

c/o PO BOX 481  
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01/02/2023

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 014/2023**

Thank you for your request for information regarding Information Sharing Agreements, which has now been considered.

**Applicant Question:**

I understand that the Ministry of Justice receives data extracts from the Police National Computer.

Please could you share the information sharing agreement that governs this data sharing?

**NPCC Response:**

The NPCC does hold information captured by your request.

Three Information Sharing Agreements (ISAs) have been captured by your request. I have attached them to this response letter. All three ISAs have been subject to minor redactions under Section 40(2) Personal Information and Sections 31(1) Law Enforcement for names and direct contact details.

1. 2022 10 07 – ACRO-MoJ ISA v1.0
2. ACRO-HMPPS ACT ISA 2021-2022
3. ACRO-HMPPS SSCL ISA 2021-2022

For full details on the legislation and the risk of harm, please see Annex A below.

Outside of the Freedom of Information Act, ACRO confirmed that both the HMPPS SSCL and HMPPS ACT ISAs are both out of date (31/08/2022) and require drafting for the upcoming year. These documents were previously available on the ACRO website but now they have expired have been taken down. These are on the backlog list and are therefore processing on extension letters at present.

Yours sincerely

**Fiona Greenlees**

NPCC Freedom of Information Officer & Decision Maker

[www.npcc.police.uk](http://www.npcc.police.uk)



## **COMPLAINT RIGHTS**

### Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## Annex A

### Legislation – Section 16

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

### Legislation - Section 31 Law Enforcement

- (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –
  - (a) the prevention or detection of crime,
  - (b) the apprehension or prosecution of offenders,

Disclosure of direct contact details would enable an individual, intent on committing an offence to make contact with the department or individual, pose as a police officer or member of police staff and try to glean information, which would assist in their offending behaviour.

Also, providing direct contact details into the public domain, could allow those with intent to negatively impact the volume of emails received into these addresses and undermine policing. Disclosing information that may place the public at risk, or make it easier for crime to be committed cannot be in the public interest.

The police service's primary performance indicator is the reduction of crime. Any disclosure of information that has a negative impact on policing performance, which in turn may affect the public trust in policing, could result in a public loss of confidence and the withdrawal of the public's engagement with the police.

Any consequential negative impact on policing's ability to understand and address areas of concern would ultimately be undermining operational law enforcement. This potentially also enables criminals to take measures to counteract the tactical capabilities of police forces.

The prevention and detection of crime is the foundation upon which policing is built and the police service have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. Disclosure of information captured by this request could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

The NPCC will not disclose information that may hinder the effective management of law enforcement or place staff or officers at risk. Whilst I agree with your point that Chief Constables are public figures and that there is a public interest in the transparency of policing, there is a very strong public interest in safeguarding the tactical capabilities of UK policing. Additionally there are centralised and publically available routes for members of the public to use to make contact with both the police forces and the NPCC.

The lack of the enhancement to the public debate, coupled with the risks leave me in no doubt that the balance, at this time lies in non-disclosure.

### The legislation - Section 40 Personal Information

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

**(2) Any information to which a request for information relates is also exempt information if**  
**(a) it constitutes personal data which does not fall within subsection (1), and**  
**(b) the first, second or third condition below is satisfied.**

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

Any information to which a request for information relates is also exempt information if it constitutes personal data which do not fall within subsection (1), and either the first or the second condition is satisfied.

S40(2) applies to third party personal data. Any release would breach the data protection principles contained within the Data Protection Act 2018. S40(2) has been engaged by virtue of S40(3)(a)(i). Any disclosure of withheld information would breach the first data protection principle of fair and lawful processing.

This is an absolute exemption and there is no requirement to apply the public interest test.