

Standard Operating Procedure for Information Requests from the Police

Reference Number: SOP/NON CLIN/4364 /24	Version: 1		Status: Final	Author: Head of Information Governance (IG)
Version / Amendment History	Version	Date	Author	Reason
	1	September 2022	Head of IG	To set out how Trust staff should deal with police requests for information
Intended Recipients: Frontline UHDB staff, particularly those in ED at RDH				
Training and Dissemination: To be published on IG intranet page and circulated among Senior Managers On Call and ED staff at RDH				
To be read in conjunction with: Information Governance Policy, Data Protection & Confidentiality Policy/Procedure				
In consultation with and Date: Head of IG/Data Protection Officer Executive Medical Director/Caldicott Guardian				
EIRA – no EDI issues identified				
Approving Body and Date Approved			NA	
Date of Issue			September 2022	
Review Date and Frequency			Every 3 years (Sept 2025)	
Contact for Review			Head of IG	
Executive Lead Signature			Executive Medical Director	

Background

Acute hospitals frequently deal with victims of violent crimes. Medical evidence is a crucial aspect of investigating and prosecuting a crime that has led to injury.

Trust Staff are bound by the legal and ethical duty of confidentiality. If information is given in circumstances where it is expected that a duty of confidence applies and that the information is shared in confidence, such as healthcare, information should not be disclosed further without the individual's consent. Where possible, practical, and safe to do so, the individual's consent to release information to the police should be obtained by the Trust. However, there may be circumstances when this is not possible, for example, a patient that does not have capacity, has absconded, has been discharged from the care of the Trust, or gaining consent is likely to result in further incidents and risk.

Under Data Protection law (Data Protection Act 2018 Schedule 2 Part 1 Paragraph 2 and GDPR Article 6 (1)(d)), the Trust may disclose information upon request from the police in matters involving investigating serious crimes and or serious motor vehicle offences which may lead to arrest. The sharing of such information can override the duty of confidentiality and so can take place without consent of the individual, e.g. in the public interest (imminent threat to public health), national security, protection from abuse, or to prevent and detect serious crime and statutory requirements.

Local police forces can outsource the handling of this information to specialist companies. Derbyshire Police are using a company called SFR Medical for this purpose, and the Trust's Caldicott Guardian has approved the sharing of requested patient information including medical reporting with SFR Medical (Streamlined Forensic Reporting Ltd). SFR Medical staff have nhs.net email addresses for secure sending of information from UHDB.

Application

For all requests relevant to UHDB **during normal working hours**, contact the Subject Access Team at uhdb.subjectaccess@nhs.net or call 07384 914183.

For all urgent requests relevant to UHDB **overnight or on weekends**, the senior manager on call should be contacted, and they will provide the relevant email address at that time.

Summary

MONDAY to FRIDAY (0900 to 1700)

Requests go to Subject Access Team

Phone [07384 914183](tel:07384914183)

Email uhdb.subjectaccess@nhs.net

OVERNIGHT or WEEKENDS

Requests go to Senior Manager On Call

Further Guidance

No matter how pressurised you may feel or how urgent the request may seem, do not provide information to the police before seeking advice from the manager in charge.

The data protection principles continue to apply to information shared with the police. So minimal personal data should be shared for the purpose.

When providing a statement, advice from the police is that an assessment of the severity of injuries is particularly important to help determine the level of prosecution.

Most Derbyshire Police requests will be processed by SFR Medical, but if the request is urgent concerning an operational matter and the police are on the hospital premises, call the Senior Manager immediately to attend. Do not carry out any police instructions or requests until authorised to do so by the manager/consultant in-charge or director. For example, if a police officer in attendance with a patient presenting at the hospital asks for “a total blackout on all information in regard to the patient” please advise the police officer that you do not have the authority to carry out their request and that you will refer to the Senior Manager On Call.

Useful Contacts:

Information Governance: dhft.InformationGovernance@nhs.net

Caldicott Guardian: james.crampton@nhs.net

Legal Team: dhft.legalservices@nhs.net