

**INFORMATION
SHARING AGREEMENT**

INFORMATION SHARING AGREEMENT (ISA)

BETWEEN

HM Prison Service (Morton Hall IRC)

And

**United Kingdom Borders Agency (Detention
Services).**

AND

LINCOLNSHIRE POLICE

Version 1.3

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SUMMARY SHEET

Information Sharing Agreement

ISA Ref:	LP013/CS- HM Prison Service (Morton Hall IRC) & United Kingdom Borders Agency (UKBA), Detention Services.
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PURPOSE	To create a system for the formal exchange of information and intelligence between Lincolnshire Police, HM Prison Service (Morton Hall IRC) and United Kingdom Borders Agency with the intention to help prevent, detect and reduce crime and disorder.
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PARTNERS	Lincolnshire Police HM Prison Service (Morton Hall IRC) United Kingdom Borders Agency (UKBA), Detention Services
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Date Agreement comes into force:	19 th October 2011
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Date of Agreement Review:	Six months after coming into force, then annually
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Agreement Owner:	Lincolnshire Police
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Agreement drawn up by:	D/SGT Andy Beaver & Lucy Chapman- Information Sharing Officer
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Location of Signed Agreement in force:	Information Management Unit, Force HQ
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Protective Marking:	Not protectively marked
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VERSION RECORD

Version No.	Amendments Made	Authorisation
0.1	DRAFT	

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0.2	Amendments to names, and addresses made. Section 8.1- Contact details added.	Alan Hollett
0.3	Appendix 2 added- Full contact details	Lucy Chapman- Information Sharing Officer
1.3	Authorised.	Lucy Chapman- Information Sharing Officer

1. INTRODUCTION

1.1	Lincolnshire Police are committed to partnership working, and continually look for opportunities to work more closely with local identified partners to detect, prevent and reduce crime and anti-social behaviour.
1.2	In adopting this partnership approach it is important that the policies/practices of the agencies involved compliment each other to ensure that any action taken is appropriate, necessary, proportionate and consistently applied.
1.3	This agreement outlines the need for Lincolnshire police, HM Prison (Morton Hall IRC) and United Kingdom Borders Agency, Detention Services to work together to support the common goals of the organisations involved; national security, safety of the public, the prevention, detection, investigation and prosecution of criminal offences and for the purpose of securing and maintaining prison security, good order and discipline within the Detention Centre (as provided under Detention Centre Rules) and provides a framework for action.

2. PURPOSE

2.1	<p>This agreement has been developed to:</p> <ul style="list-style-type: none">• Define the specific purposes for which the signatory agencies have agreed to share information.• Describe the roles and structure that will support the exchange of information between agencies.• Set out the legal gateway through which the information is shared.• Describe the security procedures necessary to ensure that compliance with responsibilities under the Data Protection Act and agency specific security requirements.• In addition, completion of this document will ensure that Lincolnshire Police can meet the information sharing requirements of the Guidance on the Management of Police Information (MoPI).• Define circumstances under which information will be shared between the three
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signatory parties to this agreement.

2.2 Specific Purpose for Sharing Information

The purpose of this information Sharing Agreement is to provide a lawful and secure framework under which Lincolnshire Police and Her Majesty's Prison Service, now part of the National Offender Management Service and the United Kingdom Borders Agency, (Detention Services) will be able to share intelligence and information regarding those persons detained within Morton Hall IRC, Lincolnshire.

Information sharing refers to the processing of information on a regular basis between partner agencies for the purpose of achieving a common set of goals e.g. one or more of the policing purposes as defined under Common Law.

Whilst the advantages of sharing information with others are clear, information should not be shared purely as a matter of routine. Each case must be viewed individually with informed decisions made about whether the information can be shared lawfully and within the constraints of this agreement.

3. PARTNER (S)

3.1 This agreement is between the following partners:

HM Prison Service (Morton Hall IRC), Swinderby, Lincoln, Lincolnshire, LN6 9PT

United Kingdom Borders Agency (UKBA), Detention Services.

and **Lincolnshire Police, PO Box 999, Lincoln, LN5 7PH**

4. POWER (S)

4.1 This agreement fulfils the requirements of the following:

- Criminal Justice Act 2003 (section 325-327)
- Immigration Act 1999 (section 20(3))
- Nationality Immigration and Asylum Act 2002 (section 131)
- UK Border Act 2007 (section 43)
- The Civil Evidence Act 1995;
- The Crime and Disorder Act 1998 (section 115);
- Common Law Powers of Disclosure;
- The Rehabilitation of Offenders Act 1974;
- The Human Rights Act 1998 (article 8);
- The Data Protection Act 1998 (sections 29(3) & 35(2)).

5. PROCESS

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- 5.1 This agreement has been formulated to facilitate the exchange of information between partners. It is, however, incumbent on all partners to recognise that any information shared must be justified on the merits of each case.
- 5.2 The sharing of personal data requires careful judgement in which the identified policing need must be considered against relevant issues dictated under Data Protection and Human Rights legislation. Any information the police consider sharing with a partner agency must therefore be accurate, necessary and proportionate.
- Accurate:** Police information must be accurate and relevant to the purpose for which it is being shared with proper reference made to the nature of the source and the intelligence itself.
- Necessary:** The necessity to share information between the Police, Prison Service and UKBA (Detention Services) is to effectively deal with issues concerning the prevention, detection, investigation and prosecution of those persons engaged in criminal activity, a duty of care to all persons within the Detention Service environment inclusive of detainees, Prison Service and UKBA staff and all other parties visiting such establishments and an ongoing responsibility to protect public safety.
- Proportionate:** In considering whether to share personal information the Police have a duty to ensure that a fair balance is achieved between the protection of an individual's rights and the general interests of society. In judging whether it is appropriate to share such information the Police, Prison Service and UKBA (Detention Services) will examine whether the identified purpose infringes upon the subject's right to privacy, the appropriate measures to meet the purpose are both fair and rational and also that the means used are no more than is necessary to accomplish the purpose.

6. TYPES OF INFORMATION TO BE SHARED

- 6.1 HM Prison Service and UKBA (Detention Services) requires intelligence/ information from the police service to assist in the following areas:
- The maintenance of good order and discipline within Morton Hall IRC and the larger detained Immigration population across the United Kingdom.
 - The correct assessment and placement of a detainee through the conduction of a thorough Risk Assessment process.
 - The discharge of any on going responsibilities surrounding the handling/management of detainees.
 - To provide appropriate safeguards to Prison Service personnel, Police Officers and other visitors including members of the public within Morton Hall IRC's environment.
 - In order to effectively target staff corruption.
 - To assess and minimise potential risk posed to the public through the release of

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detainee under provisions relating to temporary Admittance to the United Kingdom.

- 6.2 HM Prison Service and the UKBA (Detention Services) staff at Morton Hall IRC are permitted to share information with the police (or other Law Enforcement Agencies) under Section 21 of the Immigration Act, where it is necessary to share information in order to prevent, detect, investigate and prosecute crime, in the interests of national or public safety and in order to maintain good order and the discipline within the Centre.

The presumption is made that any information/intelligence obtained from the IRC sources will be used solely for intelligence purposes. Only in the most serious of cases should consideration be given to using material provided for intelligence purposes as evidence and only after full consultation has been undertaken with the relevant IRC Centre Manager and UKBA. In the event of a Public Interest Immunity application the Centre Manager and UKBA will be able to make representations to the prosecutor; any such application must clearly outline the reasons for the request. In all cases the decision to share information/intelligence must be subject of a risk assessment to include the taking into consideration of the source.

7. CONSTRAINTS ON THE USE OF THE INFORMATION

- 7.1 The information shared must not be disclosed to any third party without the written consent of the agency that provided the information. It must be stored securely and deleted when it is no longer required for the purpose for which it is provided.
- 7.2 Any police information shared is only valid at the time of provision, and should only be used for the purpose as requested. It should not be used for any subsequent investigations, which should be subject to a new request for information.
- 7.3 Any information shared will be proportionate and necessary for the purpose for which it is being shared.
- 7.4 Any information shared must be handled and stored in accordance with the Government Protective Marking Scheme, see Appendix 1.

8. ROLES AND RESPONSIBILITIES UNDER THIS AGREEMENT

- 8.1 Lincolnshire Police will appoint a single point of contact (SPoC) who will work together with the partner SPoC to jointly solve problems associated with Detention Centres. The sharing of information must only take place where it is valid and legally justified.

Police SPoC

Title: Crime Support Inspector

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Contact details:

Tel: 01522 558213

Fax: 01522 885333

E-mail: FIB@lincs.pnn.police.uk

HM Prison Service SPoC Title: Head of Security and Operations

(See **Appendix 2** for full contact details and e-mail addresses)

Contact details: Tel: 01522 666899

UKBA, SPoC

Title: Head of Security and Intelligence

- 8.2 Partner contacts have a responsibility to create a file or folder that can record each individual request for information and the decision made. It must include copies of the request for information, details of the data accessed and notes of any meeting, correspondence or phone calls relating to the request.
- 8.3 Any request for information must meet one or more of the policing purposes, i.e.
- Protecting life and property;
 - Preserving order;
 - Preventing the commission of offences;
 - Bringing offender justice, and
 - Any duty or responsibility arising from common or statute law.
- 8.4 Within Lincolnshire Police, the files ***must be held and managed centrally by the Crime Support Inspector.***
- 8.5 Where the information refers to a victim or witness, their written consent must be obtained.

9. SPECIFIC PROCEDURES

- 9.1 Prior to dissemination a thorough risk assessment must be made to determine whether the information being shared compromises any current Police operation, the safety of any officer, covert source or any other specified individual or organisation and where necessary appropriate handling restrictions applied.
- 9.2 All disseminated intelligence will adhere to existing 5x5x5 principles as provided under the National Model and in compliance with MOPI. A relevant risk assessment will be completed and accompany all dissemination.

Handling Requests for Information

- 9.3 All requests for information must be made in writing using Form P698A - Request for

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Personal Information.

- 9.4 The decision to provide information will be documented on Form P698B – Response to Request for Information. Both Form P698A and Form P698B will be retained by the Police SPoC within the file created for such purpose.
- 9.5 Requests and responses to requests should be communicated via **secure** e-mail, for example e-mail addresses containing gsi; gsi.x; pnn; gse; gsx; cjsm; nhs.net; GCSx. Any loss of data must be advised to the security officer or the Information Sharing Officer as soon as this is identified.
- 9.6 Requests for information may be made by telephone in cases of emergency, for example, where there is a risk of immediate violence by using the '999' system. If the need for the request falls outside normal office hours, or the identified Police SPoC is not available, and the need is still 'urgent', but not an emergency, the request should be made to the Force Command Room (FCR) Tel: 0300 111 0300. In both circumstances, the request will be directed to the duty Inspector (if available) or the duty supervisor, who will make the decision to release information. Form MoPI 1 Request for Information, will be completed on behalf of the requestor by the duty Inspector/Supervisor, and information released will be documented thereon. Upon completion and release of information, Form MoPI 1 will be forwarded to the identified Police SPoC, who will, upon receipt of the form, file it in alphabetical order within the file set up specifically for use with the named partner.
- 9.7 Replies to requests must be made within ten working days.
- 9.8 The Police SPoC will submit any information received from HM Prison (Morton Hall IRC) and UKBA (Detention Services), as a result of a request for information, if relevant, via the 5x5x5 system into the Lincolnshire Police intelligence systems in a timely, accurate and proportionate manner.

10. REVIEW, RETENTION AND DELETION

- 10.1 Partners to this agreement undertake that personal data shared will only be used for the specific purpose for which it is requested. The recipient of the information is required to keep it securely stored and when it is no longer required for the purpose for which it was requested, will safely dispose of it. The force may also want to request a copy of the partner's information security policy (where it exists) when sensitive personal data is to be shared.
- 10.2 Files containing information from partner sources will be reviewed in line with force policy.
- 10.3 The recipient will not release the information to any third party without obtaining the express written authority of the partner who provided the information.
- 10.4 HM Prison Service (Morton Hall IRC) and UKBA, Detention Services Managers will ensure that access to information received from the police, will only be granted to those staff who need to see the information.

11. REVIEW OF THE INFORMATION SHARING AGREEMENT

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11.1 This Information Sharing Agreement will be reviewed six months after its implementation and annually thereafter. The nominated holder of this agreement is Lincolnshire Police. It is based on the national template for Information Sharing, which forms part of the guidance issued on the Management of Police Information by the Association of Chief Police Officers (ACPO) and the Home Office.

12. INDEMNITY

12.1 HM Prison Service (Morton Hall IRC) and UKBA (Detention Services), as receivers of police information will accept total liability for a breach of this Information Sharing Agreement should legal proceedings be served in relation to the breach.

13. SIGNATURE

13.1 By signing this agreement, all signatories accept responsibility for its execution and agree to ensure that staff are trained so that requests for information and the process of sharing itself is sufficient to meet the purposes of this agreement.

13.2 Signatories must also ensure that they comply with all relevant legislation, and commit to investigating any complaints of non-adherence to the agreement.

Signed on behalf of Lincolnshire Police

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Title:

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Rank / Position:

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Date:

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Signed on behalf of HM Prison Service
(Morton Hall IRC).

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Title:

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Rank / Position:

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Date:

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Signed on behalf of United Kingdom
Borders Agency (UKBA), Detention
Services.

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Title:

Head of Security and Intelligence

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Rank / Position: Assistant Director (OPS)

Date:

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Appendix 1



SENSITIVE DOCUMENTS SUPPLIED BY LINCOLNSHIRE POLICE – SECURITY REQUIREMENTS

Some of the electronic or hardcopy documents that you receive from Lincolnshire Police will contain sensitive or personal information. These documents will be provided to you on the understanding that you apply the protective measures described below.

GENERAL REQUIREMENTS

You must only use the information supplied by Lincolnshire Police for one or more of the following purposes:

- For the detection or prevention of crime;
- As specified in an Information Exchange Protocol that has been agreed between your organisation and Lincolnshire Police;
- For a specific purpose that has been agreed, in writing, by Lincolnshire Police.

You may not disclose, copy, or onwardly transmit information provided by Lincolnshire Police without its express, written permission, unless this is permitted within the terms of an Information Exchange Protocol agreed between your organisation and Lincolnshire Police.

You may only retain the information for a period of time that will enable you to fulfil the purpose for which it has been provided. The information must then either be securely destroyed or returned to Lincolnshire Police as detailed in these instructions. It is your responsibility to contact Lincolnshire Police to establish if any relevant change has occurred since the information was provided to you, and upon which you intend to base any decision or action.

PROTECTIVE MARKING & ASSOCIATED HANDLING RULES

Documents that contain sensitive information will usually display a protective marking on the top and bottom of each page. This indicates how sensitive the information is, and determines the protective measures that need to be applied to it. The appropriate measures for each marking are shown below.

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	RESTRICTED	CONFIDENTIAL
STORAGE OF PAPERS	Protected by <u>one</u> barrier, e.g. a locked container (restricted access) within a secure building.	Protected by <u>two</u> barriers, e.g. a locked container in a locked room (both with restricted access) within a secure building.
DISPOSAL OF PAPERS	Shred in a strip or cross-shredder or return to Lincolnshire Police. Keep secure if storing prior to disposal.	Shred in a cross-shredder or return to Lincolnshire Police. Keep secure if storing prior to disposal.
DISPOSAL OF FLOPPY DISKS & CDs	Dismantle floppy disks. Cut inner disks or CDs into quarters (at least). Dispose with non-restricted waste.	Dismantle floppy disks. Cut inner disks or CDs into quarters (at least). Dispose with non-restricted waste.
MOVEMENT WITHIN YOUR ORGANISATION	By trusted hand OR in a sealed envelope or container with the protective marking & descriptor shown. Include a copy of these instructions inside.	By trusted hand OR in a sealed envelope or container with the protective marking & descriptor shown. Include a copy of these instructions inside.
RETURN TO LINCOLNSHIRE POLICE	By trusted hand in a sealed envelope or container, OR by recorded delivery or courier service in a sealed envelope with no protective marking or descriptor shown (other than PERSONAL or PRIVATE), & addressed to an individual by name or appointment.	By trusted hand in a sealed envelope or container, OR by Special delivery or courier service in a sealed envelope using double envelopes, both fully addressed but with the protective marking shown on the <u>inner</u> envelope only. Provide a return address on the <u>outer</u> envelope.