

037/2025 Information held about the use/citing of S184 to those who have approached constabularies by use of TP SAR; their disclosures/request of the NPCC and the response / guidance issued.

Ref	Date & Time	From	To	Subject	Text
01	06/09/2022 @ 09:17	@npfdu.police.uk	@college.police.uk @sussex.police.uk @npcc.police.uk @college.police.uk @college.police.uk @lincs.police.uk	Road Traffic Collisions – information sharing with 3 rd parties	For info, as discussed. • Att 01 of 01 S21 Reasonably accessible by other means
02	22/05/2023 @ 09:07	@staffordshire.police.uk	@npcc.police.uk @lancashire.police.uk	Road Traffic Collisions – data sharing issue for RoA	**S40(2)** • Attachment 01 of 03 to this email titled: Annex B 01 1803025 provided by way of attachment. • Attachment 02 of 03 to this email S21 Reasonably accessible by other means and duplicated at email 01 • Attachment 03 of 03 to this email titled: Annex B 02 18032025 provided by way of attachment. Can you help us please with some steer/advice. Surrey raised an issue that since the new ABI-NPCC agreement (attached) they are getting an increase in RoA requests due to their compliance

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					with the agreement in refusing requests from those who do not meet its expectations. It has prompted more discussion as this is work that has just been passed into my team and we have been working through the processes available, asking questions from other forces and many realising that their processes need reviewing. We are all now concerned by doing such it will push requests to RoA. So based upon this new ABI-NPCC we have worked out that requests fall as on the attached word doc (ABI-NPCC workflows), it is the requests in red/box 4 that are the ones we are all becoming a bit stuck on. I have found a NPCC Disclosure policy (attached), which is not dated and no longer available on the College website & it alludes that the disclosures should be done but does not give a defined lawful basis. Whilst we can charge the charges do not now cover the costs to forces and certainly in Staffs we are looking at only do those disclosures that we have an obligation to do. Any thoughts would be gratefully received as what none of us want to do is to refuse to do work that is not covered by the ABI-NPCC or by civil proceedings and then it results in being pushed to RoA. I have copied below what is on the meeting notes as the query I originally received.
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					Hope all this makes sense but the general consensus is we could do with some NPCC help. Many thanks in advance Best wishes **S40(2)** <u>TS-Surrey query 05042023;</u> In the SE region we are receiving SAR requests from the owner of a loss adjustment company who, since the publication of the latest ABI / NPCC MOG, is no longer able to apply for information under Appendix D as the process is limited to Insurance Companies who are signatories to the MOU. A conversation has taken place between the force in question and the ICO to determine if they considered this to be enforced SAR, however the ICO sat on the fence a bit and would not give a definitive answer although the force is maintaining their position at this time as it is not within the spirit of the act. **S40(1)** Any advice, or examples of similar activity would be welcome.
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					S40(2) – always disclosed to loss adjusters etc and seen the new ABI, looking at changes in their process in light of this. Concerns re enforced RoA. **S40(2)** – they were charging and doing the work, will check process. **S40(2)** - SP have been through the process and agree (MIB/solicitors down civil route and then ABI only)
03	14/06/2023 @ 10:18	@staffordshire.police.uk	@westmidlands.police.uk @derbyshire.police.uk @westmercia.police.uk @leics.police.uk @derbyshire.police.uk @notts.police.uk @warwickshire.police.uk @warwickshire.police.uk @westmercia.police.uk @northants.police.uk @westmidlands.police.uk @staffordshire.police.uk @npfdu.police.uk @lancashire.police.uk @npcc.police.uk	Police Disclosure of Information – RTCs – exchange of personal details	Hello all, Att 01 of 02 S21 reasonably accessible by other means – provided in NPCC FOI response 233/23. Att 02 of 02: S21 Reasonably accessible by other means – duplicated at email thread 02 above. In response/to let you all know the issues around the new insurance ABI pushing requests to Right of Access was raised at the last NSRG. I sent the attached email to **S40(2)**, in the meantime the attached letter was sent to all forces, not sure if it has reached you. We are waiting for further assistance from NPCC.

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					Here at Staffs we are not actually dealing with any insurance requests at the moment simply due to capacity and we are considering asking for a sign off from our DCC that we no longer do them at all, however we have to consider the risks around this. Regards **S40(2)**
04	13/07/2023 @ 08:09	@staffordshire.police.uk	@npcc.police.uk @lancashire.police.uk @surrey.pnn.police.uk	Road Traffic Collisions – data sharing issue for RoA	**S40(2)** • Att 01 of 04: S21 Reasonably accessible by other means – duplicated at email thread above. • Att 02 of 04: S21 Reasonably accessible by other means – duplicated at email thread above. • Att 03 of 04: S21 Reasonably accessible by other means – duplicated at email thread above. • Attachment 01 of 01 to this email titled: Annex B 03 18032025 provided by way of attachment. Hope you are ok ? further to my below/attached we are experiencing significant issues at Staffs with the number of requests to the point that we

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					have now put a stop all RTC requests due to capacity. We are being quoted the attached (Road-collision-guidance-2016) which is on the College site but pre DPA 2018 and as you can imagine solicitors/insurers are being exceptionally demanding and Right of Access requests are now starting to trickle in. Can NPCC give any clear steer to forces on this as I am still getting queries from others coming my way. Many thanks in advance **S40(2)**
05	13/07/2023 @ 11:29	@npcc.police.uk	@staffordshire.police.uk @lancashire.police.uk @surrey.pnn.police.uk @derbyshire.police.uk @npcc.police.uk	Road Taffic Collisions – data sharing issues for RoA	**S40(2)** • Att 01 of 04: S21 Reasonably accessible by other means – duplicated at email thread 04 above. • Att 02 of 04: S21 Reasonably accessible by other means – duplicated at email thread 02 above. • Att 03 of 04: S21 Reasonably accessible by other means – duplicated at email thread 01 above. • Att 04 of 04: S21 Reasonably accessible by other means – duplicated at email thread 02 above.

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					Apologies for missing your original email in my mountain. The guidance referred to was originally written by the CPS and pretty much copied and pasted by the CoP, who I was told by coincidence today don't know who authored it. NPCC Roads Policing have stated that their intention is that the updated s170 RTA guidance (due in next few weeks) will rescind any previous guidance in this area including the CPS/CoP document which as you rightly point out is out of , and not really a CoP product anyway. Regarding the initial query, my take is that the SAR route is inappropriate a) because it does not necessarily result in the disclosure of all the data sought for all the reasons we know, and b) it is effectively involves coercion. **S40(2)** the legal basis for disclosing surely is the same for members and non-members of the ABI? I would advocate that forces accept non-ABI requests and fully recover their costs (even if they are above the ABI MOU ones), but that is a matter for forces. Ideally, we would have a united NPCC position, but the continued lack of appetite for an NPCC lead in the civil disclosure/family court area
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					leaves us in a messy predicament. Ultimately apart from the RoA abuse this feels no longer a DP issue, but a co-ordination one. It could be something that we could raise to the Data Board for a steer on whether ABI should continue their monopoly and the wider issue of no NPCC lead in this area. I'd welcome others' views on this. regards
06	13/07/2023 @ 11:44	@npfdu.police.uk	@npcc.police.uk @staffordshire.police.uk @lancashire.police.uk @surrey.pnn.police.uk @derbyshire.police.uk	Road Traffic Collisions – Data Sharing issue for RoA	Hi all, • Att 01 of 05: S21 Reasonably accessible by other means – duplicated at email thread 01 above. • Att 02 of 05: S21 Reasonably accessible by other means – duplicated at email thread 02 above. • Att 03 of 05: S21 Reasonably accessible by other means. Published online by LMA. • Att 04 of 05: S21 Reasonably accessible by other means – duplicated at email thread 02 above.

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					Attachment 05 of 05 to this email titled: Annex B 04 18032025 provided by way of attachment. Not sure if this helps at all as I'm no expert in this area, but FYI just in case. The NPCC Economic & Cyber Crime Portfolio lead on these types of disclosures at the moment. **S40(2)** is the DP lead for this as it sits with CoLP. They drafted and led on the attached ABI guidance. I've also attached the guidance that Roads Policing developed as it may be relevant. **S40(2)** has previously provided the below view re ABI vs non-ABI members as a non-ABI member had challenged this approach: <i>The basis for the ABI agreement is that they have a standards-based approach to membership. Therefore, we can be assured that members of the ABI maintain appropriate privacy and protection standards and have confidence in their management of the information we share.</i> <i>Non-ABI members have to be considered on a case-by-case basis by each force as there is no consistency with third parties. There is a suggestion that we should mirror the ABI agreement for Lloyds members, this operates</i>
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					<i>in a very similar way, and is perhaps the next logical extension of the agreement.</i> <i>With so many brokers and independent insurance companies we are unlikely to find common ground surrounding the privacy and protection assurances that we require, we are therefore bound to continue considering these requests independently. Even with the ABI agreement in place Forces are still making voluntary disclosures under the act – the ABI agreement provides no explicit gateway, just a formal process with assurance.</i> He has also provided steer a few times around ABI queries so I've attached my summary email for info. I also believe they're looking at reviewing/updating the attached old Lloyds guidance as (like ABI) they have a more consistent standards-based approach to membership. If it's no relevant, obviously delete and ignore... J
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					Regards,
Ref 07	05/05/2023 @ 15:49	@npcc.police.uk	@sussex.police.uk @npfdu.police.uk @sussex.police.uk @derbyshire.police.uk	Sharing collision data with members of the public	Afternoon **S40(2)** , • Att 01 of 02 : S42 Legal Professional Privilege • Att 02 of 02 : S40 Personal Information Apologies for the delay in getting back to you on this. This afternoon I discussed the case with the NPCC Data Responsibility Lead **S40(2)**. Our conclusion was we agreed with Weightman's analysis. By coincidence early today we both met a representative from the ICO and during a wide ranging catch-up we talked about the difficulties (in some circumstances) of using personal data obtained for law enforcement purposes for other purposes which fall under the UK GDPR. This scenario is a case in point. **S40(2)** and I have therefore agreed that this would be a useful matter to discuss further with our ICO contact with a view to producing data protection advice on the disclosure issues covered in your case. That advice may then be

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					useful for any guidance your portfolio subsequently issues. Can you advise whether you are content for us to share the Weightman's analysis with the ICO as part of our planned work? Regards
08	09/06/2023 @ 08:29	@npcc.police.uk	@sussex.police.uk @derbyshire.police.uk	Police Disclosure of Information in relation to Section 170 Road Traffic Act 1988 (exchange of personal details)	Morning **S40(2)**, Att 01 of 01 S42 Legal Professional Privilege Attached, which has been offered to us by Beds, may be useful for our discussions later. Regards **S40(2)**
10	13/07/2023 @ 10:02	@npcc.police.uk	@sussex.police.uk	CoP Policy when dealing with disclosure of information held by the police to third parties in	Morning **S40(2)** , Att 01 of 01 Reasonably accessible by other means - duplicate of above in email thread 01 above. Someone forwarded attached to me – assuming it is still current, do we need to reference it in the revised RP guidance? Regards