

## Disclosure of Catholic Church Child and Adult Protection Records in Court Proceedings

Requests for the disclosure of Catholic Church Child and Adult Protection records, i.e. case files and related material, may come from parties involved in either civil or criminal proceedings and may be made before any proceedings have started. Any party making such a request by telephone must be asked for written confirmation.

No voluntary disclosure should be given to anyone other than the individual (i.e. the data subject) and then only those personal records that he/she is entitled to and are *appropriate under the* General Data Protection Regulation 2016 and Data Protection Act 2018. Before disclosure is given, the Safeguarding Coordinator should seek immediate legal advice as to the principles of disclosure and the extent of the same. The legal advice should be obtained either through the Diocesan or Congregational Insurance Officer or alternatively, by contacting the Insurance Manager at the Catholic Insurance Service (CIS).

In **Civil cases**, any claim for damages, or intimation of such a claim, should have been reported to the relevant insurers, including PL insurers (Management of Allegations and Concerns – national policy and procedure).

The Insurers will have appointed solicitors. These solicitors will manage any disclosure issue which arises in the pursuit of such civil actions.

Where the Diocese or Religious Congregation receives a disclosure request, the receiving Safeguarding Coordinator should not respond, but should pass the request forthwith to the insurance intermediary or direct to the solicitors. The solicitors will then manage and respond to the disclosure request.

In **Criminal proceedings** the police / prosecuting authorities have a legitimate interest in obtaining evidence, including documents, and may request voluntary disclosure from the Diocese / Religious Congregation even though they also have rights to obtain disclosure by means of a court order. Where disclosure is requested, it should not ordinarily be acceded to unless the request is supported by a court order.

Where the Diocese or Religious Congregation receives a disclosure request in the course of criminal proceedings, the receiving Safeguarding Coordinator should seek immediate legal advice. This legal advice should be obtained either through the Diocesan or Congregational Insurance Officer, or alternatively where no such assistance is available, by contacting the Insurance Manager at Catholic Church Insurance Service (CIS).