

Briefing note: Police Requests for Third Party Material

The way the police request third party material is changing. A new [Interim National Police Chiefs' Council \(NPCC\) Third Party Material Request Form](#) was introduced nationally from 4 October 2023 and is expected to go live in Northumberland from this week (16th October).

A [letter from Chief Constable Tim De Meyer](#) (NPCCs Lead for Disclosure) explains the background to and details of the changes. Links to further information and guidance regarding the changes can also be found in the letter.

The main changes are around consent. Historically, police forces have relied on consent when requesting access to third party material, however it is the opinion of the Information Commissioner that relying on consent of the victim in justifying the processing of their data is unlikely to comply with data protection legislation. This is because there are difficulties in achieving freely given, valid consent from individuals in an investigation (for example due to a perceived power imbalance or trauma experienced by the individual).

The Information Commissioner set out a number of recommendations in '[Who's under investigation](#)', one of which directed the NPCC to collaborate with partners to produce advice and supporting forms for police force when requesting personal information from third party organisations, which has prompted these changes.

It is an interim form as work is ongoing within the Home Office to introduce statutory requirements into the [Victims and Prisoners Bill](#) in respect of third-party material requests, for which a Code of Practice is also being drafted.

Our information sharing protocol is currently being updated and will reflect these changes.

Further information and guidance can be found at:

- ICO: [Legitimate Interests Assessment](#)
- ICO toolkit: [Can I share personal data with a law enforcement authority, such as the police? | ICO](#)
- ICO data sharing information hub: <https://ico.org.uk/for-organisations/data-sharing-information-hub/can-i-share-personal-data-with-a-law-enforcement-authority/>
- ICO guidance on sharing personal data with law enforcement authorities: [Sharing personal data with law enforcement authorities | ICO](#)