

CODE OF PRACTICE ON THE MANAGEMENT OF POLICE INFORMATION

Made by the Secretary of State for the Home
Department under sections 39 and 39A of the Police
Act 1996 and sections 28, 28A, 73 and 73A of the
Police Act 1997

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CONTENTS

1.	INTRODUCTION	3
1.1	<i>Purpose of the code.....</i>	3
1.2	<i>Statutory basis of the code</i>	4
1.3	<i>Role of HM Inspectors of Constabulary</i>	5
1.4	<i>Role of the Central Police Training and Development Authority.....</i>	5
1.5	<u><i>Consultation</i></u>	<u>6</u>
 2.	 THE MANAGEMENT OF INFORMATION FOR POLICE PURPOSES	 7
2.1	<i>The management of police information.....</i>	7
2.2	<i>Information for police purposes.....</i>	7
 3.	 A NATIONAL FRAMEWORK FOR THE MANAGEMENT OF POLICE INFORMATION.....	 8
3.1	<i>National guidance on management of police information.....</i>	8
3.2	<i>An Information Management Strategy to be applied within each police force.....</i>	8
3.3	<i>National system requirements for the management of police information</i>	8
3.4	<i>Security of police information.....</i>	9
3.5	<i>Training for staff engaged in police information management.....</i>	9
 4.	 KEY PRINCIPLES GOVERNING THE MANAGEMENT OF POLICE INFORMATION.....	 10
4.1	<i>Duty to obtain and manage information</i>	10
4.2	<i>Requirement for police information</i>	10
4.3	<i>Grading and recording of police information</i>	10
4.4	<i>Ownership of police information.....</i>	11
4.5	<i>Review of police information</i>	11
4.6	<i>Retention and deletion of police information.....</i>	11
4.7	<i>Sharing of police information within the UK police service</i>	11
4.8	<i>Sharing of police information outside the UK police service</i>	12
4.9	<i>Protection of sensitive police information and sources</i>	13
4.10	<i>Obligations of those receiving police information.....</i>	13

1. INTRODUCTION

1.1 Purpose of the Code

1.1.1 Police forces have a duty to obtain and use a wide variety of information (including personal information), in order to discharge their responsibilities effectively. They need the support and cooperation of the public in doing so. The purpose of this Code and associated guidance is to assist the police to carry out that duty.

1.1.2 The responsibility for the management and use of information within the police service rests with the chief officer of the police force which owns the information.

1.1.3 Chief officers of police must therefore ensure that their forces adopt practices for the management of information that ensure such information is used effectively for police purposes and in compliance with the law.

1.1.4 The purpose of this Code is to ensure that there is broad consistency between forces in the way information is managed within the law, to ensure effective use of available information within and between individual police forces and other agencies, and to provide fair treatment to members of the public.

1.1.5 This Code sets out the principles governing the management of information (including personal information) which the police service may need to manage and use including:-

- a procedures to be applied in obtaining and recording that information;
- b procedures to ensure the accuracy of information managed by the police;
- c procedures for reviewing the need to retain information and, where it is no longer needed, to destroy it;
- d procedures governing authorised sharing of information within the police service and with other agencies; and
- e measures to maintain consistent procedures

for the management of information within all police forces so as to facilitate information sharing and the development of service-wide technological support for information management.

1.1.6 In doing so, it recognises that effective use of information for police purposes requires consistent procedures to be in place throughout the police service.

1.1.7 The procedures and equipment to give effect to the principles set out in this Code may change. This Code will therefore be supported by more detailed and extensive guidance that will define information management standards required within forces. That guidance may change from time to time, but must be framed in compliance with the principles established by this Code.

1.2 Statutory basis of the Code

1.2.1 This Code of Practice comes into effect on 14 November 2005.

1.2.2 Nothing in this Code alters the existing legal powers or responsibilities of any police authority, chief officer of police, or other person.

1.2.3 This Code of Practice is made under:

a section 39 of the Police Act 1996, which permits the Secretary of State to issue codes of practice relating to the discharge by police authorities of any of their functions;

b section 39A of the same Act, which permits the Secretary of State to issue codes of practice relating to the discharge of their functions by chief officers where it is necessary to do so for the purpose of promoting the efficiency and effectiveness of police forces in England and Wales;

c section 28 of the Police Act 1997, which permits the Secretary of State to issue codes of practice relating to the discharge by the National Criminal Intelligence Service (NCIS) Service Authority of any of its functions;

d section 73 of the Police Act 1997, which permits the Secretary of State to issue codes of practice relating to the discharge by the National Crime Squad (NCS) Service Authority of any of its functions;

e section 28A of the Police Act 1997, which permits the Secretary of State to issue codes of practice relating to the discharge by the Director General of the NCIS of any of his functions; and

f section 73A of the Police Act 1997, which permits the Secretary of State to issue codes of practice relating to the discharge by the Director General of the NCS of any of his functions.

1.2.4 This Code recognises that there is an existing legal framework for the management of information in legislation relating to data protection, human rights and freedom of information.

1.2.5 It applies directly to the police forces maintained for the police areas of England and Wales defined in section 1 of the Police Act 1996, and to the NCS and the NCIS.

1.2.6 It is available for adoption by other agencies including other police forces not covered by section 1 of the 1996 Act and law enforcement agencies within the United Kingdom that exchange information with the police service in England and Wales.

1.2.7 References in this Code to chief officers of police apply, in the case of NCS and NCIS, to the Directors General of those organisations.

1.3 Role of HM Inspectors of Constabulary

1.3.1 HM Inspectors of Constabulary will monitor police forces' compliance with this Code, associated guidance, and standards.

1.4 Role of the Central Police Training and Development Authority

1.4.1 The Central Police Training and Development Authority (CPTDA), or any successor body designated by the Secretary of State, has responsibility on behalf of the police forces of England and Wales for the development of guidance under this Code. Such guidance and any subsequent amendments will be prepared in consultation with the

Association of Chief Police Officers, the Association of Police Authorities, and such other persons as the CPTDA thinks fit.

1.5 Consultation

1.5.1 Consultation has been carried out by the CTDPA in accordance with the statutory provisions.

2. THE MANAGEMENT OF INFORMATION FOR POLICE PURPOSES

2.1 The management of police information

2.1.1 In this Code, references to the management of police information include the processes of obtaining, recording, storing, reviewing, deleting and sharing information, including personal information, for police purposes in accordance with principles governing those processes set out at 4 below.

2.2 Information for police purposes

2.2.1 In this Code references to information include data. All information, including intelligence and personal data obtained and recorded for police purposes, is referred to as police information.

2.2.2 For the purposes of this Code, police purposes are:-

- a protecting life and property,
- b preserving order,
- c preventing the commission of offences,
- d bringing offenders to justice, and
- e any duty or responsibility of the police arising from common or statute law.

3. A NATIONAL FRAMEWORK FOR THE MANAGEMENT OF POLICE INFORMATION

3.1 National guidance on management of police information

3.1.1 Guidance under this Code will: -

- a set out the strategic information needs of the police service in line with the National Intelligence Model ;
- b direct the management of police information within police forces so as to ensure consistent procedures throughout the police service for obtaining, recording, storing, reviewing, deleting and sharing information; and
- c identify the minimum standards required within police forces to provide a standard basis for common police IT systems for the management of police information.

3.2 An Information Management Strategy to be applied within each police force

3.2.1 Chief officers will establish and maintain within their forces an Information Management Strategy, under the direction of an officer of ACPO rank or equivalent, complying with guidance and standards to be issued under this Code unless that guidance is superseded by regulations made by the Secretary of State under section 53A of the Police Act 1996.

3.3 National system requirements for the management of police information

3.3.1 For the purpose of achieving throughout the police service the standards described at 3.1.1 above, guidance issued under this Code, unless superseded by regulations made by the Secretary of State under section 53A of the Police Act 1996, may specify procedures to be adopted within police forces for the management of police information systems.

3.4 Security of police information

3.4.1 Chief officers should ensure that arrangements within their forces for managing police information include procedures and technical measures to prevent unauthorised or accidental access to, amendment of, or loss of police information. Such procedures should comply with guidance issued under this Code unless superseded by regulations made by the Secretary of State under section 53 or section 53A of the Police Act 1996.

3.5 Training for staff engaged in police information management

3.5.1 Guidance issued under this Code may identify key posts for the management of police information, and may specify the qualifications to be held by staff in those posts, and the training required for such staff.

3.5.2 Chief officers of police should arrange the selection and training of those to be appointed to such posts so as to ensure attainment of standards of competence.

3.5.3 Those attaining the required standards of competence for such posts will be entered on the relevant professional register. They will remain on the register provided their continued suitability and competence remain assured in accordance with provisions for re-assessment and re-qualification.

3.5.4 Training for these purposes is not only to ensure compliance with the legal framework for information management and the maintenance of high standards of competence, but also to ensure the consistency of police information management procedures throughout the police service.

3.5.5 The body responsible for the approval and accreditation of training courses and trainers for these purposes or any successor body will be designated by the Secretary of State. Training standards will be kept under review by the accreditation authority.

4. KEY PRINCIPLES GOVERNING THE MANAGEMENT OF POLICE INFORMATION

4.1 Duty to obtain and manage information

4.1.1 Chief officers have a duty to obtain and manage information needed for the police purposes described at 2.2 above.

4.1.2 Chief officers must ensure that arrangements within their forces for the management of police information comply with the principles set out in the following paragraphs, and with guidance issued under this Code to give effect to those principles.

4.2 Requirement for police information

4.2.1 Chief officers must ensure that arrangements to gather police information comply with the principles of the National Intelligence Model.

4.3 Grading and recording of police information

4.3.1 Information should be recorded where it is considered that it is necessary for a police purpose. Chief Officers must establish recording procedures in accordance with guidance issued under this Code.

4.3.2 Where appropriate and in accordance with guidance to be issued under this Code, the source of the information, the nature of the source, any assessment of the reliability of the source, and any necessary restrictions on the use to be made of the information should be recorded to permit later review, reassessment and audit.

4.3.3 Information should be assessed for reliability in accordance with guidance to be issued under this Code.

4.3.4 The format in which the information is recorded should comply with standards agreed and applied across the police service by means of guidance issued under this Code, to facilitate exchange of information and processing within standard police IT systems.

4.4 Ownership of police information

4.4.1 Chief officers of police are responsible for information originally recorded for police purposes by their forces. They or their successors in the force retain responsibility for subsequent reviews and decisions to retain or delete that information. The related responsibilities of those who may share that information are set out at 4.10 below.

4.5 Review of police information

4.5.1 Information originally recorded for police purposes must be reviewed at intervals to be prescribed in guidance under this Code, which may prescribe different intervals for different categories of information.

4.5.2 At each review, the likelihood that the information will be used for police purposes should be taken into account. Chief officers should ensure that this process is audited.

4.6 Retention and deletion of police information

4.6.1 On each occasion when it is reviewed, information originally recorded for police purposes should be considered for retention or deletion in accordance with criteria set out in guidance under this code.

4.6.2 Guidance will acknowledge that there are certain public protection matters which are of such importance that information should only be deleted if:

a the information has been shown to be inaccurate, in ways which cannot be dealt with by amending the record; or

b it is no longer considered that the information is necessary for police purposes.

4.7 Sharing of police information within the UK police service

4.7.1 Guidance under this Code may specify a protocol for sharing information.

4.7.2 Subject to any constraints arising from guidance based on section 4.9 below, the content and the assessment of the reliability of information recorded for police purposes should be made available to any other police

force in England and Wales which requires the information for police purposes.

4.7.3 Subject to any constraints arising from guidance based on section 4.9 below, the same degree of access to information recorded for police purposes by police forces in England and Wales should be afforded to other police forces in the United Kingdom provided that the chief officer responsible for the record is satisfied that the police force seeking access to the information applies the principles set out in this Code.

4.7.4 Chief officers may arrange for the sharing of information with other police forces in the UK, in accordance with the two preceding paragraphs, to be carried out either

- a by response to bilateral or multilateral requests for information to police forces, or
- b by holding such information on IT systems to which police forces referred to above may be given direct access.

4.8 Sharing of police information outside the UK police service

4.8.1 Chief officers of police will continue to comply with any statutory obligations to share information with bodies other than police forces in England and Wales.

4.8.2 In addition, chief officers may arrange for other persons or bodies within the UK or overseas to receive police information where the chief officer is satisfied that it is reasonable and lawful to do so for the purposes set out at 2.2 above. In deciding what is reasonable, chief officers must have regard to any guidance issued under this Code.

4.8.3 The procedures for making such information available, and the extent to which it is made available, must comply with guidance to be made under this code, and with any protocol (whether at national or local level) which may be agreed with persons or bodies needing to receive such information.

4.8.4 In circumstances not covered by any such protocol, a chief officer may give access to police information in response to a request from any person or body to the extent that the chief officer believes this request to

be lawful and reasonable for the purposes set out at 2.2 above, and in compliance with guidance issued under this Code.

4.9 Protection of sensitive police information and sources

4.9.1 Guidance under this Code may provide for special procedures to be applied to a request for access to information recorded for police purposes, in any case where it is necessary to protect the source of sensitive information or the procedures used to obtain it.

4.10 Obligations of those receiving police information

4.10.1 In making national or local agreements and protocols for the sharing of police information with persons or bodies other than police forces, or in responding to individual requests for information outside such agreements or protocols, chief officers should require those to whom information is made available to comply with the following obligations: –

a Police information made available in response to such a request should be used only for the purpose for which the request was made.

b If other information available, at the time or later, to the person or body requesting police information tends to suggest that police information is inaccurate or incomplete, they should at the earliest possible moment inform the chief officer concerned of such inaccuracy or incompleteness, either directly or by reporting the details to the managers of the central police system through which the information was provided.

4.10.2 The chief officer responsible for the police information concerned should then consider, and if necessary record, any additions or changes to the recorded police information.