



INFORMATION SHARING PROTOCOL

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Based on the protocol prepared by Melanie-Jane Stoneman (2007), the national guidance *Information for Community Safety (2010)* and primary and secondary legislation including the *Crime and Disorder Act 1998* and the *Police Reform and Social Responsibility Act 2011*.

Version 1.1

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Introduction

- 1.1. The purpose of this protocol is to facilitate the lawful exchange of information in order to support the work of SaferMK, the Milton Keynes Community Safety Partnership. The Partnership has a duty to develop, implement and monitor a strategy to reduce crime and increase community safety in Milton Keynes.
- 1.2. Agencies working in partnership to tackle crime and disorder have a power under section 115 of the *Crime and Disorder Act 1998* to disclose information to one another for the purposes of preventing and detecting crime and for obtaining certain Orders. Under Section 17(A) of the Act they have an additional duty to disclose information to one another if it is relevant to their community safety functions.
- 1.3. Further legislation and guidance has created new requirements and duties in respect of information sharing. This includes delivery of the Troubled Families Initiative (Strengthening Families) and co-operation with Police and Crime Commissioners.
- 1.4. The information protocol covers the following areas:
 - The purpose and legal framework of information sharing
 - The classification of data and information to be shared
 - The process for sharing information
 - Arrangements for commencement and review of the protocol
 - A summary of duties and responsibilities

2. The purpose and legal framework of information sharing

Purpose

- 2.1. The national guidance *Information Sharing for Community Safety (August 2010)* identifies several purposes of information sharing within the Community Safety Partnerships. These may be paraphrased as follows:
 - To develop and test shared intelligence between the partners in order to understand and respond to crime, disorder and anti-social behaviour in the area.
 - To inform service delivery across all agencies in order to reduce crime and increase community safety.
 - To monitor performance effectively across partnership agencies.
 - To predict service needs in a changing environment.

Legal framework – data sharing

2.2. Section 115 of the *Crime and Disorder Act 1998* gives power to any person to disclose information to a relevant authority, or any person acting on behalf of a relevant authority, when necessary or expedient for the purposes of any provision of the Act.

2.3. Section 17(A) of the Act confers a duty on relevant authorities to disclose to all other relevant authorities any information held by the authority which is of a “prescribed description”. This information is set out in the *Crime and Disorder (Prescribed Information) Regulations 2007*. Details appear in Part 3 and Appendix Two below.

2.4. The national guidance *Information Sharing for Community Safety, 2010* outlines suggested practice around information sharing including:

- Preparation of an information sharing protocol
- Signing the protocol which will govern information exchange
- Each Responsible Authority should nominate a designated liaison officer
- Sets of depersonalised information should be shared at agreed intervals

2.5. Section 29 of the *Data Protection Act 1998* allows for the exchange of personal data 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.

2.6. The *Human Rights Act 1998* confers a legislative basis to the *European Convention on Human Rights*. A number of its Articles may affect information sharing, including Article 8 which states “Everyone has the right to respect for his private and family life, his home and his correspondence”. An exception is permitted when a public authority intervenes in accordance with the law in the interests of national security, public safety and for the prevention of disorder or crime

2.7. In common law, information given in circumstances where it is expected that a duty of confidence applies cannot normally be disclosed without the information provider’s consent. A number of judgements have indicated that personal data in this category may be shared without this consent if they are covered by the powers and duties listed above. These data should be used for that purpose alone and should not be kept for longer than strictly necessary.

2.8. The *Freedom of Information Act 2000* allows the public to request information held by public authorities. Exemptions exist where disclosure under the Act would or would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders. Unless exemptions apply, public authorities are obliged to provide the data within 20 working days of the receipt of a request.

Legal framework –authorities involved

2.9. Section 5(1) of the *Crime and Disorder Act 1998* as amended by subsequent legislation sets out the organisations that are named as Responsible Authorities for working in partnership to reduce crime and disorder. In Milton Keynes these organisations are:

- Milton Keynes Council
- Thames Valley Police
- Buckinghamshire and Milton Keynes Fire Authority
- Thames Valley Probation Service
- The National Health Service Commissioning Board

2.10. The *Police Reform and Social Responsibility Act 2011* gives the Police and Crime Commissioners the same status as the Responsible Authorities in respect of information sharing, although they are not Responsible Authorities in their own right.

2.11. The Troubled Families Initiative 2012 - 15 (“Strengthening Families” in Milton Keynes) encourages agencies to co-operate in order to reduce crime, anti-social behaviour and school exclusion and to increase employment in families that consume most resources.

2.12. Section 115 of the *Crime and Disorder Act* as amended by subsequent legislation including the *Police Reform and Social Responsibility Act 2011* gives power to any person to disclose information to a ‘relevant authority’, or to any person acting on behalf of a relevant authority, when necessary or expedient for the purposes of any provision of the act. The relevant authorities are:

- The Responsible Authorities above
- The Police and Crime Commissioner
- Town and Parish Councils
- Registered Housing Providers
- The Hospital Trust
- The local health service commissioning group
- The Ambulance Trust

2.13. The national guidance of 2010 provides details of a wide range of persons or bodies required to co-operate or who can be invited to co-operate with the Responsible Authorities to work in partnership for the purposes of meeting the requirements of the *Crime and Disorder Act*. These are shown in Appendix One.

3. Classification of data and information

Types of data set

3.1. For the purposes of this document data are defined as information that has been received by an organisation but not processed. Information is data that has been processed and made ready for use. On occasions the terms may be used interchangeably.

3.2. The national guidance *Information Sharing for Community Safety, 2010* identifies three types of data set. These are:

- Aggregate data in the national domain
- Aggregate data for which specific authorisation is required
- Case level data

3.3. Case level data can also be sub-divided into three categories. These are::

- Personal information
- Sensitive personal information
- Depersonalised information

3.4. Aggregate data are greatly varied and may, for instance, include demographic information, recorded crime or attitude surveys. Many of these data sets are in the national domain, but many are not and are used by the various organisations to inform their work. For example the Home Office *i-Quanta* website is full of useful information about crime but it requires password access. Such data sets may be shared under the protocol provided they meet the sharing criteria below.

3.5. According to the *Data Protection Act*, personal data is any information that may identify a living individual. Data of this kind must be shared only where there is a specific and lawful need. Unless legal exemptions apply (see above) permission should be obtained from the individual concerned before the information is shared.

3.6. Sensitive personal data is specific information on an individual that may identify factors such as ethnicity, sexual orientation, political views or criminal history. Particular care should be taken before such information is shared.

3.7. Depersonalised data sets consist of case level information that has had all personal data removed so that individuals may not be identified. These data sets are not therefore covered by the *Data Protection Act*.

Data covered by the protocol

3.8. Section 115 of the *Crime and Disorder Act 1998* provides lawful power for disclosure of personal information for the following reasons:

- To prevent or detect crime and anti-social behaviour
- To apprehend or prosecute offenders

3.9. Whereas Section 115 concerns a **power** to share aggregate and personal information Section 17A of the *Crime and Disorder Act* confers a **duty** to relevant authorities to disclose certain depersonalised data sets for the purpose of crime reduction and community safety. These data sets are set out in the *Crime and Disorder (Prescribed Information) Regulations 2007* and appear in Appendix 2.

Data sharing criteria

3.10. Under the provisions of Section 115 of the *Crime and Disorder Act* the SaferMK Partnership will share appropriate aggregate and depersonalised data and information between its members when any of the following criteria are met:

- The data and information will enable the Partnership to formulate and implement a strategy to enhance community safety and reduce crime and anti-social behaviour in Milton Keynes.
- The data will enable the Partnership to monitor progress against targets
- The data and information will assist in the analysis and understanding of specific community safety issues.
- It is required to share data under Section 17A of the *Crime and Disorder Act*.

3.11. Personal information may be exchanged under Section 115 of the *Crime and Disorder Act*, normally with consent from the individual to whom the information relates. However *The Data Protection Act 1998* permits the disclosure of personal information without the individual's consent in any of the following circumstances:

- a. Where there is concern about the risk of harm to an individual;
- b. For the detection and prevention of serious crime;
- c. Where the court, under witness summons, has ordered that information should be disclosed.

3.12. Prior to sharing any requested information, each partner organisation will determine whether the criteria listed in clauses 3.10 and 3.11 for sharing aggregate, depersonalised and personal data are satisfied.

4. The information sharing process

Designated Liaison Officers (DLOs)

- 4.1. Each agency will appoint a person to act as Designated Liaison Officer (DLO) for data requests and transfer. The DLO should be a source of expertise enabling good decisions to be made about the sharing of data and information between partners.
- 4.2. The DLO need not personally request the transfer of information but must approve and record all its agency's transactions under this protocol.

Data exchange

- 4.3. Any partner who has signed this protocol may request data and information from another signatory. The information may be exchanged if the Designated Liaison Officer confirms that the necessary criteria (3.10 – 3.12 above) are met.
- 4.4. Unless statutory exemptions are applicable (see 3.11 above), each agency will obtain consent from the individual concerned before sharing personal information.
- 4.5. Disclosure can be shared during meetings if all participants have signed the protocol, the criteria in 3.11 are met and a written note is taken of the information shared
- 4.6. The Designated Liaison Officers (DLO) of each partner agency will maintain a record of information requests and exchanges.

Data storage and access

- 4.7. Information that may not be shared beyond a defined group should be protectively marked as "restricted". Such information can only be shared beyond the group with the explicit permission of the information provider.
- 4.8. Electronic information will be kept securely within a pass-worded, secure computer system with appropriate levels of staff access. Manual information will be stored in a locked filing cabinet.

4.9. Personal information and restricted aggregate data remain the property of the disclosing agency as defined by the *Data Protection Act 1998*. The agency receiving the data will not use it for any other purpose than requested, nor share it with any other party without the disclosing partner's written permission.

4.10. Access to personal information should be limited to Designated Liaison Officers and employees in the partner organisation whose work is directly related to the task for which the information was requested.

4.11. Data subjects are legally entitled to request their records from the receiving agency unless an exemption under the Data Protection Act 1998 applies (see 3.11 above). On receiving such a request the receiving agency should contact the disclosing agency as the owner of the information. The disclosing agency will determine whether exemption applies and if not will make the necessary arrangements for disclosure under the *Freedom of Information Act 2000*.

Auditing of data

4.12. The relevant Designated Liaison Officer (DLO) will ensure that information exchanged under this protocol is retained no longer than is necessary to serve its agreed purpose.

4.13. Spent records will be disposed of securely; electronic records will be destroyed and paper copies will be shredded.

5. Commencement and review

5.1. This protocol takes effect on 1st April 2013. It replaces all previous information protocols that were approved by the SaferMK Partnership.

5.2. The information protocol will be reviewed annually by the SaferMK Support Team and the review will be presented to the responsible authorities for approval.

6. Summary of duties and responsibilities

- 6.1. Personal and depersonalised data and information may be shared between responsible authorities and other agencies in the Community Safety Partnership under Section 115 of the *Crime and Disorder Act*. Data sharing must conform to the legislation set out in Part Two of this protocol. Information may be shared only to promote community safety and reduce crime, disorder and anti-social behaviour.
- 6.2. Agencies covered by the information protocol are listed in Appendix One.
- 6.3. The criteria for sharing aggregated and depersonalised data and information appear in clauses 3.10 of this protocol. The criteria for sharing confidential personal data appear in clause 3.11.
- 6.4. Each signatory to the protocol will appoint a Designated Liaison Officer (DLO) whose duties are described in clauses 4.1 and 4.2 of this protocol.
- 6.5. Data and information will be requested and exchanged according to clauses 4.3 – 4.5 of this protocol.
- 6.6. Restricted information will be clearly marked as such on all documents and may only be shared with the people to whom the information is restricted (clause 4.6).
- 6.7. Data and information exchanged under this protocol will be stored securely as stipulated in clauses 4.7 and 4.8.
- 6.8. Access to exchanged information will be restricted to those who require it for the stated community safety purposes, as stipulated in clauses 4.9 and 4.10.
- 6.9. Designated Liaison Officers (DLOs) ensure that information exchanged under this protocol is retained no longer than is necessary and that it is removed securely, as stated in clauses 4.9 and 4.10.
- 6.10. The date of commencement of this protocol is 1st April 2013. It will be reviewed annually, as stated in clause 5.2.

Appendix One

Signatories to the protocol

Responsible authorities

Duty to prepare and implement a Crime and Disorder Reduction Strategy (C&D Act S5)

- Milton Keynes Council
- Thames Valley Police
- Buckinghamshire and Milton Keynes Fire Authority
- Thames Valley Probation Service
- The National Health Service Commissioning Board

Relevant Authorities

Power to share information (C&D Act S115) and duty to share depersonalised data (S17A)

- The Police and Crime Commissioner
- Town and Parish Councils
- Registered Housing Providers
- The Hospital Trust
- The local health service commissioning group
- The Ambulance Trust

Co-operating bodies

Power to share information (C&D Act S5(3)) having signed the protocol

- The governing body of Milton Keynes College
- Governing bodies of schools:
- Registered Social Landlords:
- Youth Offending Team
- Milton Keynes Parks Trust
- HMP Woodhill
- Voluntary Sector: MKAct, MKEC, MK Safety Centre, MKCMS
- Other organisations with SaferMK approval

Appendix Two

Information to be shared under the Prescribed Information (Crime and Disorder) Regulations 2007

Quoted directly from the Regulations

Information held by the **police force** for the area on the category of each —

- (a) anti –social behaviour incident,
- (b) transport incident, and
- (c) public safety/welfare incident,

in the area, as defined in accordance with the National Incident Category List in the National Standards for Incident Recording Instructions for Police Forces in England and Wales for 2007/2008, and the time, date and location of each of those incidents.

2. Information held by the **police force** for the area on the sub-category of each crime classified as—

- (a) burglary,
- (b) criminal damage,
- (c) drug offences,
- (d) fraud and forgery,
- (e) robbery,
- (f) sexual offences,
- (g) theft and handling stolen goods,
- (h) violence against the person, and
- (i) other offences,

in the area, as defined in accordance with the Home Office Notifiable Offences List as at the date of these Regulations, and the time, date and location of each of those crimes.

3. Information held by the **fire and rescue authority** for the area on the time, date and location of each—

- (a) deliberate primary fire (excluding deliberate primary fires in vehicles) in the area,
- (b) deliberate primary fire in vehicles in the area,
- (c) deliberate secondary fire (excluding deliberate secondary fires in vehicles) in the area,
- (d) incident of violence against employees of the fire and rescue authority in the area, and
- (e) fire in a dwelling in the area where no smoke alarm was fitted attended by the fire and rescue services of the authority,

as defined in accordance with Fire Statistics, United Kingdom 2005.

4. Information held by the **fire and rescue authority** for the area on the time and date of each call to the fire and rescue services in the area in relation to a malicious false alarm and the purported location of those alarms as defined in accordance with Fire Statistics, United Kingdom 2005.

5. Information held by the **local authority** for the area on the time, date and location of each road traffic collision in the area and the number of adults and children killed, seriously injured and slightly injured in each of those collisions.

6. Information held by the **local authority** for the area on the age and gender of each of the pupils subject to a permanent or fixed term exclusion from state primary and secondary schools in the area, the names and addresses of the schools from which those pupils have been excluded and the reasons for their exclusion.

7. Information held by the **local authority** for the area on the time, date and location of racial incidents in the area as defined in accordance with Best Value Performance Indicators: 2005/06 published by the Office of the Deputy Prime Minister.

8. Information held by the **local authority** for the area on the category, time, date and location of each:—

(a) incident of anti-social behaviour identified by the authority, and

(b) incident of anti-social behaviour reported to the authority by the public,

in the area, as defined in accordance with the National Incident Category List in the National Standards for Incident Recording Instructions for Police Forces in England and Wales for 2007/2008 or any other system for classifying anti-social behaviour used by that authority as at the date of these Regulations.

9. Information held by each Primary Care Trust or **Local Health Board** the whole or any part of whose area lies within the area on the general postcode address of persons resident in the area admitted to hospital, the date of such admissions and the sub-categories of each admission within the blocks—

(a) assault (X85-Y09),

(b) mental and behavioural disorders due to psychoactive substance use (F10-F19),

(c) toxic effect of alcohol (T51), and

(d) other entries where there is evidence of alcohol involvement determined by blood alcohol level (Y90) or evidence of alcohol involvement determined by level of intoxication (Y91),

as classified in accordance with the International Classification of Diseases, Tenth Revision (ICD-10) published by the World Health Organisation.

10. Information held by each Primary Care Trust or **Local Health Board** the whole or any part of whose area lies within the area on the general postcode address of persons resident in the area admitted to hospital in respect of domestic abuse as defined in Section 2.2 of the Responding to domestic abuse: a handbook for health professionals published by the Department of Health in December 2005, and the date of such admissions.

11. Information held by each Primary Care Trust or **Local Health Board** the whole or any part of whose area lies within the area on the number of —

(a) mental illness outpatient first attendances, and

(b) persons receiving drug treatment,

in the area.

12. Information held by each Primary Care Trust or **Local Health Board** the whole or any part of whose area lies within the area on the location, time and date of ambulance service calls to incidents relating to crime and disorder and the category of such incidents using any system for classifying crime and disorder used by that authority.

Appendix Three Designated Liaison Officers

Contact details of all DROs

Name	Organisation	Job Title	Contact Number
Colin Wilderspin	SaferMK Support Team	Partnership Manager	01908
Inspector Neil Coolman	Thames Valley Police	Partnership Inspector	01908
	Milton Keynes Council		
	Bucks Fire and Rescue Service		
	Thames Valley Probation Service		
	NHS Commissioning Board		
	Police and Crime Commissioner		
	MK Hospital Trust		

**Appendix Four
Agreement Form**

**I agree to share relevant information with the organisations in the
SaferMK Partnership under the terms of this protocol.**

Signed: _____ Date: _____

Name:

Position:

Organisation:

Address:

Contact Number:

email:

Our Designated Liaison Officer (DLO) is:

Name:

Position:

Address:

Contact Number:

email: