

6. Information sharing

Section 115 of the Crime and Disorder Act 1998 empowers any person to disclose information, where necessary or expedient for the purposes of the Act, to a 'relevant authority', namely a chief officer of police, police force, local authority, probation service or health authority, or to a person acting on their behalf. Where the agency requesting the information clearly needs it for the purposes of reducing anti-social behaviour, the presumption should normally be that it will be supplied.

As a result of the findings of the Crime and Disorder Act review, the Police and Justice Bill before Parliament seeks to strengthen section 115 of the Crime and Disorder Act further. For example, the power to disclose personal information has not changed but it places a duty on relevant authorities to share depersonalised data which is relevant for community safety purposes and already held in a depersonalised format.

Information sharing and registered social landlords

A 'relevant authority' (as defined by section 115 of the Crime and Disorder Act 1998) may disclose information to a registered social landlord where the landlord is acting on behalf of the relevant authority for the purposes of the provisions of the Act.

In order to be 'acting on behalf of' the relevant authority, the person or body so acting must have authority and must have consented to do so. Such authority may be given in writing or orally. Authority may also be implied from the conduct of the parties or from the nature of employment. Authority may be confined to a particular act or be general in its character. If authority is general, then it will that be confined to acts that the relevant authority itself has power to do.

Information sharing protocols

It may be useful for partners to negotiate information sharing protocols, examples of which can be obtained from the Home Office Information Sharing Team at informationsharing@homeoffice.gsi.gov.uk www.crimereduction.gov.uk/informationsharing

If possible, the protocol should be published, so that the public can see that information is being shared in an appropriate way.

The model protocol can be accessed at www.crimereduction.gov.uk/infossharing21.htm

Information sharing issues can also be discussed with the Information Commissioner's Office, whose website (www.ico.gov.uk) gives further details.