



Guidance Sheet for Organisations Requesting Information from the RSPCA under Schedule 2 of the Data Protection Act 2018

What is Schedule 2 Part 1 Paragraph 2?

Organisations that have a crime prevention, law enforcement or tax collection function, such as the Police or Revenue and Customs, may require personal/sensitive personal information held by the RSPCA to prevent or detect crime, or apprehend or prosecute an offender, or for taxation/ benefit purposes. The RSPCA may be able to disclose this information by applying an exemption under Schedule 2 of the Data Protection Act 2018.

How to make a request under Schedule 2 Part 1 Paragraph 2

Organisations wishing to request disclosure of personal/sensitive personal information held by the RSPCA under schedule 2 must complete the appropriate form.

The purpose of the schedule 2 form is to enable the RSPCA to respond to requests for the disclosure of personal data by providing the necessary information to locate the data in question. It also allows the RSPCA to make an informed decision concerning the request for release of the information based on the understanding of the grounds for applying the exemption.

In the event that your organisation does not have its own form - please ask for one by emailing data.protection@rspca.org.uk.

Completing the form

The Police may use a version of its own form for the disclosure of personal data under the Data Protection Act 2018 form that should look substantially similar to the form agreed by the National Police Chief's Council (NPCC). Other organisations should use their own organisation's request for disclosure of personal data under schedule 2 of the Data Protection Act 2018 form but please ensure, before sending these to us, that they contain the following information:

- Please provide your name, job title, organisation and contact details to enable us to identify you as a person with the authority to make a request under the exemption and allow us to contact you or forward the information once a decision has been made.
- Please specify the information you are looking for and, where known, any other details which would enable us to locate the data, e.g., directorate or department the individual has had contact with, where the data is likely to be held or the dates when the individual was in contact with the RSPCA.
- You can attach any additional documents that may help us to locate the information, or identify the data subject but please make it clear whether you

- are sending any additional information.
- Please clarify if you are asking for the information so as to prevent or detect a crime or catch or prosecute an offender and how this information will assist in your investigation.
- If we do not release the information, please clarify if this will significantly harm any attempt by your organisation to prevent crime or catch a suspect?

*For the purposes of crime prevention or apprehension/conviction of an offender, the requested information should relate to a specific individual. This exemption **must not** be used for 'trawling' information and such requests will be refused.*

- Please state under what powers (if any) you are requesting the information.
- It is our policy to disclose personal/sensitive personal data via a secure email, e.g., cjsm, gcsx, gsi or via special delivery post. However, if you wish to collect the information then we will require sufficient identification, e.g., an ID badge. Please confirm the method of delivery when submitting your request.
- Once you have filled out the form, please be sure to sign and date it.
- For requests from the police, the form must also be authorised by a person of no lower rank than Sergeant. Requests for complainant details must be authorised by a person of no lower rank than Inspector. However, please be aware that complainants are assured that their names and details are provided in confidence and as such, the RSPCA is subject to a common law duty of confidence.
- For requests from other organisations other than the police, the authorised signatory should be of a higher position within the organisation than the person making the request. If the RSPCA does not consider the level of authorisation signatory to be sufficient, we reserve the right to request further authorisation or to refuse to supply the information.
- The RSPCA is not an “authority” or a “governmental agency”, unlike local councils or police, it is a private charity. Consequently, Section 47 of the Children Act 1989, unfortunately, does not place a duty on the RSPCA to provide any information. Section 47(11) only places such duty on: (a)any local authority; ... (c)any local housing authority; [(ca)the National Health Service Commissioning Board;”, and] (d)any [clinical commissioning group,][[Local Health Board] , Special Health Authority][National Health Service trust or NHS foundation trust]; and (e)any person authorised by the Secretary of State for the purposes of this section.

Please send the completed form, appropriately authorised, either by:

- email to data.protection@rspca.org.uk or secure email at data.protection@rspca.cjsm.net, or
- post to Data Protection Officer, RSPCA, Parkside, Chart Way, Horsham, RH12 1GY.

In order to help us prioritise requests please inform us if your request is urgent with the reason why and date of the deadline, e.g. court dates, time limitation dates.

As soon as we receive a completed schedule 2 form we will assess whether or not this information will be released. Within a reasonable time, we will endeavour to provide the information you have requested or a decision as to why your request is refused. Failure to provide all relevant information is likely to delay the process of obtaining the information or decision.

The final decision to release the requested information is held by the RSPCA.