



**ADMINISTRATIVE CIRCULAR**

**7/2007**

**19 November 2007**

## **ASSISTING POLICE WITH THEIR ENQUIRIES**

From time to time establishment managers, head teachers, area and HQ offices are approached by the Police for information relating to individuals. There has been some concern that staff may be breaching the data protection act in divulging names, addresses, or other personal information held by our Service. The following is the Service's formal position and should be followed when the occasion arises. It is endorsed by the Council's Legal Service and Northern Constabulary.

### **What to do –**

- If the police ask for details in connection with investigating a crime or suspected crime – staff should comply with the request in the following ways. **a] In the case of a child protection or vulnerable adult investigation, information requested should be handed over immediately b]** the person being asked for information should cross check with their line manager, where there is any doubt possible, that the information sought is in connection with a crime or suspected crime. However, there is a starting assumption that information should be given.
- However, **recognising the necessary position of trust** which exists between for example, teachers, youth workers or facility staff with individual children, young or vulnerable people, enquiries seeking information on specific crimes should be differentiated from general enquiries. Where there is a general enquiry, personal information [name, address, age etc] should not be handed over.
- Staff should also be advised to ensure that warrant cards are produced and that information of any nature is **not** provided over the telephone. Email should also be avoided unless the originating officer is well known personally to the member of staff concerned.
- Occasionally, Sheriff Officers may call at an establishment to serve documents; they do so acting in their capacity as Officers of Court. Very rarely, a Sheriff Officer might arrive to enforce a decree of a court in respect of an adult or child. In cases of this sort, discretion and sensitivity should be exercised, but where there is any doubt or lack of certainty, Legal Services are contacted. Impeding a Sheriff Officer when executing an order of court can lead to a charge of contempt of court, but asking them to wait while advice is sought is not unreasonable. Sheriff Officers may also serve citations on

witnesses who are members of staff – again if advice is required, Legal Services should be contacted.

- In all cases, a log should be taken of the information supplied, when and to whom.
- If in doubt, Legal Services at the Council Headquarters should be contacted for direct advice on an individual situation, with the police being informed that their enquiry will be answered asap after advice has been taken. Please contact Jane Gardiner on 01463 702157 in the first instance.

Hugh Fraser  
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