

INFORMATION SHARING AGREEMENT

INFORMATION SHARING AGREEMENT (ISA)

BETWEEN

South Holland District Council

AND

LINCOLNSHIRE POLICE

Version 2.0

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SUMMARY SHEET

Information Sharing Agreement

ISA Ref:	LP005/S – South Holland District Council (SHDC)
PURPOSE	To create a system for the formal exchange of information and intelligence between the Police and South Holland District Council., with the intention to prevent, detect, and/or reduce crime and anti-social behaviour within, and adjacent to properties owned or managed by South Holland District Council, and within their geographical area of Lincolnshire.
PARTNERS	Lincolnshire Police South Holland District Council
Date Agreement comes into force:	10 th March 2008
Date of Agreement Review:	Six months after coming into force, then annually
Agreement Owner:	Lincolnshire Police
Agreement drawn up by:	Insp. T Smith – South Division
Location of Signed Agreement in force:	Data Protection Office, HQ
Protective Marking:	Not protectively marked

VERSION RECORD

Version No.	Amendments Made	Authorisation
001	Initial Draft	Insp. T Smith
1.0	Authorised	Insp. T Smith
2.0	Paras 7.3 & 10.4 added. Para 9.4 amended	Mr D Massey, ISA Officer

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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 This agreement outlines the need for the police and South Holland District Council to work together to alleviate crime and anti-social behaviour within their geographical area, and provides a framework for action.

2. PURPOSE

- 2.1 This purpose of this agreement is to enable action to be taken against crime and anti-social behaviour in properties owned or managed by South Holland District Council, and within their geographical area. It will incorporate measures aimed at:
 - Facilitating a coordinated approach that targets crime and anti-social behaviour;
 - Facilitating the collection and exchange of relevant information;
 - The pursuit of civil or criminal proceedings - either by Lincolnshire Police or South Holland District Council
 - Ensuring that the sharing of information meets one or more of the policing purposes.
- 2.2 It also seeks to increase the confidence of residents, while encouraging their support, to enable Lincolnshire Police and South Holland District Council, to combat crime and anti-social behaviour.

3. PARTNER(S)

- 3.1 This agreement is between the following partners:

**South Holland District Council, Council Offices, Priory Road, Spalding, Lincs.
PE11 2XE**

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

4. POWER(S)

- 4.1 This agreement fulfils the requirements of the following:

- Housing Act 1985 & 1988 (schedule 2, grounds 2 & 14);
- Housing Act 1996 (sections 135, 152 & 153);
- The Protection from Harassment Act 1997;
- The Homelessness Act 2002;
- The Civil Evidence Act 1995;
- The Crime and Disorder Act 1998 (section 115);
- Common Law Powers of Disclosure;
- The Rehabilitation of Offenders Act 1974;

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- The Human Rights Act 1998 (article 8);
- The Data Protection Act 1998 (sections 29(3) & 35(2)).

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.

6. TYPES OF INFORMATION TO BE SHARED

6.1 Lincolnshire Police will share:

- De-personalised information relating to crime or anti-social behaviour in the areas of housing owned or managed by South Holland District Council and within their geographical area of Lincolnshire.
- Evidence relating to a conviction of a tenant for an arrestable offence which occurred in the property or in the vicinity of the property, providing that the conviction is not considered spent under the Rehabilitation of Offenders Act 1974;
- Evidence relating to a caution accepted by the tenant for an arrestable criminal offence that occurred in the property or in the vicinity of the property owned or managed by South Holland District Council, where the date of the caution is less than twelve months from the disclosure date;
- Evidence relating to a conviction or intelligence which would reasonably indicate that a tenant or a proposed tenant represents a significant danger to the public, fellow residents or staff, should they remain a tenant or become a tenant.
- Evidence of warnings given under the Harassment Act 1997, where warnings are recorded by the police against the tenant or invited visitor to, or in the vicinity, of the property within a period of 12 months;
- An admission of anti-social behaviour by the tenant, member of the resident family or invited visitor, evidenced by a pocket note book signature by the offender;
- Evidence from police records of incidents of anti-social behaviour at or in the immediate vicinity of the tenant's accommodation where there is evidence that these were committed by the tenants, their resident family or invited visitors;
- Copies of statements made to the police by third parties where written permission has been provided by the statement maker for that statement to be disclosed for use in civil proceedings.

6.2 South Holland District Council will share: -

- Evidence, including complaints from neighbours or the public relating to criminal or anti-social behaviour at, or in the immediate vicinity, of the tenant's accommodation where there is evidence that these were committed by the tenants, their resident family or invited visitors.
- Details of residents of South Holland District Council properties, including, where and when appropriate, resident lists.

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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.

8. ROLES AND RESPONSIBILITIES UNDER THIS AGREEMENT

- 8.1 Each partner must appoint a single point of contact (SPoC) who must work together to jointly solve problems relating to tenants. The sharing of information must only take place where it is valid and legally justified.
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| Police SPoC | Title: Spalding Sector Inspector
Contact details: 01775 722233 ext 2620/2639 |
| SHDC Housing SPoC | Title: Head of Housing & Property. Deputies: Housing Manager, Supported Housing Manager, Housing Operational Manager
Contact details: 01775 761161 |
| SHDC Community & Neighbourhood Services SPoC | Title: Head of Community & Neighbourhood Services. Deputies: Neighbourhood Services Manager, Anti-social Behaviour Officer
Contact details : 01775 761161 |
- 8.2 SPoCs must meet regularly to discuss and prioritise incidents of criminal or anti-social behaviour. SPoCs 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.
- 8.4 Within Lincolnshire Police, the file **will be held and managed by the Spalding Sector Inspector**. This arrangement must be replicated within South Holland District Council.
- 8.5 The designated police officer must ensure that the request meets a policing purpose. Where the information refers to a victim or witness, their written consent must be obtained.

9. SPECIFIC PROCEDURES

- 9.1 Handling Requests for Information – all requests for information must be made in writing using Form A - Request for Personal Information.
- 9.2 The decision to provide information will be documented on Form B – Response to Request for Information. Both Form A and Form B will be retained by the Police SPoC within the file created for such purpose.
- 9.3 Requests may be made by fax but care must be taken where personal information is

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shared. Similarly, requests and replies should not be communicated via e-mail as the internet is not secure for the transition of personal and sensitive personal information.

- 9.4 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 SPoC, who will, upon receipt of the forms, file it in alphabetical order within the file set up specifically for use with the named partner.
- 9.5 Replies to requests must be made within ten working days.
- 9.6 The Police SPoC will submit any information received from South Holland District Council, 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.

Information Requested by South Holland District Council, Prior to Conviction or Caution:

- 9.7 In some cases, civil proceedings may be a more appropriate route to take than a criminal prosecution. Where this occurs, it will be the responsibility of the police to determine whether or not they will support civil proceedings.
- 9.8 Where South Holland District Council requests information about a particular individual when a criminal investigation has already started, any decision on whether or not to proceed with a criminal prosecution must be referred to the designated police officer who will liaise with the Crown Prosecution Service. This is particularly important in cases involving child abuse, domestic violence and incidents where Covert Human Intelligence Sources (CHISs) have been tasked.
- 9.9 Where a criminal prosecution is pending and the local authority wishes to pursue civil proceedings in advance of a prosecution, a police officer can only provide factual information with the prior consent of the Crown Prosecution Service. The police cannot provide opinion evidence.
- 9.10 Where a complaint of anti-social behaviour has been made against a tenant both partners can share information (providing that it meets a policing purpose and satisfies the principles of the Data Protection Act), to help decide what course of action, if any, to take against the tenant. Such disclosures will only deal with the incident or offences that have occurred in the premises or in the immediate vicinity, and will be aimed at deciding on the course of joint action, if required. All decisions must be recorded.
- 9.11 Where more serious allegations are made against the tenant, the nominated officer from South Holland District Council must write to Lincolnshire Police informing them that action is being considered. The tenants name and address should be shared with the police to enable officers to carry out a search. This may include details on:
- Events witnessed by a police officer;
 - Evidenced incidents at the address or the immediate locality;
 - Warrants executed;

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- Persons arrested;

9.12 Officers attending incidents should make detailed pocket book entries of any complaints or statements obtained during criminal investigations. These complaints or statements can only be shared with the local authority with the individuals written permission and only once the criminal proceedings have been completed.

Information Requested by South Holland District Council, Post Conviction, or Caution

9.13 Where the criminal process is complete, copies of relevant police statements may be released to South Holland District Council. Statements obtained from witnesses will also be released provided the appropriate written consent has been given.

9.14 Convictions that are spent within the meaning of the Rehabilitation of Offenders Act will not be disclosed.

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 S.H.D.C 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 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 South Holland District Council, 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.

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Signed on behalf of Lincolnshire Police _____

Title: _____

Rank / Position: _____

Date: _____

Signed on behalf of South Holland District
Council _____

Title: _____

Rank / Position: _____

Date: _____