

Information Management

Reference Number: P7

The Authorised Professional Practice (APP) has been approved by the College of Policing as the official and most up-to-date source of professional practice on policing. South Yorkshire Police have adopted APP as their Statement of Agreed Policy. This is the agreed policy on **Information Management** and you may wish to refer to the APP section now.

Exceptions

South Yorkshire Police have agreed that the current APP policing practice does not meet their aims and objectives in the following areas therefore have deviated from APP. The rationales for the decisions are outlined in the individual sections.

- **Home Office Police National Computer (PNC) Guidance – version 5.0 – 23 January 2014**

Management of Police Information

This section of the policy is founded upon the **Home Office (2005) Code of Practice on Management of Police Information** and the principles of the **Lord Chancellor's Code of Practice on Records Management**.

The Authorised Professional Practice (APP) section entitled **Management of Police Information** provides a framework: it does not prescribe how all information should be dealt with on a case-by-case basis. Chief Officers are accountable in law for those decisions and nothing within the Management of Police Information, MoPI, Code of Practice or APP changes that accountability.

Police National computer (PNC)

Current APP guidance on APP can be found in the **Recording section** of '*Collection and Recording*', within the '*Management of Police Information*' area of Information Management. South Yorkshire are deviating from the Home Office Police National Computer (PNC) Guidance until key areas of the document have been reviewed and updated.

The Police Service has a duty and a public expectation to:

- Keep the Peace
- Maintain law and order
- Protect life and property
- Prevent, reduce and detect crime
- Apprehend and prosecute offenders, and
- To provide an efficient and effective service in the discharge of all its functions

In order to carry out this duty, to meet public expectations and to maximise our efficiency

and effectiveness, South Yorkshire Police will focus on encouraging a 'right first time' approach to the provision of accurate and relevant information to the Police National Computer (PNC) and raise awareness of the opportunities PNC can offer in respect of detecting offenders and recovering stolen property.

Police officers and staff in the exercise of their duty in this function must ensure that:

1. They give due regard to the welfare, safety, general wellbeing and human rights of all individuals involved
2. They do not unjustifiably discriminate against any individual or groups of individuals
3. Actions taken are justified, strictly proportional to, and the least intrusive and damaging option to the achievement of their legitimate aims
4. They follow:
 - Instructions contained in the latest version of the Home Office PNC Manual
 - The South Yorkshire Police operating procedures on the use of PNC (**Pi7.10 - Police National Computer (PNC) Instruction**)
5. They safeguard the confidentiality, integrity and availability of all information received, held, exchanged or shared by South Yorkshire Police

The principal lawful authorities for the exercise of the powers and duties outlined in this policy are detailed in the **Home Office PNC Manual of Guidance**.

Police National Database (PND)

It is essential that all PND Users and those receiving material from the PND are mindful that the data held within the database should be handled as intelligence and NOT as evidence.

In order to carry out this duty, to meet public expectations and to maximise our efficiency and effectiveness, South Yorkshire Police will focus on encouraging a 'right first time' approach. That is, to provide accurate and relevant information on the Police National Database (PND) and to raise awareness of the opportunities PND can offer in respect of the sharing of operational information, to prevent and detect crime, and provide safer communities.

South Yorkshire Police will operate the PND in accordance with the **Code of Practice** and Manual of Guidance - PND Search User Guide.

Data recorded by this Force is shared with the PND and will be used for the following policing purposes

- protecting life and property
- national security
- preserving order
- preventing the commission of offences
- bringing offenders to justice
- any duty or responsibility of any person arising from common or statute law

Sharing Police Information

Disclosure and Barring Service

Under the authority of the Police Act 1997 and the safeguarding Vulnerable Groups Act 2006, the work of the **Disclosure and Barring Service (DBS)** is central to supporting a robust safeguarding environment in relation to sensitive employment and voluntary positions. Upon request SYP will provide a criminal record certificate, allowing an employer to make a risk based recruitment decision, taking into account the sector (primarily child and/or adult) in which the post operates.

Common Law Police Disclosures

Common Law Disclosures act in conjunction with the above DBS service and outlines the scope for the Police to use their professional judgment to make common law based disclosures in circumstances where they consider this to be necessary to support public protection. This complements but remains separate from the statutory DBS arrangements.

This policy and its related procedure (**Pi7.2 - Common Law Police Disclosure**) is intended to identify an efficient and justified route to share conviction or other relevant information about individuals with third parties primarily under Common Law powers for the purpose of the prevention and detection of crime. In respect of Common Law Police Disclosures, this means making urgent pressing 'social need' disclosures of police information to employers and/or regulators using Common Law powers. A 'pressing social need' might be the safeguarding or protection from harm of an individual, a group or individuals, or society at large. This must be proportionate with balancing the needs, rights and interests of the person in question. It will involve considering the impact of disclosure on the private life of the individual concerned. Decisions should also take into account any adverse impact disclosure might have on the prevention or detection of crime.

Constraints to these powers are that each case is considered in its own individual circumstances.

Additionally, any decision to disclose information will be in line with the Data and Protection Act 1998, the Human Rights Act 1998 and the Rehabilitation of Offenders Act 1974.

Freedom of Information and Environmental Information Regulations

This section of the policy outlines SYP's obligations under the **Freedom of Information Act 2000 (FOIA)** and **Environmental Information Regulations 2004 (EIR)** with the aim of ensuring that SYP is compliant with both.

The FOIA gives the right to anybody, anywhere across the world, to request copies of any recorded information from any public authority for any reason. Requests need be accommodated wherever possible.

The EIR confer similar rights to information but with variances in application.

More detailed advice can be found in the **College of Policing Authorised Professional Practice – Freedom of Information**

Data Protection

This section of the policy outlines and clearly defines the levels of responsibility and arrangements necessary to manage the relevant legal provisions of the **Data Protection Act 2018 (DPA)**. It is also intended to provide instruction and guidance to enable the Force to fulfil its legal obligations in respect of the processing of personal data.

The **College of Policing Authorised Professional Practice – Data Protection** provides forces with the necessary framework for implementation of the DPA and the supporting procedural instruction is based around this.

Information Assurance

This section of the policy outlines and clearly defines the levels of responsibility and arrangements necessary to protect South Yorkshire Police's information assets from all threats, whether internal or external, deliberate or accidental, thereby minimising the risk of disruption or damage.

The **College of Policing Authorised Professional Practice – Information Assurance** provides forces with the necessary framework for implementation of the DPA and the supporting procedural instruction is based around this.

Associated Procedural Instructions

This policy is supported by the subsequent procedural instructions

- **Pi7.1 – International Criminal Conviction Exchange (ICCE)**
- **Pi7.2 – Common Law Police Disclosures**
- **Pi7.3 – Data Protection**
- **Pi7.4 – Retention/Disposal of Paperwork - Retention or Disposal Delivery Gold Group**
- **Pi7.5 – Records Management in Practice**
- **Pi7.6 – Information Assurance – Instructions**
- **Pi7.7 – Freedom of Information Act 2000 and Environmental Information Regulations 2004 – instructions**
- **Pi7.8 – Civil Prosecutions and the Disclosure of Police Service Information**
- **Pi7.9 – Access to Driver and Vehicle Licensing Records held at the driver and vehicle licensing agency (DVLA)**
- **Pi7.10 – Police National Computer (PNC) Instructions, Message Log Searches and Security Operating Procedures**
- **Pi.7.11 - Information Risk Management**
- **Pi7.12 - Crime Data Accuracy**
- **Pi7.13 - Police Information Management**
- **Pi7.14 - Pocket Note Books/Day Guidance**
- **Pi10.7 – Dealing with Hate Crime and Non-Crime Hate Incidents – Instructions**
- **Pi10.14 – Disclosure of Information from the General Medical Council (GMC)**
- **Pi10.29 – Children and Family Court Advisory and Support Service (CAFCASS) – Disclosure**

Equality Act 2010

The Act creates a statutory requirement for all Functions and Policies (Including Procedural Instructions) to be analysed for their effect on equality, diversity and human rights, with due regard to the **General Equality Duty**.

In principle, this document has been assessed for discrimination, which cannot be justified, among other diverse groups.

The **Code of Ethics** published in 2014 by the College of Policing requires us all to do the right thing in the right way. It also recognises that the use of discretion in Policing is necessary but in using discretion, states that you should, "*take into account any relevant policing codes, guidance, policies and procedures*."

Human Rights/Discretion

The purpose of providing policy is to give an indication to staff of the expected course of action. However it is not possible to cater for every possible combination of factors that would justify a departure from stated policy. The Human Rights Act 1998 requires the proper use of discretion at all times and nothing within this policy and associated procedural instructions prohibits the proper use of discretion in appropriate circumstances.

Where action is taken that has the potential to interfere with an individual's Human Rights, the reasons behind the making of the decision to act in that way should be recorded on the appropriate forms, or where this is not practicable, in pocket books or policy logs.

Rights of redress for members of the public:

Anyone who feels that a member of staff has behaved incorrectly or unfairly, or who is dissatisfied with organisational matters, service delivery or other operational policing issues, has the right to **make a complaint**.

Initial action should be taken in one of the following ways:

- Complain in writing or in person to the Senior Officer at the appropriate police station or to the Chief Constable of the force concerned.
- Visit a local Citizens' Advice Bureau
- Contact a Solicitor

Rights of redress for South Yorkshire Police personnel:

South Yorkshire Police personnel who feel they have grounds for concern in relation to the implementation of policies may, as appropriate:

- Pursue concerns through their line manager.
- Contact a First Contact Advisor.
- Pursue a grievance formally through the South Yorkshire Police Grievance Resolution Procedure.

- Seek advice from their staff association or trades union.

Use procedural instruction [Pi23.11 - Management of Complaints](#), in the section entitled Handling Complaints relating to Direction and Control.

Start Date: 07/03/2018

This statement of agreed policy is new.

Review:

This statement of agreed policy is managed by Chief Superintendent, Performance and Governance.

This policy and its Equality Analysis were last reviewed on: 08/07/2020

The date for the next review of this policy and Equality Analysis is: 08/07/2022