

INFORMATION SHARING AGREEMENT

INFORMATION SHARING AGREEMENT (ISA)

BETWEEN

United Kingdom Border Agency (UKBA)

AND

LINCOLNSHIRE POLICE

Version 2.0

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SUMMARY SHEET

Information Sharing Agreement

ISA Ref:	LPOO4/CS – United Kingdom Border Agency (UKBA)
PURPOSE	To create a system for the formal exchange of information and intelligence between the Police and UKBA, with the intention to prevent, detect, and/or reduce crime within Lincolnshire.
PARTNERS	Lincolnshire Police United Kingdom Border Agency
Date Agreement comes into force:	13 th October 2008
Date of Agreement Review:	Six months after coming into force, then annually
Agreement Owner:	Lincolnshire Police
Agreement drawn up by:	Mr D. Massey – ISA Officer
Location of Signed Agreement in force:	Information Management Unit, Force HQ
Protective Marking:	Not protectively marked

VERSION RECORD

Version No.	Amendments Made	Authorisation
001	Initial Draft	Mr D. Massey – ISA Officer
2.0	Authorised	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.
- 1.2 This agreement outlines the need for the police and the United Kingdom Border Agency to work together to alleviate crime within Lincolnshire and provides a framework for action.

2. PURPOSE

- 2.1 This purpose of this agreement is to enable action to be taken against crime within Lincolnshire. It will incorporate measures aimed at:
 - Facilitating a coordinated approach that targets crime;
 - Facilitating the collection and exchange of relevant information;
 - The pursuit of civil or criminal proceedings - either by Lincolnshire Police or UKBA
 - 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 UKBA to combat crime.

3. PARTNER(S)

- 3.1 This agreement is between the following partners:

United Kingdom Border Agency, Midlands and East Region, Pembroke House, Pegasus Business Park, East Midlands Airport, Castle Donington, Derby, DE74 2TZ.

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

4. POWER(S)

- 4.1 This agreement fulfils the requirements of the following:

- 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)).
- Nationality and Immigration Act 2006

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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 crimes of interest to HO Border & Immigration Agency that have occurred within the Lincolnshire Police area.
- Evidence relating to a conviction for an arrestable offence which occurred in Lincolnshire, providing that the conviction is not considered spent under the Rehabilitation of Offenders Act 1974;
- Evidence relating to a caution accepted for an arrestable criminal offence that occurred within Lincolnshire, where the date of the caution is less than twelve months from the disclosure date;
- Details of relevant incidents that have been reported to Lincolnshire Police by members of the public.
- 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.
- Details of holders of Firearms certificates, living within Lincolnshire.

6.2 United Kingdom Border Agency will share:

- Persons status details, including addresses.
- Details of visits to premises, and persons found therein.
- Details of prosecutions, when 'not guilty' verdicts have been returned.

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. The sharing of information must only take place where it is valid and legally justified.

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Police SPoC

Title: Force Information Bureau Manager

Contact details: 01522 558048

UKBA SPoC

Title: Chief Immigration Officer - Lincolnshire

Contact details: 01205 355491

- 8.2 SPoCs must meet regularly to discuss and prioritise incidents of relevant crime. Both 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.
- 8.4 Within Lincolnshire Police, the file ***must be held and managed centrally within the Force Information Bureau***. This arrangement must be replicated within UKBA.
- 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 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. If 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 on the same Form (MoPI 1) . Upon completion and release of information, Form MoPI 1 will be forwarded to the identified Police 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 UKBA, 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 United Kingdom Border Agency, Prior to Conviction or Caution:

- 9.7 In some cases, civil proceedings may be a more appropriate route to take than a

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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 UKBA 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 UKBA 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.

Information Requested by the United Kingdom Border Agency, Post Conviction or Caution:

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

9.11 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 UKBA 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 United Kingdom Border Agency, 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.

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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 United Kingdom
Border Agency _____

Title: _____

Rank / Position: _____

Date: _____

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