|  |  |  |
| --- | --- | --- |
|  | | **Form A97** |
|  | **Application for Disclosure of Police Information for Civil Litigation Purposes**  **(Discretionary/Civil Court Order)**  Schedule 2, Part 1, Para.5 of the Data Protection Act 2018 (DPA) | |

This form has been designed to facilitate the application for disclosure of police information for civil litigation purposes. It is not for requesting information relating to previous convictions, for reporting crime, for passing information to police, anti-social behaviour or housing-related enquiries, civil litigation against Essex Police or ascertaining if a subject is a victim of crime. This form is not for disclosure of police material for use in Family Court matters, please refer to the Essex Police website [Request information about yourself or someone else | Essex Police.](https://www.essex.police.uk/rqo/request/ri/request-information/rso/request-information-about-yourself-or-someone-else/)

An individual has the right to ask for their own personal data by making Right of Access application via the above link.

Civils disclosures are chargeable, and payment must be received prior to release of any information. Any application will be considered against the data protection principles and may be refused if the threshold for disclosure is not met.

Requests for third party/parties name and address subject to proceedings can be submitted. **Insurance applications for third party information from Insurance companies or their representatives can be submitted by completion of an A97a form**. Disclosure of information that includes third party/parties that are subject to the civil proceedings will require Essex Police to contact the individual(s) to advise them that their information is intended for release. The third party once notified, can take steps to prevent release; this needs to be received by Essex Police within seven days. Where actions have been taken to prevent release, disclosure of third party details or information linked to the incident may be withheld.

Third party witnesses who have provided statements to Police (excluding police officers/staff and other individuals acting in a professional capacity) will also be contacted to notify of the intention for disclosure of their evidence/statements/information. All other third party witnesses will be anonymised as standard. If an objection is made by any individual contacted, disclosure of their relevant information may be withheld. In these instances, a Court Order will need to be obtained to compel disclosure.

Disclosure may not be provided until the conclusion of a criminal investigation and/or court proceedings. If this is the case, the status will be communicated, and the application paused on our systems. An expected date to recontact the Information Rights department regarding resuming work on your application will be advised at this point.

If you would like this information in an alternative format, or require help in completing the form please contact [Contact us | Essex Police](https://www.essex.police.uk/contact/af/contact-us/)

|  |  |
| --- | --- |
| **1a. Legal representative or other organisation** | |
| If you are self-representing do not complete this section – go to Section 1b | |
| **Representative** | [Representative Full Name] |
| **Organisation/Company** | [Organistaion / Company Name] |
| **Email address** | [For correspondence / disclosure purposes] |
| **Telephone number** | [For correspondence purposes] |
| **Full name and date of birth of Client or Name of organisation representing** | [Client full name and DOB / Organisation name] |
| **Client/Organisation involvement in proceedings** | [i.e. Victim / Defendant / Insurer] |

|  |  |
| --- | --- |
| **1b. Self-representing Applicant only** | |
| Please complete if you do not have legal representation | |
| **Applicant Forename(s)** | [Self-representing Applicant Forename(s)] |
| **Applicant Surname/Family name** | [Self-representing Applicant Surname] |
| **Have you used or been known by any other names** | **Yes**  **No** |
| If you have answered Yes to the question above, provide a list of all your previous names below, including **maiden/married** names, names prior to and after change by deed poll, and name at birth if different from the above. Failure to answer this question will delay your request and may limit search results. If you run out of space, please supply additional information on a separate sheet. | |
| **Previous name(s)** | [Forename(s) SURNAME] |
| **Date of birth** | [DD/MM/YYYY] |
| **Place of birth** | [Village/Town/County/Country] |
| **Current address:** This must be the physical address you reside at (not a PO Box), indicate dates of residence **This should match your ID documents** | |
| Address and postcode | [Self-representing Applicant address]  [Postcode] |
| Date from | [MM/YYYY] |

|  |  |
| --- | --- |
| **Previous address, if your request relates to an event when you were residing at a different residence, please provide details below** | |
| Previous address and postcode | [Relevant address for incident]  [Postcode] |
| Date from and to | [MM/YYYY to MM/YYYY] |
| **Identification requirements for self-representing applicants**  Identification must be provided. This must be two forms of identification to confirm proof of name (e.g. passport/driving licence), and proof of address (e.g. utility bill/bank statement not more than 6 months old). A full list of acceptable identification is found on the GOV.UK website: Proof of identity checklist.  www.gov.uk/government/publications/proof-of-identity-checklist/proof-of-identity-checklist | |

|  |  |
| --- | --- |
| **1c. Legal basis for request** | |
| **Request for disclosure is being made under:** | Court Order direction  Discretionary disclosure for **ongoing** civil litigation  Discretionary disclosure for **prospective** civil litigation |

|  |  |
| --- | --- |
| **2. Event details** | |
| **Details of any crime references, incident numbers, or other Police reference relating to the civil action.**  **Identify relevant parties' involvement, and any known details i.e. name/address** | [Please identify any known police reference numbers - Investigation references will be in the format 42/XXXX/YY. Incident numbers may be in the format EP-YYYYMMDD-0000, or 0000 of DD/MM/YYYY] |

|  |  |
| --- | --- |
| **3. Purpose of request** | |
| **Reason / purposes for the request.** | [Provide here exact details of what the request is and why disclosure is necessary. Relevant parties to proceedings should also be identified.] |

|  |
| --- |
| **4. Civil disclosure charging packages** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Packages include research and disclosure production time. Refunds will not be provided.  **Discretionary disclosure** - 40 working days from receipt of payment and valid application.  **Court Order** – 20 working days from receipt of payment (draft Orders can be accepted, but a copy of the sealed Order must be provided before disclosure can be released). | | | | | | |
| **Select one of the below package options** | | | | | | |
| **Package required** |  |  |  |  |  |  |
| **Information Type** | **Third Party details**  **£111.70** | **Summary**  **£195** | **Starter**  **£250** | **Intermediate**  **£515** | **Premium**  **£730** | **Premium Plus**  **£945** |
| Details of third party(s) subject to proceedings | X | X | X | X | X | X |
| Summary Investigation report |  | X |  |  |  |  |
| Incident report (Call Log) |  |  | X | X | X | X |
| Investigation report |  |  | X | X | X | X |
| Victim/Officer statement |  |  | X | X | X | X |
| Photographs |  |  |  | X | X | X |
| Third Party witness statement |  |  |  | X | X | X |
| Case summary (MG5) |  |  |  | X | X | X |
| Custody record for represented individual only |  |  |  | X | X | X |
| Suspect interviews |  |  |  |  | X | X |
| ABE (Victim/Witness interviews) |  |  |  |  | X | X |
| Exhibits\* (excluding photographs) |  |  |  |  | X | X |
| CCTV - covering incident only |  |  |  |  |  | X |
| Body Worn Video (BWV) - covering incident only |  |  |  |  |  | X |
| \* Physical exhibits (e.g. items of clothing) and material obtained from other agencies (e.g. NHS/education) shall not be considered for disclosure. The relevant agencies should be approached directly for the disclosure. | | | | | | |
| Notes for consideration:  To comply with data protection legislation, redaction will be undertaken as standard, however all disclosures will be made with the intention to assist civil proceedings.  If upon receipt of the disclosure, a higher package is subsequently required, charges applicable will be the difference between the package fees. Civil disclosure is discretionary unless accompanied by a Court Order. If you require further information over and above the packages or any information not disclosed on a discretionary basis within the packages you will have to seek a Court Order to compel Essex Police to disclose.  Any selected package must not exceed the relevant Court Order direction (if applicable). Any media-based Information Types included within a paid package will not be provided if they are not specifically listed within the Court Order.  All packages include general anticipated research and disclosure production time. If an Information Type is included within a paid package and the Court Order direction, but not held on Essex Police systems, refunds will not be provided.  If you are unsure of the level of information held by Essex Police, we recommend initially requesting the Starter package, and reviewing the relevant investigation report log entries to identify any potential additional information that may be held and available for disclosure. | | | | | | |

|  |  |
| --- | --- |
| **5. Contact details for disclosure purposes** | |
| **Email address** | [Email address for receiving disclosure] |
| **NOTE: Disclosures will be made by email and/or by electronic sharing via Essex Police’s secure third party platform. If you require document-based disclosure to be provided by alternative methods (not applicable for media items), please detail below:** | |
| [Please specify if alternative method required] | |

|  |  |
| --- | --- |
| **6. Payment method** | |
| No payment can be made until you complete the A97 form, and your application has been accepted. Upon acceptance you will receive a unique reference number in order that payment can be made via the below process.  Essex Police requires payment in advance of work commencing on disclosure. Payment represents research and administration time involved as part of this application. Once payment has been received, work will commence.  All payments made must use the specific URL or reference provided upon acknowledgement. Payments made using incorrect references may not be processed.  Payments made to Essex Police must be followed up with remittance advice sent via email to [info.rights.civil@essex.police.uk](mailto:info.rights.civil@essex.police.uk)  Essex Police will accept payment by BACS or debit/credit card.  **BACS payment**  Once the application form has been accepted, further details regarding BACS payment and the associated reference to be used will be provided by email.  **Card payment**  Once the application form has been accepted, the URL link for payment via the GOV.UK website with the appropriate reference will be sent by email.  **No disclosure will be made until payment has been received.**  **Please indicate the method of payment below:** | |
| **BACS** | **Card Payment** |

|  |
| --- |
| **7. Confidentiality undertaking** |
| **I confirm that under Schedule 2, Part 1, Para.5 of the DPA 2018, the provision of information meets one of the below conditions:-**   * disclosure of the data is required by an order of a court or tribunal, * is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings), * is necessary for the purpose of obtaining legal advice, or * is otherwise necessary for the purposes of establishing, exercising, or defending legal rights.   **Any person making a false declaration by completing this form may be guilty of a criminal offence. If found guilty, may be liable to a fine or a term of imprisonment not exceeding six months, or both.**  The information I have supplied in this request is correct and accurate and is supplied for the purposes of Civil Court proceedings only.  **I have requested copies of all relevant materials (as listed above) in respect of proceedings relating to the outlined named parties.**   * I undertake that, all materials supplied by Essex Police are kept under secure conditions and not left unattended in vehicles or otherwise unprotected. All computer-based security or anti-virus/anti-malware software in place is up-to-date. * I understand that any materials received from Essex Police will be subject to UK GDPR 2018 regulations and have measures in place to protect the disclosed material. Please read the Information Commissioners Office (ICO) advice and measures in the link below and implement where necessary.   [ICO tips for keeping your data secure](https://ico.org.uk/for-organisations/sme-web-hub/whats-new/blogs/11-practical-ways-to-keep-your-it-systems-safe-and-secure/#:~:text=11%20practical%20ways%20to%20keep%20your%20IT%20systems,5.%20Install%20anti-virus%20and%20malware%20protection.%20More%20items)   * I will ensure that surplus copies of materials are destroyed at the conclusion of the proceedings and only one copy is retained in the archived Court proceedings papers for the required retention period. * The disclosure will not be supplied to, or shared with, any other person except for the sole purpose of consideration/use for legal proceedings e.g. by legal representatives and/or legally-appointed experts. This includes, allowing other individuals to have sight of the information disclosed without approval being obtained from the Court or Essex Police. * The disclosure will not be reproduced in any form, including any digital material. The only exception being by legally-appointed experts for the purposes of enhancement e.g. CCTV. * I will immediately notify Essex Police if it is identified that a data breach has occurred relating to information originating from this disclosure.   **I will keep a copy of this undertaking and a written record of any persons to whom the information is released.** |

|  |  |
| --- | --- |
| **I confirm and understand the undertaking above:** | |
| **Full name** | [Full name of individual making application] |
| **Organisation (if applicable)** | [Company / Organisation] |
| **Position within organisation**  **(if applicable)** | [Position] |
| **If a legal representative, provide SRA number** | [Solicitors Regulation Authority number] |
| **Signature** | [Electronic signatures can be accepted] |
| **Date** | [DD/MM/YYYY] |
| **Application Checklist:** | |
| **Package tier selected** | Yes - selected |
| **Payment type selected** | Yes - selected |
| **Self-representing individuals:** | |
| **Identification documents** | Copies of two forms of identification attached |
| **All requests must to be sent to:** [**info.rights.civil@essex.police.uk**](mailto:info.rights.civil@essex.police.uk) | |

|  |
| --- |
| **8. Declaration – How information collected on this form will be processed** |
| The information provided within the above form is used for the process of validating and processing this application.  Please be aware that any information provided may be further processed for law enforcement purposes. For further information regarding policing purposes please refer to the Essex Police registration with the Information Commissioner’s Office.  Information collected by Essex Police as a result of this application will be kept securely for a period of seven years before being deleted. In exceptional circumstances that period may be extended. This decision will be reviewed annually.  Please refer to the Essex Police website for general details in regard to the Fair Processing Notice, Privacy Notice and Retention Policy and further rights under GDPR such as right to be informed, right to rectification, right to erasure/to be forgotten, right to restrict processing, right to data portability, right to object and rights in relation to automated decision making and profiling. |