

# ABRIDGED JOINT BRIEFING FOR HOUSE OF LORDS AHEAD OF REPORT STAGE OF THE POLICE, CRIME, SENTENCING AND COURTS BILL: PART 2, CHAPTER 1 (SERIOUS VIOLENCE DUTY)

**December 2021**

Ahead of the Police, Crime, Sentencing and Courts (‘PCSC’) Bill’s Report Stage in the House of Lords, our organisations from across the human rights, privacy and technology, criminal justice, public health, racial justice, and faith sectors remain highly concerned by the serious violence duty in Part 2, Chapter 1, specifically the wide powers and obligations of information disclosure – and the carve-outs from duties of confidentiality and other restrictions– that will drastically expand the surveillance of already over-policed communities, erode individuals’ data protection and privacy rights, and undermine relationships of trust that are vital to the provision of care and support. **We urge parliamentarians to take the final opportunity posed by the Bill’s report stage in the House of Lords to support the following amendments to mitigate the duty’s worst harms.**

## **Amendment 25 to prohibit the unrestricted sharing of personal information under the serious violence duty (SVD) apart from in specified conditions with data protection safeguards, in the names of Baroness Meacher, Lord Paddick, and the Bishop of Manchester**

- The police are at the apex of the SVD, with the ability to demand information – **including sensitive personal information** – from public bodies, backed up by the Secretary of State’s power to make directions mandating compliance. Information disclosed under the SVD will not breach duties of confidentiality.
- The Government has **failed to justify** why the sharing of personal information – combined with such wide-ranging carve-outs from duties of confidentiality – is necessary for the SVD, given that anonymised data is recognised (including by the Government) as sufficient for formulating strategies (e.g. in healthcare). There are also existing powers enabling data-sharing, including sharing of personal data, under certain conditions with safeguards.
- The SVD risks violating people’s data rights and deterring them from accessing vital services, as highlighted by the British Medical Association, the British Association of Social Workers, and more than 650 frontline education, health, social, and youth workers. This will disproportionately impact Black, minoritised, and migrant communities, including survivors of domestic abuse and sexual violence.<sup>1</sup>
- Racially prejudiced stereotypes about who is likely to be involved in a ‘gang’ is likely to inform whose data is collected, and what interventions will result. In the context of the London Met Police’s Gangs Matrix, an enforcement-led approach to individual risk-profiling had devastating implications, including by eroding people’s trust in public bodies and preventing them from accessing housing and education services. In one case, a 14-year-old was shot and killed in 2017 after his details were mistakenly shared by Newham Council.<sup>2</sup>

## **Amendments 11, 22, and 30 to remove the language purporting to ‘qualify’ the data protection legislation in the names of Baroness Meacher, Lord Paddick, and the Bishop of Manchester**

- There is language appearing to ‘qualify’ the data protection legislation – which is crucial to protecting people’s data rights, dignity, and privacy – throughout the SVD provisions.

## **Amendments 18 and 33 to reinstate the primacy of public bodies’ statutory duties, in the name of Lord Paddick**

- Statutory services such as youth work services have fundamentally different objectives to the police. As drafted, the duty contains exemptions so that educational, youth custody, and prison authorities do not have to share information to the extent that would impact on their statutory duties. This amendment reinstates the statutory duties of all public bodies to which the serious violence duty would apply, so that public bodies will not be required to comply with the serious violence duty if and to the extent that they conflict.

## **Amendments 24, 32, and 34 to reinstate human rights, equalities, and data protection law, as well as duties of confidentiality and other restrictions on information disclosure, in respect of regulations made under the serious violence duty, in the name of Lord Paddick**

- The serious violence duty – specifically its erosion of vital data protection safeguards and expansion of racialised forms of surveillance – is likely to have racially disproportionate effects. These amendments will require any regulations authorising information disclosure under the duty to comply with equalities and data protection law.

<sup>1</sup> <https://rightsofwomen.org.uk/wp-content/uploads/2021/12/Joint-VAWG-sector-briefing-on-SVD-and-SVROs-for-HoL-ahead-of-report-stage-Dec-2021-1.pdf>  
<sup>2</sup> <https://www.amnesty.org.uk/files/reports/Trapped%20in%20the%20Matrix%20Amnesty%20report.pdf>