

c/o PO BOX 481  
Fareham  
Hampshire  
PO14 9FS

Tel: 02380 478922

Email: [npcc.foi.request@npfdu.police.uk](mailto:npcc.foi.request@npfdu.police.uk)

04/02/2026

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 2743/2026**

Thank you for your request for information regarding Data Sharing with the RSPCA, which has now been considered.

**Applicant Question:**

**1. Legal basis for sharing police-held personal data with the RSPCA**

Please identify the specific **rule, law, or statutory provision** that permits a police force or ACRO to enter into an Information Sharing Agreement that enables the police to disclose **police-origin personal data** to the Royal Society for the Prevention of Cruelty to Animals (RSPCA), which is a **charity and non-statutory body**.

For clarity, the RSPCA's governance documents do not create any statutory investigative or prosecutorial powers. Accordingly, please confirm the statutory gateway relied upon by police forces to share personal data with a private prosecutor that is **not a competent authority** under Part 3 of the Data Protection Act.

**2. Legal basis for issuing an ASN to the RSPCA**

Please identify the **rule, law, or statutory provision** that allows the police or ACRO to generate an **Arrest Summons Number (ASN)** for the RSPCA.

Specifically:

Under what statutory authority do the police create an official ASN for an organisation that is **not under any statutory duty** to investigate or prosecute offences

And which is **not listed as a competent authority** or a **Non-Police Prosecutor (NPP)** under any legislation or statutory instrument

**3. Equal treatment of other private prosecutors**

Please confirm whether the police or ACRO would create an ASN for **any other private individual or organisation** that has the same legal standing to bring a private prosecution as the RSPCA.

If the answer is **no**, please explain:

Why the RSPCA is treated differently from all other private prosecutors and what statutory basis or formal designation justifies this differential treatment

**NPCC Response:**

1. The NPCC does hold recorded information captured by part of part one of your request:

The RSPCA undertake prosecutions as a prosecution agent under the Prosecution of Offences Act 1985 for prosecuting animal cruelty under:

- Animal Welfare Act 2006
- Dangerous Dogs Act 1991
- Protection of Badgers Act 1992
- Wildlife and Countryside Act 1981
- Deer Act 1991
- Hunting Act 2004
- Fraud Act 2006
- Common law Conspiracy

Outside of the Act, colleagues have provided the following, based on knowledge – there is no record held within ACRO which details the processing authorised under law:

- section 6(1) of the Prosecution of Offences Act 1985 which preserves the right of a private individual or organization to initiate and conduct criminal proceedings in England and Wales.
- section 3 of the Criminal Procedure and Investigations Act which establishes the "initial duty" of the prosecutor to disclose material to the accused in a criminal case. As of 2026, this remains the primary statutory mechanism for ensuring the defence has access to unused prosecution material.
- 1996, Rule 8.3 (b)(iv) of the Criminal Procedure Rules 2020 which requires the prosecutor to provide the defendant with a list of their criminal record as part of the "initial details" of the prosecution case.
- paragraph 8a.1 of the Criminal Practice Directions 2015 which concerns the provision of the defendant's criminal record and how it is essential for the court to take it into account.

The RSPCA do not have direct access to the Police National Computer (PNC) and therefore are unable to access Criminal Record History and update PNC with the outcome of the prosecution. Therefore, the RSPCA would have to contact a local force to provide details of a nominal's record and update PNC. To alleviate these demands on forces ACRO was established by all 43 England and Wales forces under a Section 22a Collaboration Agreement to provide this function on their behalf as a data processor.

ACRO has an information sharing agreement (ISA) with the RSPCA to update PNC with the prosecution data and provide the criminal record disclosure prints required by the courts which sets out the lawful basis for the data sharing and how the processing conditions set out in Part 3 of the Data Protection Act 2018 (DPA18) are met. These processing conditions are met by legal obligation and performance of public task in the public interest or official authority under section 8 of the DPA18, section 10 is met by substantial public interest and schedule 1 Preventing and detecting unlawful acts.

The ISA is reviewed and approved by the Lead Joint Controller of PNC on behalf of all the Joint Controllers.

Disclosure is only provided once an Arrest Summons Number has been created on PNC for the Nominal in respect of the prosecution.

2. ACRO does not hold recorded information captured by part two of your request, save for the information provided at part one.

Additionally, outside of the Act, the 'The National Police Records (Recordable Offences) Regulations 2000' provide the lawful basis to add convictions to a national record which for the United Kingdom is the PNC. The Police and Criminal Evidence Act 1984 (PACE), Section 27(4), along with associated codes of practice and amendments, also provides the legal framework that enables the recording of arrests and summons on the PNC, which includes the generation of Arrest Summons Numbers (ASNs).

Specifically:

- Under what statutory authority does the police create an official ASN for an organisation that is **not under any statutory duty** to investigate or prosecute offences
  - And which is **not listed as a competent authority** or a **Non-Police Prosecutor (NPP)** under any legislation or statutory instrument
3. ACRO does hold recorded information captured by your request.

ACRO have ISAs with a number of Non-Police Prosecuting Agencies which have a lawful basis to access Law Enforcement data and can demonstrate the processing conditions are met. These agreements are reviewed and approved by the Lead Joint Controller of PNC data on behalf of all the Joint Controllers. The RSCPA have demonstrated that they have a lawful basis and that they undertake prosecutions as set out above.

Yours sincerely  
Freedom of Information Officer & Decision Maker

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

## COMPLAINT RIGHTS

## Internal Review

Any request for an internal review will be acknowledged and responded to, based on the specific wording of your initial request only.

**We ask that any rationale to request an internal review, does not include any requests for new information and ask that these be submitted by separate email. We will acknowledge as a new request and may aggregate to your initial request in compliance with the legislation.**

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 40 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.

## **Annex A**

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 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.