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Information Charter

06/11/2023

V4.0

Protecting the public from serious and organised crime.

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Introduction

The National Crime Agency (NCA) is a government agency responsible for tackling serious and organised crime. We rely on information from members of the public, private organisations and other government bodies to help us to combat crime and protect the community. We are committed to maintaining the quality of the information we hold and to ensuring that it is managed ethically and legally. This Charter sets out the information management standards you can expect from us.

INFORMATION MANAGEMENT STANDARDS

1. Fairness

The NCA will always manage our information in a fair and ethical manner, balancing:

- the rights of the individual, including their privacy;
- our duty to protect the public from crime; and,
- Our partners' legitimate interests.

2. Lawfulness

The NCA will always manage information in accordance with the law and in furtherance of its statutory crime reduction and criminal intelligence functions set out in the Crime and Courts Act 2013. In exercising these functions the NCA will always act in accordance with the Human Rights Act 1998, Data Protection Act 2018, UK General Data Protection Regulation (GDPR), The Public Records Act 1958 and other relevant legislation.

3. Quality

The NCA will only collect and retain information needed to perform its functions. The NCA will assess the reliability of the information received and ensure the information is accurately recorded. If it holds information about you, you can ask to correct any mistakes in the record.

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Information will not be kept for any longer than is necessary. The NCA will periodically review the information and delete, destroy or put beyond use the information it no longer needs.

4. Security

The NCA will ensure that information is handled securely, in accordance with all applicable government standards. Access to information will be restricted to authorised officers and contractors in connection with official business. Personal information will only be disclosed in the course of NCA functions or otherwise authorised by law.

5. Openness

The Director General will publish information about the NCA, in accordance with the NCA Framework Document and publication policy unless there is a good reason not to. This satisfies the NCA's duty to publish information about its functions and other relevant matters outlined in S.6 Crime and Courts Act 2013. The NCA will make information publicly available, unless there is good reason not to.

As a Public Records Body, subject to the Public Records Act 1958 the NCA will identify and safe-guard records for permanent preservation at The National Archives 20 years after their creation.

Due to the sensitive nature of the information we hold the NCA is not subject to the Freedom of Information Act 2000. Consequently we will not supply information to the public under this Act.

You can find out if we hold any personal information about you by making a 'subject access request' under Data Protection legislation. If we do hold information about you, we will provide you with the information and tell you why we are holding it, unless there's a good reason not to do so. This might be the case where providing the information to you would prejudice a criminal investigation.

The Chief Data Office (CDO) is responsible for the discharge of the NCA's obligations under the UK GDPR/Data Protection Act 2018 in respect of subject access requests. CDO can be contacted by post or email at:

National Crime Agency
Chief Data Office
PO BOX 8000
London
SE11 5EN
Email: **StatutoryDisclosureTeam@nca.gov.uk**

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SHARING INFORMATION WITH THE NCA

If you have information that will assist the NCA in performing our functions you can share it with us under the Crime and Courts Act 2013, even if you hold the information in confidence¹.

Where the NCA believe that you hold, or may hold, information that will help us to combat crime we may ask you to share it voluntarily. This will only be done if it is believed that the information is required for any NCA function. Sharing information with the NCA, which is needed to combat crime, is permitted by Data Protection legislation.

Where appropriate the NCA will enter into a written information sharing agreement with you and undertake a data protection impact assessment. This may be the case where you want to assist us on an ongoing basis or are sharing an unusually large amount of information.

If the information you provide is commercially sensitive or includes intellectual property reasonable measures will be taken to protect this information in consultation with you.

The NCA will always apply its information management standards to any information you provide to us.

RECEIVING INFORMATION FROM THE NCA

We may share information with you if we think this will help to combat crime. This information may be sensitive. If you receive information from us you must not disclose it to anyone else without our permission. Information provided by or relating to the NCA is absolutely exempt from disclosure under the Freedom of Information Act 2000.

BULK DATA

The analysis of large datasets is an essential tool in protecting the public against serious and organised crime in the digital age. The NCA realises this may be a source of concern for many people and will therefore, always manage bulk data in accordance with the information management standards set out in this Charter.

¹ Information cannot be shared with us if the disclosure contravenes data protection legislation. The Crime and Courts Act sharing gateway does not permit sharing by persons serving in the members of the intelligence service or which are prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

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In addition to the NCA's activities to protect the public from serious and organised crime, the NCA maintains a number of databases containing information about serious and organised crime. These databases form the NCA's corporate record. The NCA sometimes collects and analyses datasets which do not relate to crime directly, but which contain information that can be used to combat serious and organised crime. By their nature these datasets often include personal information relating to persons not of interest to law enforcement. The collection and analysis of these datasets is subject to strict authorisation procedures. Access to these datasets is strictly limited to authorised officers and those authorised to manage NCA information. These datasets are analysed in a timely manner and personal information which is excessive or irrelevant is deleted.

RESPONSIBILITIES

The Director General (DG) of the NCA is the data controller for the NCA.

The DG shall appoint a Senior Information Risk Owner (SIRO) who will have overall responsibility for maintaining our information management standards in compliance with this Charter. The SIRO is a senior NCA officer (Director) and a member of the NCA's Board. They define the escalation path for risk management decisions to the Board.

The SIRO ensures that:

- this Charter is supported by appropriate training, guidance, policies and procedures;
- appropriate technical measures are taken to achieve the standards set out in this Charter; and,
- NCA officers and contractors maintain appropriate information management skills to achieve the standards set in this Charter.

The DG shall appoint a Data Protection Officer (DPO) who advises and informs the NCA in relation to compliance with the requirements of the Data Protection Act 2018 and UK GDPR.

The DG shall appoint a Departmental Records Officer (DRO) who leads on compliance with the Public Records Act and plays an important role in the management of information within the NCA in compliance with S.46 of the Freedom of Information Act and the Lord Chancellor's Code of Practice on the management of records. The DRO is a senior officer (Deputy Director) who has access to the NCA's Board.

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COMPLAINTS & FURTHER INFORMATION

If you feel that the information standards in this Charter are not being met or you would simply like further information you can raise your concerns by emailing dpo@nca.gov.uk or writing to us at:

National Crime Agency
Data Protection Officer
PO BOX 8000
London
SE11 5EN

For further information on individual information rights as well as how the NCA processes and protects personal data related to members of the public please see the NCA Privacy Notice.

General information about data protection is available at the Information Commissioner's website www.ico.org.uk.

For independent advice and complaints about data protection you can also contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113