

GWENT POLICE

POLICE NATIONAL COMPUTER POLICY

***(THE PNC OPERATING PROCEDURES PROVIDES THE DETAIL
TO THIS POLICY)***



INDEX

1.0 Policy Identification Page

2.0 Policy Statement & Intentions

- 2.1 Principle & Scope of Policy
- 2.2 Aims of Policy

3.0 Introduction

- 3.1 Origins / Background Information
- 3.2 Motivators / Driving Forces
- 3.3 The Legal Basis and Legitimate Aims
- 3.4 Definitions

4.0 Implications of the Policy

- 4.1 Financial Implications
- 4.2 Human Resources / Training
- 4.3 Annual Plan Links
- 4.4 Partnership Links
- 4.5 Diversity
- 4.6 Consultation

5.0 Human Rights Consideration Certification

- 5.1 Auditing for Potential Interference and Discrimination
- 5.2 Key Human Rights Principles
- 5.3 Rights, Publication, Audit and Inspection
- 5.4 Certificate of Compliance
- 5.5 Legal Vetting

6.0 Promotion and Distribution

7.0 Monitoring / Review

1.0 Policy Identification Page

This policy can be disclosed to the public.

Policy Title: POLICE NATIONAL COMPUTER

Reference: 133/14 a issue 2

Underlying Documents:

- PHOENIX DATA QUALITY REPORT, 1998
- HMIC REPORT 'ON THE RECORD', 2000
- PNC DATA QUALITY & TIMELINESS, 2001
- PNC DATA QUALITY & TIMELINESS, 2002
- PNC MANUAL VOLUME 1, 2004
- PNC MANUAL VOLUME 2, 2003
- HMIC PNC INSPECTION PROTOCOL, 2003
- PNC CODE OF CONNECTIVITY, 1997
- ACPO CODE OF PRACTICE FOR DATA PROTECTION

Policy Ownership: Det Supt Support

Portfolio/Business Area Owner: ACPO Operations Support

Policy Written By: PNC Administrator

Department Responsible: HQ CID

Policy Lead: Det Supt Support

Links to other Policies/Procedures: PNC PROCEDURE, Data Protection, Information Security, Vetting, Freedom of Information, Control of Contractors, Disclosure of Information to Police from Non Police Sources for Policing Purposes, Disclosure of PNC Vehicles Owner Information to Environmental Health Officers, Recruitment Policy Conviction and Cautions, Status Enquiries from Prospective Purchasers of Second Hand Vehicle/Plant. PNC Operating Procedures

Policy Implementation Date: 26th April 2005 STCG reviewed Jan 09

Policy Review Date: Jan 11

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

- 2.1.1 It is the intention of Gwent Police to utilise the Police National Computer (PNC) to its maximum potential. This policy will help ensure that the Force gets the greatest possible return on its investment in the PNC and that Police Officers, Police staff and authorised non police prosecuting agencies gain most benefit from the information stored on it, in order to carry out their duties.
- 2.1.2 The intention of Gwent Police is to use the PNC to provide a fast reliable service that allows users to access and update a central database of information on a round the clock basis, for operational policing purposes.
- 2.1.3 The scope of the applications are grouped into three main divisions relating to vehicles, persons and property.

2.2 Aims of Policy

- 2.2.1 This policy will make provision for the instruction and guidance on the use of the various applications that exist on the PNC.
- 2.2.2 The policy will ensure that Police Officers and Police Staff (Users) at all levels maintain the appropriate ethical and professional standards in the use of the PNC.
- 2.2.3 Users must ensure they follow the operating rules for PNC as per the PNC User Manuals, in conjunction with this policy.
- 2.2.4 This policy aims to audit, monitor and evaluate PNC usage within Gwent Police, in accordance with the PNC Code of Connectivity and the Data Protection Act 1998.

3.0 Introduction

3.1 Origins/Background Information

3.1.1 This policy has been developed in accordance with the recommendations made by Her Majesty's Inspectorate of PNC, in the report entitled 'On the Record', published in 2000, and subsequent follow up reports.

3.2 Motivators/Driving Forces

3.2.1 To provide operational officers, police staff and non police agencies with the necessary intelligence to enhance their ability to provide an effective service.

3.2.2 As a Force we are required to safeguard the confidentiality, integrity and availability of all information received and held on the PNC.

3.3 Definitions

- PNC Police National Computer
- ACPO Association of Chief Police Officers
- PNC Operators Trained and authorised users of PNC
- HMIC Her Majesty's Inspectorate of Constabulary

4.0 Implications of the Policy

4.1 Financial Implications

There should be no additional financial implications.

4.2 Human Resources/Training

This policy will reinforce the Information Systems Strategy in ensuring training is provided in the management, supervision and use of the Police National Computer.

4.3 Strategic Plan Links

- To reduce crime and fear of crime.
- To contribute to delivering justice in a way which secures and maintains public confidence.

4.4 Partnership Links

PNC Hendon, Non Police Agencies e.g. Courts Service, CPS and Probation Service, Prison Service, Forensic Science Service, H.M. Customs and Excise, DVLA, Defence Vetting Agency, Centrex, Criminal Records Bureau and Disclosure Scotland.

The following Government Departments dealing with Finance, Immigration, Social Security, Trade and Industry, Transport.

4.5 Diversity

In the application of this policy consideration must be given to the possible social impact of this policy on the community. An equality impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Equality impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

4.6 Consultation

Police Authority
Chief Officers
Head of Service Area
Staff Associations
Force Solicitor
Freedom of Information Officer
Gwent Police Women's Association
Gwent Black Police Association
Gwent Disability Network
Data Protection Officer

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 2 right to life

Article 3 right not to be subject to inhuman or degrading treatment

Article 8 respect for family life

Article 9 right to freedom of thought, conscience or religion

Article 10 right to freedom of expression

Article 11 right to freedom of association and assembly

Article 14 right not to be discriminated against.

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

As well as details of the potential to discriminate, the policy should include a generic statement.

" In the application of this policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your policy?

Section 3.3

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

The PITO PNC User Manual Volume 1, outlines the criteria for accessing the system. Any decision to access the system should be based upon authorised enquiries. The data is for criminal justice and public safety purposes only. Information must be restricted to those who legitimately need it. Only authorised and properly trained personnel will operate a terminal. All terminals must be kept secure. User ID's/passwords must be kept secure. There must be no unauthorised disclosure of data and every effort must be made to ensure there is no accidental public disclosure of data. Passwords must be changed regularly and data must be kept from public view.

Q4. What are the minimum standards of documentation in relation to decision making?

Police Officers and Police Staff should make a record of the reason and justification for the PNC check for future reference.

Q5. How does your policy provide guidance on the justification for actions and assessment as to whether the action is the least intrusive?

The use of the PNC must be justified and legitimate with the least possible intrusion in relation to individual rights.

5.3 Rights, Publication, Audit and Inspection

Q1. What right to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this policy will have recourse to both civil and criminal law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this policy.

Q2. Apart from the Gwent Police Publication Scheme how is the policy made available to the public?

This policy can be disclosed to the public.
Where copies of this policy are requested they can be made available from the PNC Administrator.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act. Internal Audit will be managed by the Data Protection Officer who will report to the PNC Steering Group.

Q4. What external independent scrutiny is recommended?

Independent scrutiny can be undertaken by Her Majesty's Inspector of Constabulary and/or PNC Hendon.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

This policy has been vetted for ECHR compliance.

6.0 Promotion and Distribution

This policy will be promoted by Force General Orders, inclusion on the Force intranet policies and procedures web site and on the force internet site through the publication scheme.

7.0 Monitoring / Review

The monitoring of the aims of this policy will be the responsibility of the PNC Administrator and Data Protection Officer. The related procedures to this policy will outline the measures required to monitor and review standards for PNC management within the organisation.

The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.