



**Data Protection Code of Practice:  
Disclosure to Third Parties**

## **Introduction**

This document is for the information of Officers of the Council, Councillors and third parties acting on behalf of another individual.

The Code is intended to cover:-

- Requests from third parties relating to the personal affairs/information of another individual
- Councillors acting on behalf of a constituent

## **Definitions**

Some of the definitions used in the Data Protection Act:

**Data:** is information recorded electronically; and manual data held in a relevant filing system or structured form. Since the amendments brought in by the Freedom of Information Act 2000 in January 2005, it also now includes unstructured data held in manual form (sometimes referred to as Category e data).

**Personal data:** relates to living individuals who can be identified from it, either by itself or in tandem with other information that might be in the Council's possession. It includes expressions of opinion, and intentions towards the individual.

Personal data could be contact details, date of birth, qualifications, or anything pertaining to an individual. It is something that affects that person's privacy (whether in their personal / family life, or business / professional capacity) in the sense that the information has the person as its focus or is otherwise biographical in nature, and identifies that person - by itself or with other information.

Incidental mention of an individual's name may not count as personal data about that person.

The Council holds personal data about its staff, Members, borough residents, customers, and other individuals connected with the Council.

**Sensitive personal data:** is the following sort of information:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or beliefs of a similar nature
- Membership of a trade union
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of an offence
- Proceedings for any offence or alleged offence, or sentence of court

**To process data:** means any of the following: to obtain, record or hold, carry out operations on it, organise, adapt, alter it, retrieve it, disclose it, erase or destroy it.

**Data Subject:** is a living person who is the subject of the information, and can be identified from it.

### **Disclosure Rules**

Disclosure of personal data to third parties is allowed only where the Data Subject has given consent, or in certain other limited circumstances for example:

- Disclosures required by law
- For the prevention or detection of crime

### **The Procedure**

Enquiries or requests to the Council relating to an individual about a third party will be treated as follows: -

#### **1. Request from families members (including spouses), friends or associates**

The Council will not disclose personal information or discuss matters relating to a third party without the consent of the individual concerned. The Third Party Authorisation Form attached to this document must be completed.

#### **2. Requests from Councillors or MPs**

The Council will not disclose personal information or discuss matters relating to a third party without the consent of the individual concerned. The Constituent Authorisation Form attached to this document must be completed.

#### **3. Request from Solicitors**

Solicitors requesting information on behalf of a Data Subject will be asked to provide an original signed authority from that person. The Third Party Authorisation Form can be used for this purpose.

#### **4. Requests from investigatory bodies for the purpose of preventing or detecting crime or apprehending or prosecuting offenders**

Investigative bodies may include: -

- Police
- Immigration
- Local Authorities investigating fraud
- HMRC

Requesting bodies will be required to complete the Council's [form](#) for this purpose and return it to the Corporate Services Officer or Data Protection Officer.

Based on the information provided on this form, the Council will make a decision as to whether we will provide the information requested. This decision will be based on:

- The reasons provided by the enquirer for requesting the information
- The crime for which the individual is being investigated
- The rights of the individual concerned
- Whether the enquirer could get the information from another source
- Whether the Council considers disclosure to be necessary and proportionate
- Whether the body has proper prosecuting or statutory powers.

It is extremely unlikely that the Council would disclose information to private organisations such as financial institutions or private investigators.



## Third Party Authorisation Form

<b>Your name:</b>	
<b>Your address:</b> (Including Postcode)	
<b>Your telephone:</b>	<b>Home:</b> <b>Work:</b> <b>Mobile:</b>
<b>Your email address:</b>	
<b>Please complete this section if you are authorised to act on behalf of the applicant</b>	
<p>I have been authorised to act on behalf of the applicant. I declare that I will not disclose any information from the records other than to the person on whose behalf I am acting, unless they give me their express permission.</p>	
<b>Signed:</b>	
<b>Authorisation</b>	
<p>I authorise ..... (Name) of          .....(Address)          to act on my behalf. I declare that this authorisation was given freely.</p>	
<b>Signed:</b>	
<b>Date:</b>	



## Constituent Authorisation Form

- Councillors and Officers of Barrow-in-Furness Borough Council are all bound by the Data Protection Act 1998.
- This procedure must be used when seeking consent from a constituent to obtain and use their personal information from the Local Authority as part of a Member Enquiry, or to obtain information from the constituent.
- It is good practice to give the constituent a copy of the form once they have signed it.

<b>Constituent name:</b>	
<b>Address:</b> (Including Postcode)	
<b>Telephone:</b>	<b>Home:</b> <b>Work:</b> <b>Mobile:</b>
<b>Summary for the reason for the enquiry:</b>	
<p>I authorise Councillor..... to make enquiries and receive necessary information on my behalf. I declare that this authorisation was given freely.</p>	
<b>Signed:</b>	
<b>Date:</b>	