

Student Lesson Notes

You may find these notes will assist you in taking your own notes.

The purpose of this module

Description

You will be able to confidently recognise and understand the full range of processes and legislative powers available to lawfully share and exchange information and data.

- **Aims**

- Explain & apply legislation
- Recognise and understand the types of information
- Create & maintain effective practice

- **Content**

- Legislation
- Procedures and protocols
- Intervention Model
- Information Commissioners Office

Legislation

Crime & Disorder Act 1998

Section 115

Disclosure of information

(1) Any person who, apart from this subsection, would not have power to disclose information—

(a) to a relevant authority; or

(b) to a person acting on behalf of such an authority,

shall have power to do so in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act.

Crime & Disorder Act 1998

Section 115 Amendment

S219 Housing Act 2004

Registered Social Landlords – Relevant Authority

Disclosure of information to registered social landlords for the purposes of section 1 of the Crime and Disorder Act 1998

In section 115(2) of the Crime and Disorder Act [1998 \(c. 37\)](#) after paragraph (d) insert—

“A person registered under section 1 of the Housing Act 1996 as a social landlord;”.

Police & Justice Act 2006 s22 (Schedule 9)

Amendments to the Crime & Disorder Act 1998

17A Sharing of information

(1) A relevant authority is under a duty to disclose to all other relevant authorities any information held by the authority which is of a prescribed description, at such intervals and in such form as may be prescribed.

(2) In subsection (1) “prescribed” means prescribed in regulations made by the Secretary of State.

(3) The Secretary of State may only prescribe descriptions of information which appears to him to be of potential relevance in relation to the reduction of crime and disorder in any area of England and Wales (including anti-social or other behaviour adversely affecting the local environment in that area).

(4) Nothing in this section requires a relevant authority to disclose any personal data (within the meaning of the Data Protection Act 1998).

(5) In this section “relevant authority” means an authority in England and Wales which is for the time

being a relevant authority for the purposes of section 115.”

Data Protection Act 1998

Section 29

29 Crime and taxation

(1) Personal data processed for any of the following purposes—

- (a) the prevention or detection of crime,**
- (b) the apprehension or prosecution of offenders, or**
- (c) the assessment or collection of any tax or duty or of any imposition of a similar nature,**

are exempt from the first data protection principle. This allows for the exchange of information where it is for the purposes of the prevention or detection of crime, apprehension or prosecution of offenders, and where failure to disclose would be likely to prejudice those objectives.

Data Protection Act 1998

Principle 1

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—

- (a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.**

Schedule 2 - Conditions relevant for purposes of the first principle: processing of any personal data

Schedule 3 - Conditions relevant for purposes of the first principle: processing of sensitive personal data

Procedures & Protocols

Information Exchange Protocol

Purpose

The purpose of this Agreement is to facilitate data sharing between partner signatories. It assists signatory partners to effectively prevent, detect and reduce crime and disorder. However, signatory partners recognise that any data shared must be justified on the merits of each case. This Agreement does not affect current arrangements by the relevant authorities for compliance with the requirement of the [Crime and Disorder \(Prescribed Information\) Regulations 2007](#), to share depersonalised data

Information Exchange

Types of Information

- Personal
 - A living person can be identified from the information
- Non Personal
 - A living person **can not** be identified from the information
- Sensitive
 - **Racial or ethnic origin;**
 - **Sexual preference;**
 - **Physical or mental health;**
 - **Membership of a trade union;**
 - **Political or religious beliefs;**
 - **Criminal offences and proceedings.**

Information Exchange

Protocols

Primary Designated Officer

- A Person (Manager) of significant standing, who has a coordinating and authorising role)
- Responsible for data protection, security and compliance and appointment of officers.
- Training of Designated Officers

Designated Officer

- Operational disclosers of information

Responsibility for obtaining and the security of information obtained.

Information Exchange

Protocols

Handling the Media

- Fairness to partners
- Providing information, honestly and fairly
- Statements reflect multi agency decision
- Consent of the data owner

Consultation

Confidentiality

- Information only used for the purpose for which it was requested
- Securely stored
- Destroy it when no longer required
- Bound by a signed protocol
- Common law duty of confidentiality
 - Disclosure is required by law
 - For detection, prevention and prosecution of crime
 - Public interest
 - Risk of harm
 - Public health

Data Ownership (Also a Golden Rule)

- All personal data remains the property of the disclosing agency
- Is the responsibility of the data controller as defined by the Data Protection Act 1998.
- The receiving partner will not use it for any purpose other than that set-out in any signed protocol
- Freedom of Information Act 2000

Freedom of information requests for access to information exchanged via an Agreement should be referred to the receiving organisation's Freedom of Information specialist(s).

Information Request Form

- Details of the information required and the circumstances that have led to this request being made.
- Any details of the specific incidents upon which information is being sought.
- If the information involves victims / informants / witnesses has consent to disclose information been sought.
 - Would seeking permission compromise the investigation or pending action?
 - General information, such as date of birth, last known address etc.

Data Security

Management

- Have adequate security arrangements in place, in order to protect the integrity and confidentiality of information we hold
- Personal information **MUST**:
 - Not be Emailed unless over a secure network

- Be protected by backup files
- Be Password protected and have access control (PC)
- Secure filing (Manual)
- Located in secure environment
- Complies with BS 7666 / ISO 27001
‘Making data fit for use’ - data locations

BS ISO15489 Records Management.

Management of Police Information (MOPI)

Section 6

- Police to share information within the force
- Police should actively seek opportunities to share non-personal information
- Personal information needs to be shared but is subject to certain safeguards
- Establish a policing purpose or other legal gateway is the basis of sharing information
- Use an agreed information sharing protocol

Information Commissioners Office

ICO

- The ICO is the UK's independent public body set up to promote access to official information and protect personal information by promoting good practice, ruling on eligible complaints, providing information to individuals and organisations, and taking appropriate action when the law is broken.