**Request for disclosure of information under**

**Schedule 2 Part 1(5)(1-3) of the Data Protection Act 2018**

**(disclosures required by law or made in connection with legal proceedings)**

Schedule 2 Part 1 (5) of the Data Protection Act 2018 allows the Combined Authority to disclose personal information where it is required by law or made in connection with legal proceedings. Applications for disclosure of information relating to civil cases are considered on a case-by-case basis. Such cases may for example relate to recovering the costs for damage.

The following form must be completed before the Combined Authority will consider any such request. For more information please refer to the guidance (Appendix 1).

Recipients will become the data controller in respect of any personal data that is disclosed to them pursuant to this request and must adhere to all data protection legislation in the handling of that personal data.

**Section 1 – Requester Details**

|  |  |
| --- | --- |
| Requested by  (name in full) |  |
| Organisation |  |
| Job Title |  |
| Address |  |
| Telephone number |  |
| Email address |  |
| Your reference |  |
| Date of request |  |

**Section 2 – My status in this application**

|  |  |  |
| --- | --- | --- |
| I am a private individual acting on my own behalf | |  |
| I represent a client/company. | |  |
| (Please state your client relationship and/or which company do you represent) |  | |

**Section 3 – Details of request**

|  |  |  |
| --- | --- | --- |
| I have a court order for the information (Schedule 2 Part 1(5)(2)) (attach a copy of the order with your application) | |  |
| The information sought is required: | | |
| under an enactment or rule of law (Schedule 2 Part 1(5)(2))\* | |  |
| for existing legal proceedings (Schedule 2 Part 1(5)(3a)) | |  |
| for prospective legal proceedings (Schedule2 Part 1(5)(3a)) | |  |
| to obtain legal advice (Schedule 2 Part 1(5)(3b)) | |  |
| to establish, exercise or defend a legal right (Schedule 2 Part 1(5)(3c)))\* | |  |
| Please specify precisely (e.g. Act & section) |  | |

|  |
| --- |
| Describe the information you require from the Combined Authority |
|  |

|  |
| --- |
| Describe what you seek to show or prove with this information |
|  |

|  |
| --- |
| Describe why this information is necessary to the case, including the anticipated effect of the information not being provided |
|  |

|  |
| --- |
| Provide the date, time, and location of incident if applicable |
|  |

|  |
| --- |
| Please detail any steps you have already taken to obtain this information by other means. Any reasonable steps you have taken to acquire this information by other means will support arguments in favour of disclosure |
|  |

|  |
| --- |
| List which conditions of Article 6 and Article 9 of the General Data Protection Regulation that you are relying on to support your application for the disclosure of information. (See Appendix 2) |
|  |

**Section 4 – Authorisation**

I can confirm that the personal data requested are required for the purpose(s) stated above and failure to provide information will, in my view, be likely to prejudice that/those purpose(s).

|  |  |  |  |
| --- | --- | --- | --- |
| Name  (please print) |  | Organisation |  |
| Signed |  | Date |  |

**Section 5 – West Yorkshire Combined Authority contact details**

Information Governance, Legal and Governance Services, Wellington House, 40-50 Wellington Street, Leeds LS1 2DE

Email: DPO@westyorks-ca.gov.uk

**Appendix 1**

**Request for disclosure of information under**

**Schedule 2 Part 1(2) the Data Protection Act 2018**

**Guidance**

**Overview**

Schedule 2 Part 1(5) of the Data Protection Act 2018 (the Act) allows the Combined Authority to disclose personal information where it is required by law or in connection with legal proceedings. Applications for disclosure of information relating to civil cases are considered on a case-by-case basis.

**What the Act says**

Schedule 2 Part 1(5) Disclosures required by law or made in connection with legal proceedings etc.

1. The listed GDPR provisions do not apply to personal data consisting of information that the controller is obliged by an enactment to make available to the public, to the extent that the application of those provisions would prevent the controller from complying with that obligation.
2. The listed GDPR provisions do not apply to personal data where disclosure of the data is required by an enactment, a rule of law or an order of a court or tribunal, to the extent that the application of those provisions would prevent the controller from making the disclosure.
3. The listed GDPR provisions do not apply to personal data where disclosure of the data:
   1. is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings),
   2. is necessary for the purpose of obtaining legal advice, or
   3. is otherwise necessary for the purposes of establishing, exercising or defending legal rights,

to the extent that the application of those provisions would prevent the controller from making the disclosure.

***Requests made under Schedule 2 Part 1(5) which do not fall into one of these categories will not be accepted.***

**Decision making Schedule 2 Part 1(5)**

Where the Combined Authority l is required to disclose the details under Schedule 2 Part 1(5)(1) and Schedule 2 Part 1(5)(2) please give details of the specific legal requirement.

**Schedule 2 Part 1(5)(3)**

There is no requirement for the Combined Authority to disclose information under Schedule 2 Part 1(5)(3). Each request will be considered on its merits and disclosure made at the discretion of the Combined Authority. You must provide sufficient details as to why you feel disclosure is necessaryfor the purposes of Schedule 2 Part 1(5)(3).

Where the Combined Authority does not have enough detail to decide whether disclosure is necessary the application will be refused.

Where the Combined Authority refuses to disclose information, the applicant may choose to apply for an order for disclosure from a Court. Where a Court order is received, this will provide the lawful authority to enable information to be disclosed in accordance with Schedule 2 Part 1(5)(1).

**How to apply**

To make it easier for persons requesting information under Schedule 2 Part 1(5) of the Act, the Combined Authority has created a form which has to be completed before a request will be considered. The Application Form is available on the Combined Authority website. Applications can be submitted either via email or by post

**Contact details**

Information Governance, Legal and Governance Services, Wellington House, 40-50 Wellington Street, Leeds LS1 2DE

Email: DPO@westyorks-ca.gov.uk

(We recommend that you use a secure e-mail solution for sending personal or confidential information to us)

Failure to complete the form fully is likely to delay the process of obtaining the information.

**Appendix 2**

**GDPR Article 6: Lawfulness of processing**

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

1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

2. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

3. processing is necessary for compliance with a legal obligation to which the controller is subject;

4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;

5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

6. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

**GDPR Article 9: Processing of special categories of personal data**

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

e) processing relates to personal data which are manifestly made public by the data subject;

f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.