

OFFICIAL

GUIDANCE v2.2



**NATIONAL GUIDANCE ON DATA SHARING
FOR
NATIONAL POLICE CHIEFS' COUNCIL
IN RESPECT OF
ASSOCIATION OF BRITISH INSURERS**

OFFICIAL

SUMMARY SHEET

Ref:	170-100-@ABI
-------------	--------------

Title:	National guidance on the sharing of police information with the ABI
---------------	---

PARTIES	The Police Service & Association of British Insurers
----------------	--

Date of Review:	June 2022
------------------------	-----------

Start Date:	June 2022
--------------------	-----------

Author:	City of London Police
Information From a National Policing System(s)	National collaborative level agreement which may rely on information from national policing systems.
Data from a Local Policing Systems:	National collaborative level agreement which will rely on information from local force records.

Version No.	Date	Amendments Made
1.0	21/04/15	
1.1	19/07/2018	Change from GUIDANCE to guidance
2.0	10/05/2021	Full review, refresh, republish of guidance
2.1	09/11/2021	Review and inclusion of legal comments and regional feedback.
2.2	18/04/2022	Review and minor amendments from NPCC DPA portfolio.

CONTENTS

DEFINITIONS 4

1. INTRODUCTION..... 5

2. PURPOSE..... 6

3. SCOPE..... 7

4. LEGAL STATUS AND EFFECT 9

5. LEGAL GATEWAY..... 10

6. INFORMATION SHARED 15

7. REVIEW 20

8. POST CLAIM PROCEDURES 21

9. MOTOR INSURERS’ BUREAU (MIB) REQUESTS 22

10. DATA PROTECTION 23

11. OFFICIAL SIGNATURES..... 24

Appendix A: INSURANCE LIAISON DETAILS 25

Appendix B: POLICE LIAISON DETAILS 25

Appendix C – DISCLOSURE REQUESTS - GENERAL 26

Appendix D – DISCLOSURE REQUESTS – FRAUD 27

Appendix D(a): REQUEST FOR INFORMATION 28

Appendix E: REQUEST FOR INFORMATION (SCH.2)..... 31

Appendix F: RESPONSE FORM 33

Appendix G: MIB ENQUIRY FORM..... 35

OFFICIAL

DEFINITIONS

The Police Service	The collected Police Services of England, Wales and Northern Ireland
Police Force	An individual police force within the Police Service
ABI	The Association of British Insurers, and its member insurance companies
The Parties	Collectively the Police Services of England, Wales and Northern Ireland & the Association of British Insurers.
The Insurance Industry	Insurance companies and their partners who would be allowed to access the sharing provisions as outlined in the Guidance.
ABI Members	The member insurance companies of the ABI
Loss Adjusters	Loss adjusters who are acting on behalf of a member company of the ABI
NPCC	The National Police Chiefs' Council, an organisation representing British police's Chief Officers which acts as a national co-ordinating body for several police activities, including information sharing
Claims and Underwriting Exchange (CUE)	CUE is a central database of motor, home and personal injury/industrial illness incidents reported by insurers that may or may not give rise to a claim
Eligible Third Parties	A loss adjuster, third party administrator or Managing General Agent acting on behalf of an ABI member.
Motor Insurance Anti-Fraud and Theft Register (MIAFTR)	MIAFTR is a database of vehicles which have been stolen or damaged beyond economical repair
Motor Insurers' Bureau (MIB)	The MIB was established in 1946 to compensate the victims of negligent uninsured and untraced motorists.
Third Party Administrator (TPA)	An organisation that processes insurance claims on behalf of an insurance company
Managing General Agent (MGA)	A specialist insurance agent that is vested with underwriting authority from an insurer and also performs functions ordinarily performed by an insurer including processing of claims

1. INTRODUCTION

- 1.1 The Association of British Insurers is the voice of the UK's world-leading insurance and long-term savings industry. A productive and inclusive sector, our industry supports towns and cities across Britain in building back a balanced and innovative economy, employing over 310,000 individuals in high-skilled, lifelong careers, two-thirds of which are outside of London. Our members manage investments of nearly £1.7 trillion, collect and pay over £16 billion in taxes to the Government and support communities across the UK by enabling trade, risk-taking, investment and innovation. We are also a global success story, the largest in Europe and the fourth largest in the world. The ABI represents over 200 member companies, including most household names and specialist providers, giving peace of mind to customers across the UK.
- 1.2 The National Police Chiefs' Council (NPCC) plays a key role in coordinating the work of forces nationally and this guidance document has been produced specifically for the benefit of The Police Service and is endorsed by the NPCC.
- 1.3 This guidance has been developed to facilitate partnership working between The Police Service and the Association of British Insurers. This guidance identifies the legal powers and methods of sharing information in order to achieve a common goal in the prevention and detection of crime.
- 1.4 The Police Service is committed to partnership working and continually looks for opportunities to work more closely with partners to prevent and detect crime. In adopting this partnership approach it is important that the policies / practices of the agencies involved complement each other to ensure that any action taken is appropriate, necessary, proportionate and consistently applied.

2. PURPOSE

- 2.1 The purpose of this guidance is as follows:
- 2.2 To allow lawful sharing of information between the ABI Members and Police Forces as agreed by the ABI and NPCC.
 - 2.2.1 To provide guidance for The Police Service and ABI Members regarding the provision of police information to check the veracity of an insurance claim and to address the problem of fraudulent claims against the insurance industry including the impact of fraud on premiums.¹
 - 2.2.2 To offer support to victims of crime within our communities by expediting the finalisation of their insurance claim.
 - 2.2.3 To assist with the exchange of information to support other prevention and/or detection of crime activities, and
 - 2.2.4 To document the specific purposes for which the Parties have agreed to share information.
- 2.3 This guidance is intended to deal with requests for information from insurers which are members of the ABI. This guidance only applies to issues arising from the insurance claim and not to queries arising from the proposal at the application stage.
- 2.4 It is an offence under Section 184 of the Data Protection Act 2018 to use the right of subject access to require an individual to make a subject access request for information related to their criminal past. The Information Commissioner's Office (ICO) has powers to prosecute organisations who use it. The ABI & NPCC agree and understand that this method of access is incompatible with the current legislation and will not therefore be used.

¹ More information can be found in Appendix C & Appendix D.

3. SCOPE

3.1 This guidance is for the benefit of The Police Service and ABI Members.²

3.2 ABI Members assure The Police Service that membership is granted only following the attainment of standards/regulation.

3.2.1 ABI membership is open to all those insurance companies regulated by the Financial Conduct Authority (FCA) to transact insurance business in the United Kingdom, including EEA companies trading under a single license. ABI members must comply with the ABI constitution and the rules set out in it, which include how the ABI handles member information. ABI members must also adhere to several confidential compulsory arrangements that are conditions of membership.

3.2.2 In order to be regulated by the FCA, Insurance businesses must agree to and adhere to certain regulations/ standards set out by the FCA including:

- a) Principles for Business (PRIN) which set out how a business should conduct and organise its affairs as well as how they should interact with customers/clients/regulators.
- b) Code of Conduct (COCON) Individual Conduct rules which set out how staff of insurance companies should act when conducting their roles and interacting with customers/clients/regulators.

3.2.3 The FCA has regulations/standards for information handling and security.³ They state that a firm should have appropriate systems to

² The ABI has agreed with the NPCC that requests from insurers and eligible third parties will only be responded to by the police if they comply with the Guidance and if requests are made by, or on behalf of, current ABI members (available on the ABI website: www.abi.org.uk). For the avoidance of doubt, these guidelines apply in respect of ABI Member insurers and any eligible third party acting on their behalf. As ABI Members, insurers are responsible for bringing guidance to the attention of eligible third parties acting on their behalf. Any Police response to requests from an agent of an ABI member must be made to the ABI member directly and not their agent, para. 6.8 refers.

³ FCA Handbook, SYSC 13.7.7, <https://www.handbook.fca.org.uk/handbook/SYSC/13/7.html>

OFFICIAL

manage its information security risks. In doing so, a firm should have regard to:

- a) Confidentiality: Information should be accessible only to those with appropriate authority.
- b) Integrity: Safeguarding the accuracy and completeness of information and its processing.
- c) Availability and Authentication: Ensuring that only those appropriately authorised have access to the information when required and that their identity is verified.
- d) Non-repudiation and accountability: Ensuring that those who process the information cannot deny their actions.

3.2.4 Alongside SYSC 3.2.6 and 6.3.1, the FCA Financial Crime Guide⁴ also provides further guidance for firms on data security⁵ which state that firms should be alert to the risks involved with holding customer information, and have proportionate, accurate, and relevant information/data security policies, systems and procedures to minimise the risk of exploitation and protect against unauthorised access.⁶

3.2.5 The FCA has standards/regulations that outline how firms can outsource their functions. Firms are responsible for supervising the discharge of outsourced functions and must notify the FCA whenever they enter into an outsourcing arrangement. Firms are responsible for entering into, negotiating, implementing, monitoring and terminating their own outsourcing arrangements.⁷

⁴ FCA Financial Crime Guide, <https://www.handbook.fca.org.uk/handbook/FCG/1/?view=chapter>

⁵ Financial Crime Thematic Review Chapter 6: <https://www.handbook.fca.org.uk/handbook/FCTR/6/?view=chapter>

⁶ Note: While the FCA provides guidance on data protection, the Information Commissioner's Office (ICO) is the regulator for data protection matters. Consequently, the ICO requires insurers to demonstrate compliance with UK GDPR standards about handling personal information. The FCA/ICO Memorandum of Understanding establishes a framework for cooperation, coordination and information-sharing between the two bodies. It can be found here: <https://ico.org.uk/media/2614342/financial-conduct-authority-ico-mou.pdf>

⁷ FCA Handbook, SYSC 13.9, <https://www.handbook.fca.org.uk/handbook/SYSC/13/9.html>

4. LEGAL STATUS AND EFFECT

4.1 Nothing in this guidance shall, or is intended to:

- a) Create any legal or procedural right or obligation which is enforceable by either the ABI, the Police Service or any Police Force against each other; or
- b) Create any legal or procedural right or obligation which is enforceable by any third party against either the Insurance Industry, the Police Service or any Police Force or against any other third party; or
- c) Prevent the Insurance Industry or Police Forces from complying with any law which applies to them; or
- d) Fetter or restrict in any way whatsoever the exercise of any discretion which the law requires or allows the Insurance Industry or Police Forces to exercise; or
- e) Create any legitimate expectation on the part of any person that either the Insurance Industry or Police Forces to do any act (either at all, or in any particular way, or at any particular time), or to refrain from doing any act.

5. LEGAL GATEWAY

5.1 The sharing of information will be conducted within the legal and best practice framework of:

- a) The Data Protection Act 2018 and the UK General Data Protection Regulation⁸ as may be amended by legislation coming into force from time to time;
- b) The latest version of the Code of Practice on the Management of Police Information (Made under statute s.39 Police Act 1996)
- c) Any duty or responsibility of The Police Service arising from common or statute law or order of a court competent jurisdiction
- d) The ICO Data Sharing Code of Practice⁹

5.2 The legal basis for sharing information in accordance with this guidance, in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation is as follows:

5.2.1 In accordance with Article 6 (1) (c) of the UK General Data Protection Regulation processing is necessary for compliance with a legal obligation to which the controller is subject.

5.2.2 In accordance with Article 6 (1) (e) of the UK General Data Protection Regulation the processing is necessary for the performance of a task carried out in the public interest. Data sharing in accordance with this guidance helps safeguard the public and the insurance industry from insurance fraud and other criminality.

5.2.3 In accordance with Article 6 (1) (f) of the UK General Data Protection Regulation processing is necessary for the purposes of the legitimate interests pursued by the controller or a third party, except where those

⁸ <https://www.legislation.gov.uk/eur/2016/679/contents>

⁹ The ICO Data Sharing Code of Practice can be found here: https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf

Note: The Code has not been updated since the Data Protection Act 2018 came into force, but the ICO are in the process of updating it. Footnote to be amended once update complete.

OFFICIAL

interests are overridden by the rights and interests of the data subject. Data sharing in accordance with this guidance relies upon the legitimate interests of insurers to prevent fraud, the legitimate interests of policyholders and the wider public to avoid rising insurance premiums, the legitimate interests of victims and potential victims of fraud and legitimate interests of law enforcement agencies to improving fraud prevention/detection.

5.2.4 Insofar as any of the data shared constitutes 'special category' data within the meaning of Article 9 (1) of the UK General Data Protection Regulation, ABI Members will rely upon Article 9 (2) (a) when the data subject has given explicit consent to the processing, or Article 9 (2) (f) when processing is necessary for the defence of legal claims, or alternatively, will rely upon one or more of the following 'substantial public interest conditions' from Part 2 schedule 1 of the Data Protection Act 2018:

Para 10: Preventing or detecting unlawful acts. This condition is met where the processing (a) is necessary for the purposes of the prevention or detection of an unlawful act (b) must be carried out without the consent of the data subject so as not to prejudice those purposes and (c) is necessary for reasons of substantial public interest.

Para 14: Preventing fraud. This condition is met where the processing (a) is necessary for the purposes of preventing fraud or a particular kind of fraud, and (b) consists of either the disclosure or processing of personal data as a member of an anti-fraud organisation or in accordance with the arrangements of an anti- fraud organisation.

Para 20. Insurance. This condition is met where the processing is necessary for an insurance purpose.

OFFICIAL

5.2.5 Insofar as any of the data shared constitutes 'criminal offence' data within the meaning of Article 10 of the UK General Data Protection Regulation, ABI Members will rely upon the conditions listed above namely Para 10, Para 14, or Para 20 of schedule 1 of the Data Protection Act 2018, or alternatively may rely upon:

Para 29. Consent. This condition is met when the data subject has given consent to the processing.

Para 33: Legal Claims. This condition is met if the processing is a) necessary for the purposes of or in connection with any legal proceedings (including prospective proceedings) b) is necessary for the purposes of obtaining legal advice c) is otherwise necessary for establishing, exercising or defending legal rights.

5.2.6 It is envisaged that in practice, ABI Members will often rely upon the crime and taxation exemption at Schedule 2, Part 1 (2) of the Data Protection Act 2018 and also the legal proceedings exemption at Schedule 2, Part 1 (5) (3) when requesting and sharing data in accordance with this guidance. When these exemptions apply, a valid lawful basis for processing personal data is still required, as is a valid condition for processing any special category or criminal offence data. In these circumstances the lawful basis for processing as set out within Section 5 of this guidance will still apply.

Police Forces Legal Basis (for law enforcement purposes):

5.3 Police Forces within The Police Service are 'competent authorities' as defined by Section 30 and Schedule 7 of the Data Protection Act 2018:

5.3.1 The processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is regulated by Part 3 of the Data Protection Act 2018.

OFFICIAL

- 5.3.2 Disclosures of information in accordance with this guidance must satisfy the requirements of Section 35 (2) of the Data Protection Act 2018 that states that processing of personal data for a law enforcement purpose will only be lawful where either the data subject has given consent for the processing or where the processing is necessary for the performance of a task carried out by that competent authority
- 5.3.3 If the data is 'sensitive' as defined by Section 35 (8) of the Data Protection Act 2018 then the data sharing may only take place where the data subject has given consent to the processing and an appropriate policy document is in place in accordance with Section 42 of the Data Protection Act 2018, or the processing is strictly necessary for the law enforcement purpose and the processing meets at least one condition within schedule 8 of the Data Protection Act 2018 and an appropriate policy document is in place in accordance with Section 42 of the Data Protection Act 2018
- 5.3.4 If the data includes criminal offence data then, as with sensitive data, the conditions in Section 5.3.3 above must be met.
- 5.3.5 Where a condition from Schedule 8 of the Data Protection Act 2018 is required to enable sensitive data to be processed then one or more of the following conditions will be relied upon:

Para 1: Statutory Purposes. This condition is met where the processing is a) necessary for the exercise of a function conferred on a person by an enactment or rule of law and b) is necessary for reasons of substantial public interest.

Para 2: Administration of Justice. This condition is met if the processing is necessary for the administration of justice.

Para 6: Legal Claims. This condition is met if the processing is a) necessary for the purposes of or in connection with any legal

OFFICIAL

proceedings (including prospective proceedings) b) is necessary for the purposes of obtaining legal advice c) is otherwise necessary for establishing, exercising or defending legal rights.

Para 8: Preventing fraud. This condition is met where the processing (a) is necessary for the purposes of preventing fraud or a particular kind of fraud, and (b) consists of either the disclosure or processing of personal data as a member of an anti-fraud organisation or in accordance with the arrangements of an anti-fraud organisation.

5.3.6 Whilst law enforcement cannot rely upon legitimate interests¹⁰ for the sharing of information, they may recognise and support the legitimate interest purposes of a third party. It is recognised that the legitimate interests of an insurer include the prevention and detection of fraud and a Police force may consider requests on a case-by-case basis in support of this legitimate interest.

Right to be informed

5.4 Each party must ensure that a statement is clearly articulated within their respective Privacy Notices describing the sharing of information in support of this guidance. The following is suggested text and can be amended as necessary to suit specific organisational requirements:

Requests for information from the insurance industry may be shared by Policing for the purposes of prevention and detection of crime, including fraud. They are considered on a case-by-case basis with sufficient information to support the consideration of disclosure and to meet the legitimate interests of the third party in the detection and prevention of fraud.

¹⁰ ICO: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/legitimate-interests/when-can-we-rely-on-legitimate-interests/#third_parties

6. INFORMATION SHARED

- 6.1 The Police Service agrees to consider sharing the minimum of information necessary to meet the objectives of the requester. This will always be proportionate, relevant, necessary and up-to-date information on a case-by-case basis. This may include, but is not limited to, criminal offence data, in accordance with the legal gateways as described above.
- 6.2 Any information provided by a Police Force and held by ABI Members will be disposed of, in line with its protective marking, or returned to the relevant Police Force, either:
- a) when no longer necessary;
 - b) at the agreed time as defined within the request for information; or
 - c) at the request of the originating Police Force.
- 6.3 ABI members agree to consider sharing the following information with The Police Service on a case-by-case basis:
- Relevant information pertaining to the insurer (ABI Member), the claimant and the crime.
- 6.4 The information will be disclosed in the following data format:
- Completed appropriate form (Appendices D-F) as contained within this guidance.
- 6.5 The information shall be exclusively used for the following purposes:
- a) To check the veracity of an insurance claim.
 - b) To prevent fraudulent claims against the insurance industry.
 - c) To prevent the proceeds of fraud being used for wider criminal activity including money laundering and terrorist financing.
- 6.6 Every request for information will be considered on an individual basis. If there is an ongoing investigation which is sensitive or in which the offender is not yet aware of the Police Service investigation, the officer

OFFICIAL

in the case must be consulted prior to any dissemination to ensure there is no prejudice to the ongoing investigation or subsequent court proceedings. In the event of a dispute, the views of the officer in the case will prevail. Reasons for agreeing or not agreeing to disclosure will be recorded locally by the local police force. Information supplied pursuant to a request may only be used for the purposes specifically intended.

- 6.7 In the event of a refusal to share information the ABI member will be advised of the refusal and where appropriate and proportionate reasons for refusal will be given.
- 6.8 Requests for information will only be received for consideration from ABI Members (see Appendix A). Where an eligible third party makes an information request on behalf of an ABI Member, they must provide the name of the Insurer for whom they are acting on the relevant request form including the contact details of the relevant Police liaison officer at the relevant ABI Member. Any responses from The Police Service will be directed to that ABI Member police liaison contact for dissemination, if appropriate.
- 6.9 Each Police Force provides a postal and email contact point for the Insurance Industry in connection with these guidelines and to facilitate the management of relevant payments from the Insurer to The Police Force. Information shared will be at the agreed cost as per NPCC guidelines. Please see Appendix B for details of obtaining contact information.
- 6.10 In most instances, insurers and eligible third parties should decide what minimum information they require from The Police Service when there is a specific reason to check a claim and request the relevant information using the form in Appendix D(a). Insurers should note that The Police Service are unable to release information under an Appendix E request if their records do not support the suspicion that a **crime has been committed** as the exemption at Schedule 2, Part 1 (paragraph 2(1) ["Schedule 2 DPA"] of the Data Protection Act 2018

OFFICIAL

["Data Protection Act"] as may be amended by legislation coming into force from time to time, will not apply. If The Police Service is not already in possession of information/evidence that leads them to have a suspicion of fraud, they should consider the information/evidence submitted to them by the insurer before making a judgment as to whether they have such a suspicion. Any disputes should be referred to the relevant force.¹¹

- 6.11 ABI Members are included as organisations to whom information may be disclosed in the standard notifications made by the Police Service under the Data Protection Act 2018.
- 6.12 The insurer who receives information as a result of a request made under this guidance becomes a data controller at the point of receipt and will be responsible for compliance with the Data Protection Act 2018 with respect to that information.¹²
- 6.13 Claimants will be advised at the application and claim stage that the insurer may exchange relevant information with the police to detect or prevent fraud.
- 6.14 The Insurance Industry recognises that values attributed to property may not be accurate when supplied by claimants at time of stress and that property lists may be incomplete. If Police Service systems enable staff to identify the dates when property was reported stolen, this information can be disclosed to the insurer if it is relevant to the validation of a specific claim. The Insurance Industry recognises that the Police Service keeps this information for policing purposes and not the evaluation of insurance claims.

¹¹ More information can be found in Appendix C & Appendix D.

¹² The Data Protection Act 2018 and the UK GDPR, as may be amended by legislation coming into force from time to time, requires that appropriate technical and organisational measures are taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Insurers should ensure that all relevant staff are trained on the Data Protection Act 2018 and the UK GDPR and other relevant legislation and regulatory requirements and have access to internal guidance that enables them to respond appropriately to queries relating to data protection.

OFFICIAL

- 6.15 Request forms from the insurer should be authorised by a person with sufficient seniority and experience to have satisfactory knowledge of these guidelines and who is able to ensure that the request meets the agreed criteria.
- 6.16 It is the responsibility of the relevant Police Force SPOC to keep a log of the dates, reasons for disclosure, data sent and the requestor.
- 6.17 The Police Service is under no obligation or strict liability to supply requested information but should advise the insurer as soon as practicable if they are a) unable to do so or b) unlikely to be able to respond within 30 days of the request being received. If this is the case, they should provide the contact details of the relevant department dealing with the request.
- 6.18 Any concerns¹³ in relation to the provision of information under this guidance should be escalated within The Police Force or insurer who will liaise in order to resolve the matter. For example, a claims handler would refer the matter to the Head of Claims or Claims Director. For the relevant Police Force, any disputed requests should be referred to the Force Data Protection Officer or relevant nominated post holder indicated on the list maintained on the Police UK website.
- 6.19 The ABI and the NPCC, will act as central contact points in relation to any issues with the content of this guidance raised by ABI members and The Police Service respectively.
- 6.20 In exceptional cases, it will be possible under this Section for insurance companies to request formal interviews with police officers at the standard NPCC fee.¹⁴ Granting permission for such interviews will be at the discretion of The Police Service concerned and any interviews will be conducted in accordance with force guidelines. A request for an

¹³ Concerns might relate to - but are not limited – to the scope of data sharing or the failure of a Force to respond to an insurer request within prescribed timeframes.

¹⁴ <https://www.npcc.police.uk/FreedomofInformation/Reportsreviewsandresponsestoconsultations.aspx> (Charging for Police Services)

OFFICIAL

interview should be made through the same process as any other request in the first instance.

- 6.21 It should be noted that in certain circumstances the release of information may be delayed. For example, the data subject(s) in respect of whom the request has been made may be subject to ongoing court proceedings. If a court hearing is pending, no copies of statements¹⁵ will be supplied prior to the conclusion of the court hearing. The Police Service may, however, advise if a person has been charged (although personal information will not be released) or indicate that the claimant is not under suspicion.
- 6.22 Because requests for information are not based upon firm evidence that a crime is being attempted, the police will charge a fee for each request made to cover administrative costs. Current charges are on the NPCC website.¹⁶

¹⁵ <https://www.npcc.police.uk/FreedomofInformation/Reportsreviewsandresponsestoconsultations.aspx> (Charging for Police Services)

¹⁶ <https://www.npcc.police.uk/FreedomofInformation/Reportsreviewsandresponsestoconsultations.aspx> (Charging for Police Services)

7. REVIEW

7.1 Review is an essential part of any guidance. The aim is to ensure that the guidance is achieving its original purpose and the actual process of sharing is operationally smooth and lawful. The NPCC lead for information will lead the review in conjunction with the partner to ensure both Parties are satisfied with the guidance.

7.2 Initial review to be conducted within 6 months of publication;

7.3 Then every 2 years as a minimum requirement or such other period as agreed by The Parties;

7.4 Or by exception in the event of legislative changes affecting the operation of the guidance.

7.5 More in-depth details of the review process will be found within the Authorised Professional Practice (APP), within Information Management, to support The Police Service with this process. This guidance will continue to be subject to periodical review as necessary and fees will be revised in accordance with current National Policing Guidelines on Charging for Police Services.

7.6 Stage 1- Is the guidance still useful and fit for purpose?

A review provides an opportunity to establish if the guidance is useful and relevant.

If it is no longer required it should be withdrawn.

In the event of legislative change and/or changes made as the result of judicial decisions this guidance may be withdrawn.

7.7 Stage 2- Has the review identified any emerging issues or legal changes?

The review may identify a need for adjustment to reflect changes these need to be approved by the partner agency and recorded accordingly.

7.8 It is the responsibility of the National Policing Lead for Information to advise the NPCC of the withdrawal of this guidance.

8. POST CLAIM PROCEDURES

- 8.1 Where the insurer is a victim of a fraudulent claim, having settled a claim, if in accordance with the ABI guidance the insurer wishes to claim the return of any property, which might be recovered, then notification to that effect will be sent to the relevant Police Force.
- 8.2 The relevant Police Force will endorse the crime report accordingly. No acknowledgement will be sent.
- 8.3 The insurer (but not the claimant) should be advised if and from where the property is available for collection. If the Insurer is notified that the property in question is available for collection, then they will undertake such collection within six weeks of the notification.
- 8.4 Once the claim has been settled and where no compensation award has been granted through the court process, the insurer may seek to recover their losses through other means. Should the insurer seek compensation through a recognised compensation authority, The Police Service may consider the release of relevant information to that authority in support of a legitimate claim.

9. MOTOR INSURERS' BUREAU (MIB) REQUESTS


- 9.1 The Police Service may receive a request for disclosure of information (usually just names and addresses) from insurers or the Motor Insurers' Bureau (MIB), on behalf of a third party who has suffered injury or damage to their property and wishes to claim damages. It is reasonable to provide these details if the data subject or their insurer is required to meet the claim because failure to do so could prevent the third-party claiming damages to which they may be entitled.
- 9.2 The following may assist The Police Service when considering releasing information:
- a) Following a collision, the at-fault party may leave the scene having given false details (or no details) to the injured party or other witnesses. In such circumstances police information can be important in tracing those at fault.
 - b) If a thief steals a car and causes personal injury/damage to property, the insurer of the stolen car is required by the Road Traffic Act to meet the claim. This only applies, however, if the thief is identified, i.e. in effect, an identified individual who may be sued.
 - c) If a thief steals a car, causes personal injury/damage to property and absconds, leaving the car at the scene, then the MIB meets the claim.
 - d) If a thief steals a car, causes personal injury/damage to property, and drives off (i.e. "hit and run"), then the MIB meets the personal injury element of any claim and may meet the property damage element.
- 9.3 In all the above scenarios police information could be important in tracing the thief/at fault party, helping an insurer (if any) or the MIB to pursue compensation for innocent parties.


10. DATA PROTECTION

- 10.1 ABI Members and the Police Service acknowledge their obligations under data protection law in relation to any shared data and agree to have appropriate policies and procedures in place in order to ensure compliance.
- 10.2 These measures will include, but not be limited to ensuring that in respect of any shared data:
- a) The overarching data protection principles as set out in Article 5 of the UK General Data Protection Regulation and in Chapter 2 of Part 3 of the Data Protection Act 2018 in respect of Law Enforcement processing are adhered to;
 - b) Data subjects can freely exercise their rights;
 - c) Appropriate technical and organisational security measures are in place;
 - d) Staff involved in the processing are appropriately trained;
 - e) Personal data breaches are appropriately reported (within 72 hours of awareness of the breach).

11. OFFICIAL SIGNATURES

The parties herein listed understand and acknowledge their respective responsibilities in accordance with this guidance document.

	
Signed for and on behalf of NPCC	
Name:	Angela McLaren
Position:	Commissioner of Police for the City of London and NPCC Economic & Cyber Crime Lead
Signature:	_____
Date:	

	
Signed for and on behalf of the Association of British Insurers	
Name:	James Dalton
Position:	Director, General Insurance Policy
Signature:	_____
Date:	

APPENDIX A: INSURANCE LIAISON DETAILS

INSURANCE INFORMATION LIAISON DETAILS

Forces should recognise that details regarding ABI members change frequently. A full and current list can be found on the ABI's website at <https://www.abi.org.uk/about-the-abi/abi-members/>.

APPENDIX B: POLICE LIAISON DETAILS

POLICE LIAISON DETAILS

The contact list for all forces is available from:

<https://www.police.uk>

In the absence of a dedicated liaison point on a force website, a Privacy Notice is maintained where the relevant contact information for the Data Protection Officer can be found.

APPENDIX C – DISCLOSURE REQUESTS - GENERAL

Supply of information where there is specific reason to check a claim

1. This section relates to cases where the insurer has reason to check a claim but where there is not yet enough evidence to draw the reasonable conclusion that fraud is being attempted. By way of an example, goods reported stolen in a burglary may appear to the insurer to be well beyond the ordinary means of the claimant (e.g. very expensive items of jewellery belonging to someone in a modestly paid job) and the claimant has been unable to provide any proof of ownership. In these circumstances, the insurer might have reasonable grounds to make further inquiries about the claim. Information from a police crime report could assist the insurer's decision whether or not to settle the claim.
2. All requests for information must be made in the agreed format provided in Appendix D(a) of this Guidance.
3. Insurers may request relevant and proportionate information such as the crime reference number, date and time of loss, reporting person and location of crime using the form at Appendix D(a).
4. Appendix D(a) require reasons to be given for why the information is requested. A short summary of the grounds for making a suitable check must be provided so that the Police can understand that it is appropriate for them to respond. A reason might be, "Exceptionally valuable items claimed for, no proof of ownership supplied, sum insured is very modest."
5. Because requests for information under this section are not based upon firm evidence that a crime is being attempted, the police will charge a fee for each request made to cover administrative costs. Current charges are on the NPCC website.¹⁷

¹⁷<https://www.npcc.police.uk/FreedomofInformation/Reportsreviewsandresponsestoconsultations.aspx> (Charging for Police Services)

APPENDIX D – DISCLOSURE REQUESTS – FRAUD

Supply of information where there is evidence to suspect a fraudulent insurance claim

1. This section relates to cases where the insurer has evidence to support their suspicion of insurance fraud. Disclosure of information for this purpose is permitted under Schedule 2 of the Data Protection Act 2018, as may be amended by legislation coming into force from time to time, on a case-by-case basis where failure to disclose might lead to a crime being committed.
2. In these cases, **the explicit consent of the claimant is not required** in order to request information from the police. In accordance with paragraph 6.10, if the police are not already in possession of information/evidence that leads them to have a suspicion of fraud, they should consider the information/evidence submitted to them by the insurer before making a judgment as to whether they have such a suspicion. Any disputes should be referred to the relevant force.
3. All requests for information must be made in the agreed format shown at Appendix E. The Insurer will be required to summarise the evidence that they have and supply copies of supporting documentation to the Police. Evidence summaries should be sufficiently detailed to lead the police to suspect a crime has been committed. For example, evidence such as “this vehicle cannot be stolen without the keys” will not in itself meet the required standard of suspicion, since keys may be cloned. Requests for information are only likely to fall under Section 5 where the insurer has carried out some detailed investigations into a claim.
4. No fee will be charged for requests made under this section.
5. The police have asked that where they have supplied information in response to a request for information where there is evidence to suspect a fraudulent insurance claim, the insurer should in due course inform the police of the outcome of their investigation and the claim. Where the Insurer feels they have proven a fraud the police should be presented with the file of evidence. Where the insurer has decided not to pursue the matter, they should inform the police accordingly.

When there is robust evidence to support a suspected fraudulent claim, Insurers should in the first instance consider referring the case to the Insurance Fraud Enforcement Department (IFED), the appropriate regional force and/or Action Fraud.

APPENDIX D(A): REQUEST FOR INFORMATION



**REQUEST FOR DISCLOSURE OF INFORMATION
HELD BY THE POLICE**

Lawful Basis of request:	<p>The Insurance industry has a legitimate interest¹⁸ in processing personal data to prevent fraud. It can only do so with the cooperation of law enforcement and requires consideration of requests on a case-by-case basis to support their legitimate interests in preventing fraud through the detection of potentially fraudulent claims/criminal activity.</p> <p>This request is pursuant to the determinations of Fraud by False Representation and/or Fraud by Failure to Disclose Information (<i>Fraud Act 2006 Sections 2 and 3</i>).</p>
---------------------------------	--

Details of party requesting information

Name:	
Address:	
Contact Information:	[Email / telephone number]
ABI Member:	[Please indicate if you are an ABI member, if not list them here]

If the request is from the insurer

Claim No.:	
-------------------	--

If the request is from an eligible third party

Details of insurer

Name:	
Address:	
Claim No.:	

¹⁸ ICO: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/legitimate-interests/when-can-we-rely-on-legitimate-interests/>

OFFICIAL

I confirm that I am authorised to perform claims administration services on behalf of the insurer and in accordance with all applicable laws and regulations and accepted claims practices.

I confirm that the information requested will be processed in accordance with my legal obligations under the Data Protection Act 2018 & UK GDPR. Appropriate technical and organisational safeguards are in place to protect personal data against unauthorised or unlawful processing and against accidental or deliberate loss, destruction or damage.

Name:
(Block Capitals)

Signed:

Date:

Details of Insured

Name:

DoB:

Address:

Details of Crime

Information Requested - Details of Crime

Crime Reference Number:

Date and Time of report to Police:

Aggrieved Person:
(Please include DoB)

Location of crime:

The reason we need this information is:

Declaration

I confirm that the personal data requested is required for the agreed purpose and failure to provide the information will, in my view, be likely to prejudice my investigation.

Name:
(block capitals)

Post:

Department:

***Signed:**

Date:

OFFICIAL

Additional information. This must be specific and state exactly what you can justify as being necessary. For example, copy of the victim's statement, what the person reporting said in the initial call, list of stolen property, verification of entry, location of keys, etc. The police will not supply copies of SOCO/forensic reports, ANPR records, results of house-to-house enquiries or details of the police investigation. The reason for each item must be explained below.

1. Information Required

Reasons

2. Information Required

Reasons

3. Information Required

Reasons

Name:
(Block Capitals)

****Signed:**

Date:

APPENDIX E: REQUEST FOR INFORMATION (SCH.2)



REQUEST FOR INFORMATION HELD BY THE POLICE WHERE THERE IS EVIDENCE TO SUSPECT A FRAUDULENT INSURANCE CLAIM

Lawful Basis:

- Schedule 2, part 1, paragraph 2(1) - I confirm that the information requested is required for the purposes of the prevention or detection of a crime, or the apprehension or prosecution of offenders, or the assessment or collection of a tax or duty and that the information is not likely to be available in a reliable form from any other source.
Schedule 2, part 1, paragraph 5(2) - I confirm that the information requested is required under any enactment, by any rule of law or by the order of a court or tribunal.
Schedule 2, part 1, paragraph 5(3) - I confirm that the information requested is necessary for the purpose of obtaining legal advice, or is necessary for the purpose of establishing, exercising or defending legal rights, or in connection with legal proceedings and that the information is not likely to be available in a reliable form from any other source.

Details of party requesting information

Name:
Address:
Contact Information: [Email / telephone number]
ABI Member: [Please indicate if you are an ABI member, if not list them here]

If the request is from the insurer

Claim No.:

If the request is from an eligible third party

Details of the insurer

Name: DoB:
Address:

OFFICIAL

Claim No.:			
<p>I confirm that I am authorised to perform claims administration services on behalf of the insurer and in accordance with all applicable laws and regulations and accepted claims practices.</p> <p>I confirm that the information requested will be processed in accordance with my legal obligations under the Data Protection Act 2018 & UK GDPR. Appropriate technical and organisational safeguards are in place to protect personal data against unauthorised or unlawful processing and against accidental or deliberate loss, destruction or damage.</p>			
Name: (Block capitals)			
Signed:		Date:	
Constabulary			
To:			
I am making enquiries, which are concerned with the investigation of a fraudulent insurance claim, which is a criminal offence. Disclosure of information for this purpose is defined within the lawful basis above.			
Ref No:			
Nature of enquiry and information requested			
Summary of existing evidence to suspect a fraudulent insurance claim has been made. (To be supplemented by copies of documentation)			
Declaration			
<p>I confirm that the personal data requested is required for this purpose and failure to provide the information will, in my view, be likely to prejudice my investigation.</p>			
Name: (block capitals)			
Post:		Department:	
*Signed:		Date:	
Supervisory signature			
Name: (block capitals)			
Post:			
*Signed:		Date:	

Under the terms of the Information Sharing Agreement between The Police Service and the Insurance Industry, any further evidence of criminal conduct obtained by the Insurance Industry as a result of the disclosure requested, must be notified to the appropriate Police Force to enable that Force to consider criminal proceedings.

APPENDIX F: RESPONSE FORM



**DISCLOSURE OF INFORMATION TO THE INSURANCE INDUSTRY BY THE
POLICE WHERE THERE IS EVIDENCE TO SUSPECT A FRAUDULENT
INSURANCE CLAIM**

OFFICIAL – S E N S I T I V E

Details

From:	(Constabulary)
To	(Insurer/loss adjuster)
Address:	

I am in possession of information which leads me to believe that this individual is intending to attempt commit fraud, contrary to Section 1 Fraud Act 2006. I am disclosing this information for you as the Insurer to assist with this investigation and any subsequent prosecution. I confirm that if this personal data is not disclosed I will be unlikely to conclude my investigation.

This is a criminal offence and disclosure of information for this purpose on a case-by-case basis to prevent or detect crime is permitted under the Data Protection Act 2018 & UK GDPR.

The information attached hereto is:

**THIS INFORMATION SHOULD BE HELD IN CONFIDENCE AND ONLY USED FOR THE
GROUNDS SET OUT ABOVE IT SHOULD NOT BE DISCLOSED WITHOUT THE CONSENT OF
THE CONSTABULARY.**

Signature

Name: (block capitals)			
Post:		Department:	
*Signed:		Date:	

Countersigned (Supervisory officer)

Name: (block capitals)			
Post:			

OFFICIAL

*Signed:		Date:	
-----------------	--	--------------	--

Under the terms of the Information Sharing Agreement between the Police Service and the Insurance Industry, any further evidence of criminal conduct obtained by the Insurance Industry as a result of the disclosure requested, must be notified to the appropriate Police Force to enable that Force to consider criminal proceedings.

COPY TO BE KEPT ON FILE

APPENDIX G: MIB ENQUIRY FORM

Data Protection Request – CUE/MIAFTR

ENQUIRY MADE UNDER THE DATA PROTECTION ACT

Please return this form to dataprotectionforms@mib.org.uk and ensure that the following is entered in the subject title ‘**CUE/MIAFTR Data Protection Request: Your reference / our reference (where applicable)**’.

Confidential – Not to be disclosed to Unauthorised Personnel

Organisation details:
Organisation name: Name of individual requesting information: Your reference:
Details of the data subject:
Vehicle Registration Mark (VRM) if applicable: Name of data subject: Date of Birth: Address:
Search period: Please provide a date range to be searched on CUE/MIAFTR, which is relevant to your enquiry.
What is the crime you are investigating? (For example: ‘Money Laundering’). Please also confirm the specific link between the suspects of the investigation and the crime.
Please confirm what information is required. Please specify if CUE or MIAFTR information is required.
What is the nature of the enquiry? - Please confirm how the information will assist you and what you intend to do with any information the MIB provides.

OFFICIAL

--

The legal gateway/policing purpose for requesting this information under the provisions of the Data Protection Act 2018 is (please tick as appropriate):

Schedule 2, part 1, paragraph 2(1) - I confirm that the information requested is required for the purposes of the prevention or detection of a crime, or the apprehension or prosecution of offenders, or the assessment or collection of a tax or duty and that the information is not likely to be available in a reliable form from any other source.

Schedule 2, part 1, paragraph 5(2) - I confirm that the information requested is required under any enactment, by any rule of law or by the order of a court or tribunal.

Schedule 2, part 1, paragraph 5(3) - I confirm that the information requested is necessary for the purpose of obtaining legal advice, or is necessary for the purpose of establishing, exercising or defending legal rights, or in connection with legal proceedings and that the information is not likely to be available in a reliable form from any other source.

Should you fail or refuse to provide the information requested it will not be possible to progress the investigation and this will result in a substantial risk of prejudice to the purposes for which the information is sought.

I am authorised to make this application and it is my view that disclosure of the requested information is necessary and compatible with the relevant Schedule of the Data Protection Act 2018 as stated above. I am aware of the provisions in Part 6 (s.170) of the Data Protection Act 2018 regarding the unlawful obtaining or disclosure of personal data. I confirm that any data obtained from MIB will not be disclosed to any organisation outside of our ICO registration.

I confirm that any data requested herein is required solely in relation to this enquiry and that any personal data obtained from MID that is not directly related to this enquiry will be redacted from any records held by this organisation.

Requestor:	
Print Name:	Job Title:
Signature:	Rank Number (if Police Officer):
	Date:
Contact telephone number:	
Contact e-mail address: (Used to return information and must not be generic)	

OFFICIAL

Authorising Officer Details (If required by your organisation):	
Print Name: Signature:	Job Title: Rank Number (if Police Officer): Date:
Contact telephone number:	
Contact e-mail address: (Must not be generic)	