College of Policing

Purpose of this document

The aim of this document is to provide an example of the layout of a section of the Code of Practice for the Law Enforcement Data Service for members of the LEDS/HOB Open Space. Auditing of LEDS data access and usage has been used for this example section.

This Document has been written with the aim of stimulating discussion on the development of the Code of Practice for LEDS. It is not intended to be viewed as current Home Office policy or intention. It is to be circulated to and viewed only by members of the LEDS Open Space.

Auditing of LEDS data access and usage

Why?

Accountability is a requirement under the Data Protection Act 2018, which also acts in accordance with GDPR. The General Data Protection Regulations (GDPR) and the Law Enforcement Directive (LED) which deals with the processing of personal data by data controllers for ‘law enforcement purposes’ took effect from 25th May 2018.To comply with it, organisations must evidence that their data protection measures are sufficient. They must have appropriate technical and organisational procedures, which include keeping sufficient records of their processing activities.

What?

An audit is a systematic, independent examination of organisation processes, systems and data to determine whether activities involving the processing, use and sharing of the data are being carried out in accordance with the Data Protection Act 2018.

Further Guidance

Authorised Professional Practice (APP) on Audit for Data Protection is developed and owned by the College of Policing. Police services who are accessing LEDS should adhere to this guidance. Other Law Enforcement Agencies should be given access to the APP document using this as guidance in developing their own internal standards.

What do we need to do to meet this requirement?

The NLEDP programme is responsible for:

- Building into the system the technical capability for logging access so as to allow those with the responsibility for conducting audit can subsequently make such checks
- Conducting audit checks at a national level, by delegation to xxxxx

A Law Enforcement organisation who has been granted access to LEDS will be responsible for:

- Appointing a senior manager who is responsible for the strategic audit programme and has responsibility for compliance with audit across the organisation
- Ensuring that there is a systematic process for conducting regular audit checks and reviewing audit logs that confirm that access to the Law Enforcement Database is limited to those with authority to access the system and to ensure such access is both lawful and reasonable.
- Ensuring that unlawful access or use of information held on the system can be identified.
- Ensuring that procedures are in place to address unlawful access or use of information by individuals who act outside of the Code of Practice

- Compiling organisational audit reports, including findings and recommendations and action plans detailing how findings and recommendations have been addressed
- Providing evidence of audits and their outcomes for external audit and inspection purpose, for example, an inspection by Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS)

As an operational manager within the organisation you will be responsible for;

- Confirming that people who have an identified business need to access the system in order to carry out their current role are those who have access.
- Confirming that people who have an identified business need to access the system in order to carry out their current role are those who have been trained, and records of training and CPD are available
- Confirming that people who have an identified business need are adhering to Code of Practice guidance for access and use of data and that records are maintained of their access.
- Monitoring and dip-sampling the work of those who enter and maintain data to ensure information is accurate, relevant and up to date

As a LEDS user you are responsible for;

- Complying with all audit requirements of the organisation