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THE NETWORK FOR POLICE MONITORING

NetPol Guide to Making a Subject Access Request for personal data on police databases

Why ask the police for the data they hold about you?

Recent media coverage of undercover surveillance by the Metropolitan Police's Special Demonstration Squad (SDS) during the 1990s, which targeted Stephen Lawrence's family, police custody death campaigners and organisations, only tells part of the story. To some extent, the focus on this period has distracted attention away from a far bigger surveillance operation, throughout England and Wales, than the London-centred activities of the SDS.

Over the last decade, the trawl for data about 'domestic extremists' across the country has been carried out by a number of secretive units based within the Association of Chief Police Officers. It was one of these units – the National Public Order Intelligence Unit – that undercover officer Mark Kennedy worked for. In 2010 they were merged into a single National Domestic Extremism Unit under the control of the Metropolitan Police, which has continued to gather vast quantities of intelligence data and sift it for patterns and connections, supposedly to predict how individuals and groups will act. A [recent estimate](#) suggests that secret police databases may hold information on up to 9000 people, many with no criminal records, although the number could be far greater.

NetPol wants to see these databases shut down, because there is every reason to believe that data gathered in secret, with no checks and balances and no effective accountability, is not only unnecessary and intrusive but also riddled with gossip and rumour.

To demonstrate this, we need your help. If you believe your personal data may have been gathered and held by the National Domestic Extremism Unit or on CRIMINT, a criminal intelligence database that also includes information about protesters and in 2012 contained 14 million records, then you are entitled to see what information about you is held by the police. You can access this information by making a Subject Access Request under the Data Protection Act.

Who should apply?

As the process involves handing over a certain amount of personal information (including your address and your date and place of birth), it is only worthwhile submitting a Subject Access Request if you think there is a reasonable chance that your details are held on

police records. There is no point feeding the surveillance officers with information they don't already possess.

Remember there is no official or legal definition of "domestic extremism". It has been used by the police to describe protesters who use direct action as a way to bring about political change, or groups whose demonstrations are thought to contain a risk of public disorder. The Association of Chief Police Officers insist that it "only applies to individuals or groups whose activities go outside the normal democratic process and engage in crime and disorder in order to further their campaign", but the term has been used to cover most people who has been involved in recent years in significant or effective protests against the state or multinational corporations.

If you are worried that making a Subject Access request might itself lead to your inclusion on a 'domestic extremist' database, you need to carefully balance the possibility that your campaigning activities mean your personal data is already held by the police and how much you want to know about the accuracy (or otherwise) of that data. Remember that you are also under absolutely no obligation to share the results of a Subject Access Request with anyone. However, if you discover inaccuracies or trivial information in any data that the police hold, we would like to work with you, in confidence, to expose this.

Ultimately, the final decision is yours.

Writing a Subject Access Request

There are two ways to submit a request. You can either use:

- 🕒 Our sample letter – available to download in [Microsoft Word](#) and [Open Office](#) versions
- 🕒 The MPS Subject Access Form 3019 - there is a [Microsoft Word](#) version or a [PDF](#) on the Metropolitan Police website.

If you decide to use the Metropolitan Police's form, the following may be helpful in completing it:

After completing the personal information sections, Section 3 asks:

Please specify exactly what information you require (e.g. Crime Report)?

Suggested response:

I require the disclosure of any personal data (including images and image data) that has been gathered or is being held by the National Domestic Extremism Unit (NDEU). This includes data that has been obtained or retained at the request of the NDEU, or shared with NDEU by regional police forces or other bodies.

If any of my personal data is held by the MPS on databases other than those operated by the NDEU, please also provide this data, specifying

- a) which database(s) my personal data has been entered onto, and*
- b) whether this data has been accessed by NDEU.*

"What happened to cause you to have contact with the police?"

Suggested response

I believe that data is held about me because of my participation in protests and demonstrations.

Under **"When did this happen?"** I have said:

From [date] until the present date.

The date depends on how far back you wish to check. If you first took part in the student demonstrations in November 2011, for example, perhaps choice 'January 2011' at the start date.

"Where did this happen and how was it reported?"

Suggested response

Unknown – the gathering of data most likely took place in [central London / other area as appropriate] but potentially could have happened anywhere in London / other area.

This will depend on your individual circumstances.

Submitting your Subject Access Request

You need to send a cheque, British postal order or international bankers draft for £10 payable to 'Mayors Office for Policing and Crime' and two forms of identification that "provide sufficient information to prove your name, date of birth, current address and signature." This means a driving licence, medical card, birth/adoption certificate or passport, along with a recent utility bill or bank statement.

A copy of a utility bill is likely to reveal less about you than a bank statement. We strongly advise against sending anything that might reveal your personal connections, such as a telephone bill. If necessary, you can obscure personal information on a bank statement or phone bill such as transactions and phone numbers: as long as your address is visible, this should be fine.

It may also be possible to make a Subject Access request without revealing your address if you are concerned about the police knowing it and can explain why you wish to withhold it, although there is a risk that the request will be rejected. If you wish to pursue a request in these circumstances, please contact NetPol at infor@netpol.org for further advice.

Your letter or the form, along with payment and identification, should be sent by recorded-delivery to:

*Metropolitan Police Service
Public Access Office
PO Box 57192
London
SW6 1SF*

Don't forget to keep a copy of your request and your recorded-delivery receipt. If you do not receive confirmation that the Metropolitan Police has received your request within two weeks, ring the Public Access Office on 020 7161 3500 or email PublicAccessOffice@met.police.uk to find out if your request has gone missing.

What happens next?

You are entitled under the Data Protection Act to receive an answer within 40 calendar-days (not working days) but no-one ever receives a response in that time. The Metropolitan Police is so bad at responding to requests for information that in April 2013, it was one of three public authorities the [Information Commissioner's Office said it planned to monitor](#) over concerns about its timeliness.

If you do not receive a response within 40 days, email the Public Access Office on PublicAccessOffice@met.police.uk and ask for an explanation (see our sample letters for wording).

You may then receive a 'delay letter' from them. If you do, we urge you to immediately make a complaint to the Information Commissioner's Office (ICO) – and to let us know.

Repeated failure to respond to Subject Access Requests is unlawful and makes a mockery of the idea of greater openness and transparency that the Data Protection Act is supposed to encourage.

We want to lobby the Information Commissioners Office to use its enforcement powers against the Metropolitan Police, by showing the number of times the 40 day deadline is routinely ignored. This is why it is important to keep NetPol informed at info@netpol.org so we can apply pressure to the ICO to take action.

Making a complaint about a failure to respond.

The Information Commissioner's Office has a complaints form that you can download from <http://www.ico.org.uk/complaints/getting/complain>

You need to return it by post or email with copies of your original Subject Access Request and any correspondence.

Please remember to also contact us if you complain to the ICO and let us know what response you receive.

The ICO usually takes around two weeks just to allocate a case officer and, depending on the complexity of a complaint, can take several months to reach a decision. However, a failure to keep to the 40 calendar-day deadline is not a complicated complaint so if you haven't heard anything within six weeks, once again let us know at info@netpol.org

What happens if the Subject Access request is rejected?

There are a number of ways that the police can resist providing personal data:

- ⌚ By claiming that disclosure would be likely to “prejudice ongoing criminal, civil or disciplinary proceedings”
- ⌚ By claiming disclosure would be likely to “prejudice the prevention or detection of crime”
- ⌚ By claiming the Subject Access request is a “speculative search”
- ⌚ By claiming that a request would reveal “third-party personal data”
- ⌚ By claiming the request concerns unstructured personal data, which the costs of disclosing would exceed the relevant prescribed limit

If you receive a rejection, please contact NetPol at info@netpol.org so that we can seek legal advice.

Sample Subject Access Request Letter

Dear Sir/Madam,

I am writing to request all the information to which I am entitled to under section 7 of the Data Protection Act 1998 (a subject access request).

I am requesting a complete copy of any personal data (including images and image data) that has been gathered or is being held by the National Domestic Extremism Unit (NDEU). This includes data that has been obtained or retained at the request of the NDEU, or shared with NDEU by regional police forces or other bodies.

If any of my personal data is held by the MPS on databases other than those operated by the NDEU, please also provide this data, specifying

- a) which database(s) my personal data has been entered onto, and
- b) whether this data has been accessed by NDEU.

I wish to draw your attention to the fact that information held by the National Domestic Extremism Unit has previously been released under the Act.

I also wish to take this opportunity to draw your attention to a decision notice issued by the Information Commissioner to the effect that a data controller should not redact the names of its own employees where they perform roles which involve "*decision making for which the employee has accountability*". This definition would apply to all officers and you will therefore not have to redact their names: I trust you will take a reasonable view as to whether any police civilian employee mentioned in the data meets the description given by the Information Commissioner.

I will require your full written reasons to the extent to which you consider you are entitled to redact the names of any officer.

I enclose a photocopy of [**proof of your address, such as gas/electricity/telephone bill**] as confirmation of the above being my home address. I have also enclosed a photocopy of my passport [**or similar, such as driving licence**] and a recent photograph of myself to aid your identification.

I understand that under the Act, I should be entitled to a response within 40 days. I would be grateful if you could confirm in writing that you have received this request.

Please note that failure to abide by the 40 day deadline will result in an immediate 'request for assessment' to the Information Commissioner's Office

I look forward to hearing from you in the near future.

Yours faithfully,

Sample Letter / Email for Non-response

Dear Sir / Madam

Reference:

Non response to my subject access request

I am writing further to my letter of [date] in which I made a subject access request, because I have not received any response from your organisation.

As the statutory time limit for responding to my subject access request (40 days) has now expired, I would be grateful if you could provide a response as soon as possible.

If I do not receive a response from your organisation within 14 days, I will submit a 'request for assessment' to the Information Commissioner's Office (ICO).

Yours faithfully