

INFORMATION SHARING AGREEMENT

INFORMATION SHARING AGREEMENT (ISA)

BETWEEN

Probation Service
HM Prison Service
Lincolnshire Partnership NHS Trust
Lincolnshire County Council Childrens' Services
Lincolnshire County Council Adult Services
Youth Offending Service
City of Lincoln Council
North Kesteven District Council
South Kesteven District Council
South Holland District Council
Boston Borough Council
East Lindsey District Council
ACIS (on behalf of West Lindsey District Council)
Group 4 Security (G4S)

AND

LINCOLNSHIRE POLICE

Version 3.0

SUMMARY SHEET

ISA Ref:	LPOO5/F – Multi Agency Public Protection Arrangements (MAPPA)
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PURPOSE	To create a system for the formal exchange of information and intelligence between the Police and other agencies in the (a) Responsible Authority and (b) Duty to Co-operate bodies with the intention to concentrate on those individuals who pose a major risk to public safety. The whole purpose of the arrangements being to protect the public from serious harm and to prevent, detect and reduce re-offending within the county of Lincolnshire.
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PARTNERS	Lincolnshire Police National Probation Service HM Prison Service Lincolnshire Partnership NHS Trust Lincolnshire County Council Childrens' Services Lincolnshire County Council Adult Services Youth Offending Service North Kesteven District Council South Kesteven District Council South Holland District Council Boston Borough Council East Lindsey District Council ACIS (on behalf of West Lindsey District Council) Group 4 Security (G4S)
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Date Agreement comes into force:	1 st September 2008.
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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:	Ms Mandy Cooke
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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
001	Initial Draft	Ms Mandy Cooke
2.0	Authorised	Mr. D. Massey - ISA Officer
3.0	Additional Partner on Review	Mr. D. Massey - ISA Officer

1. INTRODUCTION

- 1.1 Lincolnshire Police is committed to partnership working. Police and Probation Service working together have statutory authority. Sections 67 and 68 of the Criminal Justice and Courts Services Act 2000 imposed duties on the Police and Probation Services (known as the Responsible Authorities) in each of the 42 areas of England and Wales to establish MAPPA. The Prison Service came on board with the Responsible Authority arrangements in 2003.
- 1.2 Section 325 (3) of the Criminal Justice Act (03) imposed a “duty to co-operate” with the MAPPA Responsible Authority on various organisations providing public services, eg Job Centre Plus, Childrens’ Services, local housing authorities, registered social landlords, health bodies, electronic monitoring providers.

2. PURPOSE

- 2.1 Public Protection within MAPPA depends upon the effectiveness of the plans that MAPPA agencies draw up to manage an offender’s risk. These plans are in turn dependent upon the quality of risk identification and assessment processes. The quality of the risk assessment and the risk management plan are heavily determined by the effectiveness of information sharing agreements. Unless all relevant information is available in good time, to those making the assessments and drawing up the plans, Public Protection may be compromised. The Responsible Authority therefore, must have arrangements in place for effective information sharing.
- 2.2 The sharing of information is not an end in itself. To identify the purpose of sharing information and to ensure the agencies’ obligation to retain and use the information lawfully, the persons with whom the information is shared must know:-
- Why they have been given it
 - What they are expected to do with it
 - GPMS Marking

3. PARTNER(S)

3.1 This agreement is between the following partners:

HM Prison Service
Probation Service
Lincolnshire County Council Childrens’ Services
Lincolnshire County Council Adult Services
Youth Offending Service
Lincolnshire Partnership NHS Trust
Local housing authorities, namely:-
 City of Lincoln Council
 North Kesteven District Council
 South Kesteven District Council
 South Holland District Council
 Boston Borough Council
 East Lindsey District Council
 ACIS (On behalf of West Lindsey District Council)
Group 4 Security (G4S)

and LINCOLNSHIRE POLICE, PO BOX 999, LINCOLN LN5 7PH

4. POWER(S)

4.1 This agreement fulfils the requirements of the following:

- Sex Offences Act 2003 Part 1, Part 2 Sch 3
- Criminal Justice Act 2003 Part 1, 2 of Sch 16
- Human Rights Act (Articles 2, 3 and 8)
- Violent Crime Reduction Act 2006
- Crime and Disorder Act 1998 (S115)
- Data Protection Act 1998 S29(3) + 35(2)
- European Convention on Human Rights (Article 8)
- Child Sex Offender Bill
- Protection from Harassment Act 1997
- Civil Evidence Act 1995
- Common Law Duty of Confidence
- Disclosures under the Freedom of Information Act 2000
- Section 115 Crime and Disorder Act 1998
- MAPPA Protocol

5. PROCESS

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. The underlying principle is that an agency will always retain ownership of the personal information it discloses to another member of the partnership. The identity of the originator must therefore be recorded against the relevant data. A recipient of such information must therefore obtain the consent of the original data owners before making a further disclosure.

5.2 Information sharing principles must

- have lawful authority
- be necessary
- be proportionate and done in ways which;
- ensure the safety and security of the information shared, and;
- be accountable.

5.3 The meaning of each of these principles is explained below.

- **Lawful authority requirement** (*vires*) – Each MAPPA agency sharing information must have either a *prima facie* statutory or common law power to do so. The police, probation and prison services, in respect of their wider criminal justice responsibility as well as their specific joint duties under the MAPPA, have clearly recognised statutory duties which will necessarily involve sharing information. Further, Section 116 of the Crime and Disorder Act 1998 confers on any person a power to pass information to certain relevant authorities (including police, probation, health and local authorities) if necessary to help implement the provisions of that Act, which includes local strategies to reduce crime and disorder. *Criminal Justice Act 2003*,

Section 325 (4) recognises that co-operation between the Responsible Authority and Duty to Co-Operate Agencies may include the exchange of information. Therefore all MAPPA agencies will have the *prima facie* legal power to exchange information with the Responsible Authority.

- **Necessity** – Information should only be exchanged where it is necessary for the purpose of properly assessing and managing the risks posed by those offenders who are subject to the MAPPA provisions. The specific purposes of sharing information within the MAPPA are:

To identify those offenders who present a serious risk of harm to the public

To ensure that the assessment of risks they present are accurate; and,

To enable the most appropriate plans to be drawn up and implemented to manage the assessed risks and thereby protect victims and the public.

- **Proportionality in information sharing** – In order to satisfy this criterion, it must be shown that the managing and assessing of the risk posed by the offender could not effectively be achieved other than by the sharing of the information in question. Clearly in almost all cases of identifying, assessing and managing risk within MAPPA, this criterion will easily be met.
- **The information is shared safely and securely** – Common good practice should ensure that all information about offenders is kept securely and is shared with and available onto to those who have a legitimate interest in knowing it – that is, agencies and individuals involved in the MAPPA processes. Essentially, arrangements must be in place which ensure that information is only shared with those with a legitimate interest and cannot by accident or design be accessed by others.
- **Accountable information sharing** – Administrative procedures underpinning the efficient operation of MAPPA meetings and case conferences have the confidence of participants. The importance of accurate, clear and timely record keeping is stressed, as is safe and secure information storage and retrieval procedures.

5.4 Summary

5.4.1 Using the principles outlined above, information sharing protocols and robust MAPPA arrangements which support the statutory work of MAPPA agencies and which help protect professional integrity, few difficulties with sharing information in this important arena of public protection should arise. The structure of the MAPPA provides a framework which supports and enables lawful, necessary, proportionate, secure and accountable information sharing. The detailed arrangements within MAPPA for multi-agency meetings and case conferences provide answers to the questions of to whom, when, how and where the information should be shared.

5.4.2 This Guidance does not seek to prescribe how all cases involving information sharing will be dealt with. Whether information should be shared and, if so, what information and to whom, must be decided on a case-by-case basis.

5.4.3 The law requires that personal information is:

- Obtained and processed fairly and lawfully
- Only disclosed (shared) in appropriate circumstances
- Accurate, relevant and not held longer than necessary
- Kept securely.

- 5.5 The **lawful authority** of criminal justice agencies in the context of information sharing in the MAPPA is readily understood. For Duty to Co-Operate MAPPA agencies, section 325 does make clear their remit within the MAPPA and other statutes, for example, Section 115 of the Crime and Disorder Act (1998), creates legitimate expectations of their being able to share information.
- 5.6 Critical to the justification of information sharing are the twin requirements of the **necessity and proportionality**. The necessity criterion requires that there is a pressing public protection need. The proportionality criterion requires the information shared must be only that information which is necessary to achieve the purpose for which it is being shared.
- 5.7 The sharing of information is not an end in itself. To identify the purpose of sharing information and to ensure the agencies' obligations to retain and use the information lawfully, the persons with whom the information is shared must know:-
- Why they have been given it, ie the purpose for which the information has been given must be connected either to that persons authority and role as a representative of the duty to co-operate agency; or because as someone to whom disclosure is justified because of the exceptional risk posed to them by the offender
 - That it must remain confidential, be kept safely and retained for as long as necessary
 - What they are expected to do with that information.

6. TYPES OF INFORMATION TO BE SHARED

6.1 Lincolnshire Police will share:

- Convictions, cautions, final warnings, reprimands, and intelligence, if appropriate and proportionate, to the subject person being discussed at meetings, following prior notification of the subject person.

6.2 Identified signing partners will share:

- Details of case histories, in relation to the subject person, and other family members, if appropriate.
- Concerns in relation to the subject person.

6.3 By the joint sharing of such information, as held by the partners to this agreement, MAPPA offenders can be identified and categorised accordingly.

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 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.

8. ROLES AND RESPONSIBILITIES UNDER THIS AGREEMENT

8.1 Each partner agency must appoint a single point of contact (SPoC) for the arrangements within their organisation. Each agency SPoC must be competent in information sharing protocols for their own organisation.

Probation SPoC	Title: Performance & Excellence Manager Contact details: 01522 520776
Police SPoC	Title: Review, Retention & Disposal Supervisor Contact details: 01522 558922
MAPPA SPoC	Title: Multi Agency Public Protection Arrangement Co-ordinator Contact details: 01522 558668
HM Prison Service	Title: Head of Secretariat/PA to Area Manager Contact details: 0116 2814007
Lincolnshire Partnership NHS Trust	Title: Caldicott Guardian Contact details: 01529 301843
Lincolnshire County Council Children's' & Adult's Services	Title: Information Governance Manager Contact details: 01522 554013
Youth Offending Service	Title: Performance Information Manager Contact details: 01522 554554
North Kesteven District Council	Title: Head of Legal & Member Services Contact details: 01529 414155
South Kesteven District Council	Title: Freedom of Information Officer Contact details: 01476 406080
City of Lincoln Council	Title: Acting Head of Corporate Support Services Contact details: 01522 873323
South Holland District Council	Title: Housing Administration Officer Contact details: 01775 761161
Boston Borough council	Title: Local Communities Development Manager Contact details: 01205 314200
East Lindsey District Council	Title: Business Manager, Governance Contact details: 01507 601111
ACIS (on behalf of West Lindsey District Council)	Title: Business Performance Manager Contact details: 01427 6780000
Group 4 Security SPoC	Title: Relationship Manager Electronic Monitoring Contact details: 0115 9245855

8.2 SPoCs have a responsibility and will create a file or folder that will 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 meetings, correspondence or phone calls relating to the request.

8.3 Any request for information must be under a statutory obligation, statutory power or a common law policing purpose:-

1. protecting life and limb

2. preserving order
 3. preventing the commissioning of offences
 4. bringing offenders to justice
 5. any duty or responsibility arising from common/statute law
- 8.4 Within Lincolnshire Police the file must be held and managed centrally by a Force Information Manager. This arrangement must be replicated within the signing partner agencies.
- 8.5 The designated Police Officer must ensure that the request meets a policing purpose. Where information refers to a victim or witness, the written consent must be obtained.

9. SPECIFIC PROCEDURES

- 9.1 Panel meetings whereby individuals are being discussed will be fully minuted, and documented, the resultant document being appropriately GPMS marked.
- 9.2 Any files that originate as a result of meetings will also be fully documented and GPMS marked appropriately.
- 9.3 Outside of panel meetings, all requests for information must be made in writing using the attached form, Form A – Request for Personal Information.
- 9.4 Requests may be made by fax but care must be taken where personal information is shared. Similarly requests and replies should not be communicated via e-mail as the Internet is not secure for the transmission of personal and sensitive personal information.
- 9.5 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 and Control Centre (FCCC) Tel: 01522 532222. 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(s).
- 9.6 Replies to requests must be made within 10 working days.
- 9.7 The Police representative at MAPPa panel meetings will submit any information received from partner agencies, via the 5x5x5 system into the Lincolnshire Police intelligence systems, if relevant, 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, will return it via the Police SPoC for appropriate disposal. 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 Partner 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

11.1 The ISA 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
Probation Service
Lincolnshire County Council Childrens' Services
Lincolnshire County Council Adult Services
Youth Offending Service
Lincolnshire Partnership NHS Trust
Local housing authorities, namely:-
City of Lincoln Council
North Kesteven District Council
South Kesteven District Council
South Holland District Council
Boston Borough Council
East Lindsey District Council, and
ACIS (on behalf of West Lindsey District Council),
Group 4 Security (G4S),
as receivers of Police information will accept total liability for 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.

Signed on behalf of Lincolnshire Police _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Probation Service _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of HM Prison Service _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Lincolnshire
Partnership NHS Foundation Trust _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Lincolnshire County
Council Childrens' Services _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Lincolnshire County
Council Adult Services _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Youth Offending _____

Service _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of City of Lincoln
Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of North Kesteven
District Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of South Kesteven
District Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of South Holland District
Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Boston Borough _____

Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of East Lindsey District Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of West Lindsey District Council _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of ACIS Gainsborough _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of Group 4 Security _____

Title: _____

Rank / Position: _____

Date: _____

RESTRICTED – WHEN COMPLETED
FORM A: REQUEST FOR PERSONAL INFORMATION

I am requesting personal information or sensitive personal information under the Data Protection Act 1998 about:

Our Ref:	
Surname:	
All previous surnames:	
Also known as:	
Forenames:	

Place of Birth:		Date of Birth:	
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Full Present Address:	
Post Code:	
Previous Address:	
Post Code:	

The information I require is:

I confirm that the personal or sensitive personal information is required for the following purpose:

Failure to provide the information will result in:

Signed:		Date:	
Name:		Rank / Title:	
Tel No.:		Mobile No.:	
E-mail:		Fax:	
Organisation:			

New information received on subject submitted via 5 x 5 x 5 system into Lincolnshire Police intelligence system		YES / NO <i>Delete as appropriate</i>
Signed:		Date:
Name:		Rank / Title: