

Data Protection – Handling Third Party Requests for Personal Data

This guidance relates to requests for personal data made by third parties. If an individual is making a request for personal data **about themselves** please use the separate guidance Data Protection – [Handling Subject Access Requests](#).

The University's Data Protection Policy states that “Disclosure of personal data will not be made to unauthorised third parties, including family members, friends, government bodies and, in certain circumstances, the Police.”

This means that no member of staff should disclose information about another person to a third party, other than for good, duly considered reasons. Such information may include whether or not a person is a student or a member of staff at the University.

The purpose of this guidance is to assist staff in deciding whether a disclosure is authorised. Authorisation depends on whether:

- a request is genuine; and
- whether the information may be fairly and lawfully disclosed.

This guidance should be read in conjunction with the University's Data Protection Policy and other guidance.

The University's [“Privacy Notices”](#) set out the occasions on which personal data is routinely disclosed in respect of different categories of people. These notices inform the people about whom data is held (“data subjects”) of the circumstances in which it will be disclosed without their explicit consent. The most frequent example is data transferred to HESA throughout the year, which is a statutory requirement: it would be impractical to seek consent from every individual on every occasion, which is why it is included in the privacy notices for students and staff.

The privacy notices are regularly reviewed; please contact the University Data Protection Officer with any omissions or alterations.

The table overleaf sets out the questions to think about when considering whether to disclose personal data. If you have any concerns, please contact the University Data Protection Officer: data.protection@hud.ac.uk

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Owner(s):	University Secretary's Office
Approved by/Date:	DPO
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Guidance on whether to disclose personal data

Question	Action for answer – yes	Action for answer - no
<p>1. Is the request genuine: is the requester who they say they are?</p> <p>Suggestions for confirming identity:</p> <ul style="list-style-type: none"> • a written request: evidence of identity e.g. a signed/attributed letter/fax on organisational headed paper. • a telephone request: ask for details of the organisation and for a switchboard number, and call them back. 	<p>Yes</p> <p>Go on to question 2</p>	<p>No/not clear</p> <p>If you are not satisfied, go back to the requester to ask for proof of their identity – see form of words version 1 below.</p> <p>Do not consider the request further until you are satisfied.</p>
<p>2. Can the disclosure be made fairly and lawfully, having checked the relevant privacy notice(s)?</p> <p>Privacy Notices are available at: https://www.hud.ac.uk/informationgovernance/dataprotection/</p> <p>NOTE:</p> <ul style="list-style-type: none"> • Requests about students from third parties other than for references (e.g. High Commissions/Embassies, Local Authorities (for council tax, benefits enquiries), Child Support Agency) should be referred in the first instance to ARO. • Requests from the Police should be referred in the first instance to the Head of Registry. If not available, then refer to the Pro Vice-Chancellor (Teaching & Learning), the University Secretary, University Solicitor, Director of Student Services, or Head of Student Services) 	<p>Yes.</p> <p>Disclose and record the disclosure.</p>	<p>No.</p> <p>Go on to question 3</p>

<p>3. If the disclosure is not covered by the relevant Privacy Notice, check whether the third party can provide evidence that the individual has consented to disclosure?</p> <p>NOTE: where disclosures are not covered by a Privacy Notice, the explicit consent of the individual about whom the request is being made is usually required.</p>	<p>Yes.</p> <p>Check any evidence to satisfy yourself that it is genuine e.g. signed.</p> <p>Disclose and record disclosure.</p>	<p>No.</p> <p>Go on to question 4</p>
<p>4. If the disclosure is not covered by the relevant Privacy Notice and consent is <u>not</u> provided, can the third party provide justification on which the University can base a decision whether or not to disclose?</p> <p>NOTE: Unless a court order is secured, or legislation explicitly requires disclosure, the decision to disclose remains with the University.</p> <p>If such legislation exists, the onus is on the requester to provide a full and accurate citation in order for us to be satisfied the disclosure is lawful. All citations must be fully checked – we have experience of inaccurate citations being made to attempt to get information disclosed unlawfully. Please contact the University Data Protection Officer for advice.</p> <p>Citations of the Data Protection Act itself are not valid justification on which to base disclosure.</p>	<p>Yes.</p> <p>Check any legislation cited and if valid disclose.</p> <p>Record all such disclosures.</p>	<p>No.</p> <p>Do not disclose.</p> <p>Go back to the requester and ask for valid justification or consent – see form of words version 2 below.</p> <p>Repeat this step as required until valid justification or consent is received, or the request is withdrawn.</p>

Form of words version 1: ID required

[Thank you for your email/letter etc]

I am sure you will appreciate that I need to verify your identity before information can be released. Until that time I am not able to confirm or deny whether or not the University holds the information requested. Please provide a copy of an official document showing your signature (e.g. passport or driving licence), and proof of your address (e.g. copy of a recent utility bill). These items will be returned to you/confidentially destroyed once your identity has been verified.

[yours sincerely]

Form of words version 2: Requiring justification from a third party

[Thank you for your email/letter etc]

Where information subject to the provisions of the Data Protection Act is sought by a third party, it is the policy of this University that the party seeking it should provide either:

- evidence of its entitlement/authority to ask for this information, (e.g. a certificate of authority, copy of authorised officer id card or similar citing the applicable legislation under which such a disclosure may be made), OR
- written authorisation from the data subject

before such information is released.

Without such authority or authorisation we are not even at liberty to confirm or deny whether the person named is connected with this institution. The University takes seriously its obligations under Data Protection and Human Rights legislation but understands the need for other agencies to conduct their legitimate business or to combat fraudulent activity. Consequently, the request I have made is intended to ensure that your organisation can justify any request for, and the University can justify any subsequent release of, information.

[yours sincerely]