



Freedom of Information request 01/FOI/22/1282

I would be grateful if you would provide me with brief details on British Transport Police policy of personal data disclosures made to employers under Common Law Police Disclosure.

I understand that in certain circumstances the police are able to inform employers of information if they feel it is necessary to do so.

In particular I am keen to know;

- 1. Who decides it is necessary to make the disclosure and is it usual for employers to receive the disclosure routinely?**
- 2. Is it policy or, indeed lawful to disclose that information without firstly informing the subject to whom the information relates, without consent?**
- 3. If no consent is required, is it part of the policy to allow the information to be shared with the employer without first notifying the subject of the intent to do so?**
- 4. Does the subject to whom the data refers have to be informed at any time at all, if so, when?**
- 5. Is it policy to allow the contents of the disclosure to be given to the employer but withheld from the subject?**
- 6. Are any impact assessments carried out in each individual case, to assess social, economic or the mental wellbeing of the subject, or not at all in any case?**
- 7. Do records of the disclosure need to be kept? If so, are these held centrally or locally?**

RESPONSE

Question 1

During an arrest or voluntary interview with a suspect, the Investigating Officer will identify if a CLPD is required in relation to the suspects employment or voluntary roles with children and/or vulnerable adults versus the offence(s) under investigation. The DBS Disclosure Unit manager can offer advice to the Investigating Officer on the proportionality and relevance of a disclosure that is being considered. The final decision for a CLPD is made by the Chief Officer Delegate.

Question 2

Where practicable the Investigating Officer should offer representations to the individual/s against whom they intend to disclose.

Question 3

BTP will send a 'subject notification letter' to the subject informing them that a CLPD has been made to a third party.

Question 4 and 5

The Subject is notified at the same time as the Employer, in all circumstances.

Question 6

In line with the principles of Article 8 of the Human Rights Act 1998, the impact of disclosure on the rights and interests of the individual are given full consideration and balanced carefully against the public interest. A CLPD is made if it is determined that the public interest clearly outweighs confidentiality issues.

Question 7

A copy of the CLPD is held centrally on our crime system and a copy is held at BTPs Legal Services Department.