Information Sharing Policy and Procedure

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Suitable for Publication
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Procedure Section Yes

Protective Marking
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PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE FORCE INTRANET POLICIES SITE.
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1 Policy Section

1.1 Statement of Intent – Aim and Rationale

Effective policing relies upon Dorset Police communicating and sharing information with a wide range of partners.

The purpose of this document is to ensure that the sharing of police information with partners is carried out in an accurate, adequate, timely and lawful manner by Dorset Police. In order that the above strategic aims are met, Dorset Police will:

- Ensure that all information processed is conducted having regard to the rights of the individual and the law;
- Establish appropriate management and administrative practices to facilitate the sharing of police information with others; and;
- Ensure that all staff are supported in understanding their responsibilities when sharing police information. In particular Dorset Police will support staff complying with relevant legislation and any national or local policies.

1.2 Our Visions and Values

Dorset Police is committed to the principles of “One Team, One Vision” – A Safer Dorset for You”

Our strategic priority is to achieve two clear objectives:

- To Make Dorset Safer
- To Make Dorset Feel Safer

In doing this we will act in accordance with Our Values of:

- Integrity
- Professionalism
- Fairness and
- Respect

1.3 People, Confidence and Equality

This document seeks to achieve the Priority to Make Dorset Feel Safer by Securing Trust and Confidence. Research identifies that this is achieved through delivering services which:

1. Address individual needs and expectations
2. Improve perceptions of order and community cohesion
3. Focus on community priorities
4. Demonstrate professionalism
5. Express Force values
6. Instil confidence in staff
This document also recognises that some people will be part of many communities defined by different characteristics. It is probable that all people share common needs and expectations whilst at the same time everyone is different.

Comprehensive consultation and surveying has identified a common need and expectation for communities in Dorset to be:

- Listened to
- Kept informed
- Protected, and
- Supported

2 Standards

2.1 Legal Basis

Dorset Police will ensure that they comply with the following three categories of information sharing as defined in the Management of Police Information Codes of Practice (MoPI) (p38-41) by establishing specific controls, procedures and working practices to manage them.

The Police service shares a common purpose for managing information which means that forces can share information with one another without the use of Information Sharing Agreements, Memorandums of Understanding or Service Level Agreements. When sharing information within the Police Service it is, however, important that there is an audit trail of the identity of the person requesting the information and the information being shared. (MoPI section 6.4 page 40)

Statutory Obligation: Applies to information required by, or under statute a specific legal obligation to disclose police information to another party) including:

- Disclosure and Barring Service (DBS) disclosure scheme under the Police Act 1997 (Force Disclosure Unit Manager);
- Department for Education and Skills Protection of Children Act (POCA) and List 99 schemes; (CJD Records Supervisor)
- Department of Health Protection of Vulnerable Adults (POVA) scheme; (CJD Records Supervisor)
- Court Orders; (Central Records Supervisor, CJS)
- Subject Access under the Data Protection Act 1998; (Force Data Protection Officer)
- Right of access to information under the Freedom of Information Act (Force Freedom of Information Officer).

Statutory Power: Applies to the sharing of police information with another party where there is a specific legal power to do so, but not an obligation to share. This includes sharing:

- Within the police service; and;
- Partner agencies that have a statutory power to share or receive information.
Common Law: Applies to the sharing of police information under common law to support the policing purposes. Where common law is used, a risk assessment must be undertaken, taking into account any existing information sharing agreements, statutory requirements, the source of the information and any restrictions on its onward dissemination. (Examples might include where an officer becomes aware of a known paedophile being housed in accommodation provided by a Housing Association but in a premises next to and overlooking a primary school. With ACPO authority we could inform the Housing Association of the dangers and ask them to remove the offender. Where there is an immediate danger to a member of the public and we have to breach confidentiality to prevent the danger then this can be justified. Example – Police called to a domestic where one party is potentially suicidal but the other is unaware of this. Officers tell the partner in order to gain access and prevent danger to either partner.)

2.2 People, Confidence and Equality Impact Assessment

During the creation of this document, this business area is subject to an assessment process entitled “People, Confidence and Equality Impact Assessment (EIA)”. Its aim is to establish the impact of the business area on all people and to also ensure that it complies with the requirements imposed by a range of legislation.

2.3 Monitoring / Feedback

The Professional Standards Board will be responsible for ensuring the policy is reviewed at 12-month intervals. Additional periodic reviews will be at the discretion of the Board to provide the flexibility to address new vulnerabilities, or significant changes to organisational or technological infrastructures.

The Force Information Security Officer will maintain the policy and provide guidance on its implementation. Amendments or additions to the policy identified by the Information Security Groups will be prepared by the Information Security Officer for formal approval. Audit trails for all policy changes will be maintained through document version control.

Feedback relating to this policy can be made in writing or by e-mail to:

Address: Professional Standards Department, Dorset Police Headquarters, Winfrith, Dorchester, Dorset, DT2 8DZ

E-mail: Complaints & Misconduct@Dorset.pnn.police.uk

Telephone: 01202 - 223881
3 Procedure Section

3.1 Role and Responsibilities in Information Sharing

Management of Police Information (MoPI) Guidance (section 6.11) sets out responsibilities for managers, supervisors and users in relation to information sharing which is as follows:-

3.1.1 Managers-

- Supporting staff to share information appropriately;
- Providing a system for recording decisions on whether or not to share information;
- Ensuring that all ISA’s are held and managed centrally within force;
- Ensuring that the process of sharing information is adhered to by both those in a supervisory and user capacity;
- Authorising ISA’s;
- Ensuring that staff who have a responsibility for sharing information are trained in accordance with the National Training and Delivery Strategy.

3.1.2 Supervisors-

- Supporting staff to share information appropriately;
- Auditing, on an ad hoc basis, the decision to share made by users, including the necessity, accuracy and adequacy of information shared;
- Checking whether the decision to share meets a policing purpose or other legal duty or power;
- Ensuring that information being shared does not compromise any police operation or the safety of others;
- Ensuring that a risk-assessment process is adhered to by the user when making a decision to share information;
- Ensuring that ISA’s are reviewed in accordance with force policy;
- Providing feedback to staff on their performance.

3.1.2 Users-

- Ensuring that information is relevant, accurate and adequate for the purpose for which it is being shared;
- Ensuring that when personal information is shared, the requirements of the Data Protection Act (DPA) and the common law duty of confidence have been fulfilled;
- Applying a protective marking to the information being shared under the Government Protective Marking System (GPMS) where applicable or a risk assessment where the sharing is carried out with the partners in the voluntary or private sectors who do not have a statutory purpose to share information;
- Recording any decision to share or not to share in accordance with the IMS. Similarly, users are responsible for recording any decision not to share information on the relevant system;
- Ensuring that the information being shared meets a policing purpose or is lawfully disclosable for a statutory purpose and is proportionate and necessary;
- Following existing force policies set out in the Information Management Strategy (IMS) that comply with this guidance.
3.2 Scope

This policy only applies to information processed for a policing purpose by Dorset Police and applies to any verbal, written, electronic, and photographic or paper based information. For the purpose of this document, the term 'information sharing' includes 'dissemination' and 'disclosure'. This policy does not however, cover the Disclosure and Barring Service Bureau’s Quality Assurance Framework or the sharing of material as defined in the Criminal Procedure and Investigations Act 1996. Nothing in this policy conflicts with any existing arrangements to protect sensitive information. This policy does not preclude the sharing of information between police forces for a policing purpose.

Where Dorset Police shares information with a partner that is not through a statutory obligation, the force will establish Information Sharing Agreements that comply with the principles set out in Section 6 of MoPI. When sharing information, the relevance of the information to the request should be clearly explained. Sufficient information should be provided to the partner agency to ensure that it is meaningful without making it difficult to read or understand. Having made a decision on whether the information is relevant for the purpose it is being shared, the decision must be recorded against the request so that it can be audited at a later date. (MoPI 6.6.3 page 42)

There is a lower threshold to meet the test of proportionality when sharing factual information. There is a higher threshold to share personal information about less serious crime as there is a lower public interest in this information being exchanged. This means that police officers will need to ensure, on a case-by-case basis, that the information they are considering sharing is in the public interest and is proportionate and necessary to infringe any of the ECHR rights. (MoPI 6.7.1 page 42)

Information Sharing Agreements are held centrally by the Data Protection Officers within the Information Security and Assurance unit and accessible to all staff via the force intranet. MoPI paragraph 6.8.3 (page 45 and 46) stipulates the processes to be considered when setting out Information Sharing Agreements, which are as follows. It represents an opportunity for forces to place conditions on how the partners may use the information and must form part of the agreement itself.

The following questions should be asked when developing an ISA.

What information is being shared? The ISA will need to set out the type of information being shared. This could include details of individuals, convictions, cautions or other information. It may also be necessary to identify where the information is kept. (Any information being shared must, however, be proportionate and necessary for the purpose for which it is being shared).

Who will have access to the information and what may they use it for? The police may wish to identify individuals or business areas within partner agencies that will have access to the shared information, particularly if it is sensitive information that may compromise an operation or place an individual at risk. The police may wish to look at any vetting or confidentiality agreements the partner agency may have in place to counter this. Furthermore, the police may also want to ensure that the partner has in place a policy for the storage of information. Where the police share information with others who do not recognise the GPMS, the decision as to who has access and what they may use it for, is a risk-based decision.
How will the information being shared be kept accurate and up to date? Police forces are responsible for ensuring that any information they share is accurate and current in line with existing national or local standards set out in the IMS.

How long a period will the information be retained for? The ISA can be used to specify when the information the partner received should be reviewed and subsequently retained or disposed of. This should be undertaken in line with force review, retention and disposal policy contained in the IMS.

How will the information being shared be recorded? Procedures should be in place to ensure that any information sharing is recorded and documented in a registered file. A file needs to be kept to ensure that the process can be audited at a later date, and to aid the review part of the process.

How is the security of the information being shared ensured? The agreement can be used to apply a protective marking to the information being shared in line with the GPMS, where applicable. There may also be a need to apply other safeguards to the processing of information that may affect its transit or storage at a partner’s site.

Who is accountable for the Information Sharing Agreement? Every individual involved in the drafting of an ISA has a responsibility to ensure that the information being shared is processed in compliance with the law and with national standards. Where possible, the names of the individuals responsible for the development of the ISA within forces and partner agencies should be clearly stated on the registered file.

Who will approve and authorise the ISA? Once the ISA has been finalised, the Police Service and partner agencies must ensure that they fully understand and agree with the purpose, process and conditions of the agreement. Approval within the Police Service will normally come from a business area owner. Signature to the agreement should come from a senior member of staff, typically an ACPO rank individual or a person delegated by them. In partner agencies, the signatory should also be a senior member of staff who can be held accountable for the processing of information.

How will forces ensure compliance with the Data Protection Act 1998 if the information being shared is personal or sensitive personal information? Whenever personal information is held by an organisation, it must be processed in accordance with the eight principles of the DPA.

Where will the ISA be held? All ISA’s must be held centrally and made available to all staff on the force intranet. A high-level summary of the agreement can be added that provides a brief description of the purpose, partners and process together with the name of the individual who is tasked with maintaining the agreement. Where possible, ISA’s should be made publicly available. The process for sharing information should be kept as transparent as possible as this will encourage partner agencies to seek further opportunities to share information. Providing these questions have been answered, are clearly explained in the document and recorded, then information sharing can take place.

An Information Sharing Agreement (ISA) Process Chart is included as appendix 1. (See page 9)
An essential part of any Information Sharing Agreement is the ability to review it. The aim of the review is to ensure that the agreement is achieving its purpose and the actual process of sharing is operating smoothly. The review should consider the following:- does the agreement have the right contact list- is the agreement still useful and fit for purpose.

3.3 Interfaces

The following supporting documents exist:

- Force Information Management Strategy; IMS Part1 draft and IMS Part2 draft
- ACPO Community Security Policy; Information Community Security Policy

Relevant national and local policies on sharing information

3.4 Benefits of Information Sharing

The implementation of this information sharing policy within Dorset Police will have the following benefits:

- Improved public services through an increased capability of all stakeholders to make informed decisions about how best to protect the public;
- Assist operational policing by creating a two-way process that enables links to be made between people, objects, locations and events;
- Increases expertise, professionalism and understanding of the process of sharing information;
- Increases openness and transparency amongst partners which in turn, builds confidence and trust in the police service; and;
- Ensures that all information sharing is done in a lawful manner.
4 Consultation and Authorisation

4.1 Consultation

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5 Version Control

5.1 Review

Date of next scheduled review  Date: 15th July 2014

5.2 Version History

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## 5.4 Document History

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*Template version January 2013*
1. Appendix 1 Information Sharing Agreement (ISA) Process Chart

Appendix 1 sets out the process of developing an ISA. Where ISA’s already exist, the flowchart can be used as a ‘check and balance’ to ensure that existing arrangements enable consistent and lawful information sharing.