



Adult Social Care

Access to Files – Requests Made by the Police Practice Guidance

Version 3

Version: 3 FOI Status: Public	Derbyshire County Council Adult Social Care Access to Files – Requests Made by the Police Practice Guidance	Originally Issued: May 2016 V3 Issued: March 2023 Review Due: March 2025 Author: Information Governance
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1. Operational Guidance

Background Information

Disclosures to the police are not mandatory except in cases where the council is served with a court order requiring information.

However, Schedule 2, Part 1, Paragraph 2 of the [Data Protection Act 2018](#) gives statutory powers to the council to release information to the police without the consent of individuals or members of staff for the purposes as follows:

- the request must be due to the prevention or detection of a crime
- the request must be due to the apprehension or prosecution of a crime
- non-disclosure would be likely to prejudice their investigation
- the request must be due to the assessment or collection of any tax or duty of any imposition of a similar nature

If there are queries about whether a disclosure fits into the above categories, contact the [ASCH Information Governance team](#) or Legal Services to discuss.

The police must put their request in writing and they must state the enactment, detailing the sections they are relying on to request the information. Derbyshire Police use a specific form for this known as a form 807 which the police should complete and send to [ASCH Information Governance team](#).

Please note that only information relevant to their enquiry should be provided.

2. Process

Access to files requests made by police will be recorded by Business Services in an access to files – police (AC) workflow step on the Case Management System (CMS).

All requests to view information must be made on a police information request form. **Derbyshire Police use the form 807.** Other authorities will use a corresponding form.

In some cases, not all a person's information is held on the CMS, for example, Direct Care home care records are held on a separate database. Where the records are not on the CMS contact the [ASCH Information Governance team](#).

1. Business Services check the request form has been signed by the requestor's senior officer. If there is no senior officer's approval on the form, it needs to be returned to the requesting officer via secure e-mail stating the reason why the form has been returned.
2. If the police request for information form is signed by the requestor's senior officer, Business Services initiate access to files – police (AC) workflow step on the CMS.
3. Business Services complete section one of the electronic form with the officer's details and the reason for the request and upload the police request for information form into the workflow step.

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4. Area Business Services then send a mandatory task to the group manager for the request for information to be approved. They will approve/reject the request where appropriate. If the group manager feels the request cannot be approved based on the criteria given in the background section, they should contact the [Information Governance team](#) to discuss further.

The only exception to the standard process will be in the case of a serious incident e.g., murder. The safeguarding group manager must first be consulted and will consider what access to the file is appropriate for the police officer.

5. Business Services will complete the section of the CMS form indicating the date the request was approved and inform the Information Governance team. Business Services to check if all service user information is held within CMS and, if necessary, retrieve all paper files from off-site storage and microfiche from county hall.

Records in the CMS should not be accessed unless there is a business need to go into a record. There may be occasions when records need to be restricted and only a limited number of staff have access.

When a record is restricted, the whole record is restricted to everyone. Access is gained by adding those who require access whether it is a individual worker, team, or job role.

If the service user's record is restricted, you must email the fieldwork manager or business services manager and request that the guest log-on for your area is given access to the restricted record.

6. Business Services then send the second task to themselves to complete an action with regard to the police to view the files.
7. Allocated Business Services telephone the officer who submitted the police request for information form, to arrange the visit. Once the visit has been arranged Business Services to send the **letter of acknowledgement** ([Appendix A](#)) confirming the visit details and upload the letter into the workflow step.
8. Business Services to send a case note alert to the allocated social worker informing them that an access to files request has been received from the police.

3. Guidance Note for Business Services – Preparation

1. Organise a business services assistant (BSA) 6 to supervise the police officer.
2. Ensure a workstation is available or desk if it's just paper file.
3. Business Services to print the list of all case notes and documents within the Mosaic record in readiness for the officer's arrival.
4. Business Services to complete the information on the **confidentiality agreement** (Appendix B) in readiness for the officer's visit.

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4. Visits to the Office to View the File

Please note that if we are working under COVID restrictions the officer will not be invited into the office to view the records. Please refer to your Business Services Officer (BSO) for alternative methods of sharing the requested information via Teams and secure e-mail. Sharing information via Teams and secure e-mail can also be used outside of Covid restrictions.

On the day of the visit BSA 6 log in to the service user's CMS record in preparation of the visit. When the officer arrives to view the records, Business Services are to inform the allocated BSA 6 so they can supervise the viewing of the files.

The BSA 6 will ask the police officer to provide some identification and once verified that they are the requesting Officer, will show them to the allocated desk/workstation. The BSA 6 will then ensure the **confidentiality agreement** ([Appendix B](#)) is signed by the police officer.

The confidentiality agreement is then scanned into the workflow and original copy of the confidentiality agreement is given to the police officer.

If viewing information on the CMS, the BSA 6 will navigate between case notes and documents on the CMS record. The BSA 6 will also give the police officer the printed lists of the case notes and documents held within the file. The police officer can tick which records they would like a copy.

Whilst the Officer is looking through the Mosaic record the BSA 6 must supervise at all times and ensure that no legal documents are viewed by the officer. If a legal document or legal case note is opened accidentally it **must** be closed immediately. The police officers must make a separate application to the court to access any legal documentation belonging to Adult Social Care and Health (ASCH).

Whilst looking through the CMS record the police officer may make their own notes which they can take away with them.

Once the police officer has completed looking through the services user's records and ticked any documents and case notes required the police officer must fill in the **form of undertaking for release of confidential material** ([Appendix C](#)) before the request can be progressed further.

The **form of undertaking** ([Appendix C](#)) needs to be approved by a group manager (or designate) before any documents can be released.

Once approved Business Services must email the relevant documents requested by the police officer to the Information Governance team who will check and make any redactions electronically. These will then be emailed to the group manager to approve release to the police officer.

Once the group manager has approved the release of records, the final redacted copy will be sent to the BSA 6 by the Information Governance team along with the approval email from the group manager.

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Business Services scan/upload the final redacted copies and the list of case notes and documents requested by the police officer into the CMS service user’s workflow step.

Business Services inform the requesting police officer that the documents are ready for collection or sending electronically by secure email. Business Services to create a case note to this effect.

When the police officer arrives to collect the information, the officer must check all the information requested is present. Once verified the officer must sign the case notes and or the documents list where the information has been requested, to confirm receipt. The police officer must then sign the **form of undertaking for release of confidential material** ([Appendix C](#)).

If sending by secure email, the **form of undertaking** ([Appendix C](#)) must be signed and returned before any information is shared.

Once the police officer has collected/received the information, Business Services must complete section two of the police access to records electronic form in the CMS and finish the workflow step.

Business Services send case note alert to the group manager and information governance team that Police Access to Records request for PIN xxxxxx is complete.

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Appendix A – Appointment Letter

Office address as standard
Letter template

Private and Confidential
Address

Date

Dear

Service User Name:
Date of Birth:

Further to our conversation on () I confirm an appointment has been arranged for you to view the above file on:

Date:

Time:

Venue: Derbyshire County Council
(insert address)

Please bring this letter and a form of identification with you when you attend your appointment. When arriving at the office please ask for ().

If you need to re-arrange your visit at any point please contact the office on the above number.

Yours sincerely

Name
Business Services Assistant
Adult Social Care and Health

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Appendix B - Confidentiality Agreement

DERBYSHIRE COUNTY COUNCIL
Confidentiality Agreement

Access to Mosaic Case Management System, and other Information Systems

Name:	
Job and Title:	
Organisation:	
Address:	
Telephone number:	

In your capacity outlined above, and in pursuance of those duties, Derbyshire County Council will grant access to you to its Mosaic Case Management System (CMS), and any other Information system, to access information in pursuance of your duties (“the Permitted Purpose”) on your acceptance of the following terms and conditions:

Terms and Conditions of Access to Mosaic Case Management System

I understand that during the course of my access to the above system I will learn of and/or have access to personal data of service users and prospective users of Social Care Services, as well as parents, carers and others. I understand that some of these service users will be vulnerable and personal data will include sensitive personal data.

I also understand that I will learn of and/or have access to personal data, including sensitive personal data, of employees, contractors or agents of the Council.

I may also have access to confidential information of or relating to the Council.

I undertake to act at all times in accordance with the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR) as amended, extended or re-enacted from time to time, and to include all subordinate provision made under that Act.

I also undertake:

- a. to keep all confidential information and personal data confidential at all times
- b. not to disclose it or allow it to be disclosed in whole or in part to any third party without the prior written consent of the Director of Adult Social Care and Health or Designate
- c. not to use it in whole or in part for any purpose except for the Permitted Purpose

I further undertake to take all proper and reasonable measures to ensure the confidentiality of the personal data and confidential information at all times.

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No data or information is to be transferred onto, nor held on, unencrypted laptops or other hardware.

If I am in doubt at any time as to whether data or information is or is not personal, sensitive and/or confidential, I will treat that data as such until the status of that data is clarified in writing by the Head of Service.

I further undertake not to:

- a. disclose any confidential information or personal data, including any printed material generated from the above system, to any third party, either verbally or in written form without the prior written consent of the Head of Service.
- b. make use of such information or data that I am party to due to my access to the system for personal gain or benefit or to further my personal interests or interests of others.
- c. access the system for any purpose other than the Permitted Purpose.

The obligations of confidentiality set out above shall not apply to any information that you can prove by written records:

- a. is known to you before you accessed the information from the system
- b. is developed by you without any access to the system or information imparted by us
- c. is received by you without restriction on disclosure or use from a third party lawfully entitled to make disclosure to you without such restriction

I will indemnify the council against any claim, damage, loss, cost and/or expense incurred by the Council arising out of my acts, omissions or negligence in relation to my obligations set out in this form.

I understand that my obligations shall survive the end of my engagement with the council regardless of the manner of termination or expiry and are subject to the authority's audit procedures.

Signed:
.....

Signed:
.....
(Business Services Manager)

Date:
.....

Date:
.....

Name of Service User(s);	
PIN(s):	

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Appendix C - Form of Undertaking for Release of Confidential Material

**DERBYSHIRE COUNTY COUNCIL
FORM OF UNDERTAKING FOR RELEASE OF CONFIDENTIAL MATERIAL**

File relating to:
 File held by: (Department/Section)
 File No:

WHEREAS DERBYSHIRE COUNTY COUNCIL agrees to release copies of the documents listed in the attached Schedule to(name), an Officer of (organisation) on(date).

I the undersigned, having taking possession of the copy documents set out in the Schedule attached hereto, hereby undertake, on behalf of(the organisation):

- (1) not to release any disclosed documents into the hands of any other person or organisation
- (2) not to use any disclosed documents for any purpose other than use in the investigation of criminal proceedings
- (3) to return any disclosed documents to Derbyshire County Council promptly at the conclusion of the investigation
- (4) to notify Derbyshire County Council in the event that the investigation leads to criminal proceedings, in order that Derbyshire County Council may seek to claim, if appropriate, public interest immunity in respect of the disclosed documents.

Signed
 Name (printed)
 An Officer of (Organisation)
 Signed
 Name (printed)
 Position with Derbyshire County Council

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Author History

Approval and Authorisation History

Authored by Neil Brailsford	Data and Information Officer	May 2016
Approved by Quality Assurance Group		September 2016

Change History

Version 1		Neil Brailsford	Development of new practice guidance
Version 2	May 2016	Neil Brailsford & Jenny Hudson	Simplify and review
Version 2.1	September 2016	Neil Brailsford	Review
Version 2.2	October 2018	Neil Brailsford	Reviewed & updated
Version 3	March 2023	Julie Yates	Reviewed and updated