawfully request under Part 2 and Part 3 Section 45 of the Data Protection Act 2018.

2. Scope

2.1 The procedures associated with this policy detail where and how requests and applications for information should be submitted and how each force will monitor the progression of the application for audit purposes.

3. Policy Statement

3.1 Surrey Police and Sussex Police will comply with our statutory obligations under the Data Protection Act 2018 and the UK GDPR to provide requested information in line with the criteria detailed within the procedures.

Procedure

1. Requests and Applications

1.1 Requests for information under this act can be made verbally or in writing and it is the responsibility of the officer or staff member receiving the request to ensure that it is directed to the respective Force's Information Access Team. Please see section 5.1 of this policy which explains how you can request information about yourself.

1.2 Rights of Access applications will be routed via the respective Force's Information Access Team for recording and processing, where each one is given a unique reference number.

1.3 Surrey Police and Sussex Police maintain numerous databases containing personal and special category information. For this reason, while all reasonable attempts will be

made to identify information, we are unable to guarantee that all information relating to an individual will be identified without the provision of reference numbers / times / dates etc. Initial searches will be on our main crime systems Crime Management Command and Control system, NICHE, and ICAD / STORM.

1.4 Requests for “all materials” held by Surrey Police or Sussex Police will be limited to main crime systems without further clarification from the requestor.

1.5 Where a request is received that includes access to Digital Media such as Body Worn Video (BWV) and Close Circuit Television (CCTV) as part of a Rights of Access Request, the decision maker will review the footage and where it is apparent that redaction of third party information, visual and audio, is required, that part of the request may be refused if relevant [exemptions](#) in the Data Protection Act 2018 apply.

1.6 Any complaints regarding the disclosure of information under the Data Protection Act 2018 should be made to the respective Force for an internal review. If the applicant is still not happy with the outcome, they can contact the [Information Commissioner’s Office \(ICO\)](#).

1.7 Requests for information from current serving employees or previous employees who have left the organisation within 3 months of the request, should be made directly to the People Resolution Centre. Requests for information from previous employees who have left the organisation longer than 3 months, should be made directly to the relevant Information Access Team (See section 5.1 below).

1.8 Information required for Legal purposes e.g. civil cases, family cases, legal advice or defending a legal position should be made under either a Court Order, Civil Procedure Rules (CPR) 31 or other appropriate route. Requests for information submitted under Rights of Access for information for legal purposes may not be provided. Advice will be provided, where possible, for the correct process to apply for the information required.

1.9 It is common for Surrey Police and Sussex Police to receive Freedom of Information requests asking for the requestors’ personal Information. Where this happens, the Forces will review the request and provide appropriate options to the data subject, including potential Rights of Access Request.

2. Information Held on the Police National Computer (PNC)

2.1 Information held on PNC – this is now dealt with centrally by ACRO Criminal Records Office – Conviction history can be obtained by completing an [ACRO Subject Access Request](#), which can be completed online or alternatively by post. The applicant will receive a list of criminal convictions, cautions, juvenile reprimands and final warnings or a letter confirming that no information is held.

3. Immigration

3.1 Individuals requiring police certificates for the purposes of applications for immigration, visas, work permits or residency in Australia, Belgium, Canada, New Zealand, United States of America, or South Africa should download an application from ACRO. [ACRO. police certificates.](#)

3.2 For employment purposes – individuals should be referred to the Disclosure and Barring Service (DBS), which provides suitable reports for employers. [Gov.UK. Request a basic DBS check.](#)

4. Police Information

4.1 Police information is often requested because the applicant is seeking information to support a matter, they are involved in. It should be stressed to them that any details which may identify another individual will be removed before results are sent unless it is reasonable in the circumstances for it to remain.

5. Frequently asked questions about Rights of Access for Information held by the Forces.

5.1 How do I submit a request for information about myself?

Requests are most efficiently made by the completion of a Section 45 Data Protection application form, also known as the Rights of Access form. Application forms can be obtained via the following options:

- A local police station front counter
- Request a form from the relevant Information Access Team:

By email: Surrey Police: subjectaccess@surrey.police.uk

By email: Sussex Police: subject.access1@sussex.police.uk

- An electronic Rights of Access Form can also be found via the following links:

[Surrey Rights of Access Form](#)

[Sussex Rights of Access Form](#)

Alternatively, applications can be completed and submitted online by using the following links:

[Ask for information about yourself | Surrey Police](#)

[Ask for information about yourself | Sussex Police](#)

Applications can also be made verbally. Please see Section 5.11 for details.

Please note, confirmation of identity will be required before any information is released (See 5.3 for types of identification accepted).

5.2 Where do I return the form to?

Applicants should return their form to either:

- Their local police station (form is checked, identity documents and receipt reference are recorded before being passed back to applicant, form is then forwarded to the respective Force's Rights of Access Officer within the Information Access Team).

- For Surrey direct to: Information Access Team, Surrey Police, PO Box 101, Guildford, GU1 9PE (copy of identity documents must be enclosed).
- For Sussex direct to: Information Access Team, Sussex Police, HQ, Church Lane, Lewes, East Sussex, BN7 2DZ (copy of identity documents must be enclosed).

By email to:

(Surrey Police) SubjectAccess@surrey.police.uk

(Sussex Police) Subject.access1@sussex.police.uk

5.3 How much does it cost?

Under the Data Protection Act 2018 there is no fee for a request for information under the Rights of Access process of Section 45.

5.4 What identification do I need to provide?

All applicants must submit two official documents which between them provide name, date of birth and current address for example birth certificate, driving licence, passport, medical card, utility bill, bank statement, pension book.

5.5 Can I send photocopies of my identity documents?

Yes, please do not send originals as these will not be returned.

5.6 How long will it take?

Under the Data Protection Act 2018 Rights of Access applications must be processed and sent back to the applicant within a maximum of a calendar month, from the following date of receipt of application.

5.7 Is a Rights of Access the same as a DBS check?

No, if the applicant's request is because they wish to take up a post working with children or vulnerable adults, the application should be made via Disclosure and Barring - a government department with responsibility for this type of check. A Disclosure and Barring check is more in depth - Education and Social Services systems are also searched, as they maintain lists of people found not suitable to work with children or vulnerable adults due to improper behaviour or abuse in the past. A Disclosure and Barring check will also include local police systems, covering the applicant's address history during the last five years. [Gov.UK. Request a basic DBS check.](#)

5.8 Can I use Rights of Access to get hold of someone else's records?

No. All applications must be made by the person requiring the search and cannot be made on behalf of someone else (unless there is a Power of Attorney and proof is provided or they are legally represented). A parent can ask for details of a child however this is dealt with on a case by case basis as the rights of the child will need to be considered. In some circumstances the child may need to submit an application themselves. Third party information will be removed from documents in line with the rights and freedoms of third parties.

5.9 How can I get a copy of my previous convictions or proof that I have no convictions?

Apply to the National Police Chiefs' Council (NPCC, formerly ACPO) ACRO Criminal Records Office – use [ACRO Subject Access Request](#) (see links above in Information held on PNC).

5.10 How can I get a police clearance certificate / certificate of good conduct?

Police certificates are not provided locally. Such requests will need to be made via the ACRO Criminal Records Office. (See 3.1)

5.11 Can applications be made verbally?

Rights of Access applications can be made verbally over the phone and/or in person to any police staff / officer. These requests must be submitted to the respective Force Information Access Team to be processed. The information will be recorded on our system, but identification documents will be required before the request is valid and the calendar month time scale will commence.

6. Right to Rectification and Erasure or Restriction of Local Information

6.1 Under Data Protection Act 2018 Part 3 Sections 46 and 47 enables the applicant to ask for their data to be corrected, erased or the processing restricted. Any requests under Section 46 and 47 need to be made in writing to Information Management at

informationmanagement@surrey.police.uk

information.management@sussex.police.uk

7. Right to Rectification and Erasure or Restriction of Information on PNC

7.1 This is managed and dealt with by ACRO and forwarded to local forces to make the appropriate decisions, but requests must be made through ACRO.

Any requests for rectification and erasure or restriction of information held on PNC must be made through [ACRO](#).

8. Sussex Police Only Guidance

8.1 In conjunction with this policy Sussex Police Information Access Case Workers must refer to the following documents when processing Rights of Access requests also referred to as Data Subject Access Requests.

NPCC Data Subject Right of Access Practical Guidance v 2.0.

Interpretation of Guidance for Data Subject Access Requests.

Section 53 Manifestly Excessive or Manifestly Unfounded Template.

Team: Information Management