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# Association of Chief Police Officers & Lloyd's Market Association



## Memorandum of Understanding

'Guidelines on the exchange of information between the Police & Lloyd's Market Association (participating members only) and Loss Adjusters working on their behalf

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## **1. Introduction**

It is evident that there are significant attempts to obtain money fraudulently from the Insurance Industry and this is a criminal matter. It is the intention of the Association of Chief Police Officers (ACPO) & the Lloyds Market Association (Lloyds) to work together to address this problem. The purpose of this Memorandum of Understanding (MOU) is to provide guidelines for Forces and Insurers.

## 2. General Principles

The following are general principles which have been agreed.

- 2.1 This MOU is intended to deal with requests for information from Insurers and Loss Adjusters involving property crime, although they could be applied to other crime categories. These guidelines only apply to issues arising from the insurance claim and not queries arising from the proposal.
- 2.2 Previous convictions, cautions, reprimands and final warnings will not be supplied. It makes no difference if the claimant consents.
- 2.3 While nothing in this MOU prevents claimants from using the subject access arrangements at the request of an Insurer, when the Criminal Records Bureau is producing the Basic Check Certificates (Certificates of Unspent Convictions) it may become unlawful for Insurers to require persons to obtain their previous convictions and cautions by means of the subject access procedure (Section 56, Data Protection Act 1998).
- 2.4 Every request for information will be considered on an individual basis. Reasons for agreeing or not agreeing to disclosure will be recorded. Information supplied pursuant to this MOU will only be used for the purposes given.
- 2.5 Requests for information will only be received for consideration from Insurance Companies specified in Appendix A and Loss Adjusters acting on their behalf. A list of Insurers who are party to these guidelines as participating members of the Lloyd's Market Association are listed below in Appendix A. Each Force will establish a postal contact point for liaison with the Insurance Industry in connection with these guidelines as indicated in Appendix B. Where a loss adjustor makes an information request, they must provide the name of the insurer for whom they are acting on the relevant request form.
- 2.6 When making an information request to the police, Insurers and Loss Adjusters should first attempt to gain the subject/s consent (using the Appendix D (a) or (b) form). If this consent is denied, information may be requested without consent (using the Appendix E form), but this request must include the evidence to lead the insurer to suspect that a criminal act may have been committed. Insurers should note that the police are unable to release information under an App E if their records do not support the suspicion that a crime has been committed as the exemption at section 29(3) of the Data Protection Act 1998 will not apply.
- 2.7 The insurance companies and loss adjusters are included in the standard notifications made by Police Forces under the Data Protection Act.
- 2.8 The Lloyd's Market Association have appended guidance for its members in respect of applying for information under this agreement and subsequent use (Appendix G). NB This guidance was originally developed by the Association of British Insurers and is reproduced at Enclosure G with their permission.
- 2.9 Claimants will be advised at the claim stage that the Insurer may exchange relevant information with the Police where any claim is believed to be fraudulent or with the consent of the claimant in cases where this is needed to validate the claim. This in itself could be regarded as a valuable crime prevention measure which could make claimants think twice before making a fraudulent insurance claim.
- 2.10 The Insurance industry accepts that values of property may not be accurate when supplied at time of stress and that property lists may be incomplete. If Force systems enable staff to

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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 forces keep this information for policing purposes and not the evaluation of insurance claims.

- 2.111 Lloyd's Market Association on behalf of participating members has agreed to indemnify all participating Police Forces in respect of the information supplied under these guidelines (Appendix C).
- 2.12 Request forms from the Insurer should be authorised by a person with sufficient seniority and experience to have satisfactory knowledge of these guidelines and be able to ensure that the set criteria are met.
- 2.13 Any disputes in relation to the provision of information under these guidelines should be escalated within the police force or insurer in an effort to resolve the issues. For example, a claims handler would refer the matter to the head of claims or claims director. For police forces, any disputed requests should be referred to the Data Protection Officer.
- 2.14 Lloyd's Market Association will act as a central contact point in relation to any issues with the content of the guidelines. Insurance Database Ltd (IDSL)/Polaris UK Ltd run a database of household, motor claims, personal injury and travel claims, which can be checked to see if an individual has submitted an insurance claim. Police should submit written requests on an appropriate form giving name, full postal address and date of birth if known, of the claimant as well as type and estimated date of claim, by fax to ISDL on 020 7265 5770. For further information telephone 020 7265 5750.
- 2.15 These guidelines will be subject to review in the light of experience of their operation initially after 12 months and at three yearly intervals thereafter.

### 3. Communication from Insurance Companies and Loss Adjusters

- 3.1 A considerable amount of communication takes place between the Insurance Industry and Police Service and it is in the interest of all parties that workloads are kept to a minimum.
- 3.2 Letters from the Insurer which merely request that an interest is noted should not be sent unless covered by section 6 following the settlement of a claim.
- 3.3 Requests for information from the Insurer where there is specific reason to check a claim will be dealt with in accordance with Section 4 of this MOU.
- 3.4 Request for information from the Insurer where there is evidence to suspect a fraudulent insurance claim will be dealt with in accordance with Section 5 of this MOU.
- 3.5 Requests from the Insurer for a Force to investigate crime will be evaluated on the basis of the grounds for suspicion put forward and in accordance with the ACPO / Lloyd's Market Association document (Acceptance criteria and guidelines for the reporting of suspected fraudulent insurance claims to the Police).

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

4.1 Insurers may request information from police about a reported crime/loss of property where the insurer has a specific reason to check a related claim. Where requests are made they must be in the agreed format (Appendix D(a) or D(b)).

4.1.1 Appendix D(a): This form should be used when the Insurer wishes to obtain confirmation of the following information about the crime/lost property; Crime/Lost Property Reference Number, date and time the offence was reported, reporting person. Forces are asked to make the Insurer aware if this information is not available. The charge for this will be £20 and Forces will endeavour to respond within 10 working days.

4.1.2 Appendix D (b): This form should be used when the Insurer requires information in addition to the above. The charge for this will be £75 and Forces will endeavour to reply within 20 working days.

In respect of the charges mentioned in 4.1.1 & 4.1.2 above cheques should be made payable to the respective police authorities e.g. 'Leicestershire Police Authority'.

4.2 Forces are asked to let the Insurer know if they are unlikely to be able to respond in the time limit and should provide the contact details of the person dealing.

4.3 If there are exceptional circumstances where the Insurer requires information urgently, the Insurer should approach the appropriate Force to discuss if it is possible to have a quick response. Insurers should note that this may incur overtime and the costs of this may have to be paid by the Insurer.

4.4 Insurers should note that comprehensive information will not be provided by police. Insurers must ask specific questions on the relevant form.

4.5 In exceptional cases it will be possible under this section for Insurance Companies and Loss Adjusters to seek formal interviews with Police Officers at the standard fee, (currently £104). The authority for such interviews will be at the discretion of the Force concerned and any interviews will be conducted under ACPO guidelines.

4.6 The release of information may be delayed. For example, there may be outstanding criminal proceedings in relation to the original offence which gave rise to the insurance claim. In these circumstances all information will be sub-judice and the Police may need to consult with the Crown Prosecution Service for their advice regarding if disclosure will jeopardise the court proceedings. It is very unlikely that anyone will be given a copy of their statement prior to any court hearing. The Police may, however, advise if a person has been charged (although personal information will not be released) and/or indicate that there is no suspicion about the claimant.

4.7 The information requested should be factual and clearly specified on the Form. The Police will not give expressions of opinion and can only provide an answer to question where the claimant has consented.

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- 4.8 The Insurer will write to claimants with a list of the specific information they intend to request the Force to disclose, along with their reasons for requesting its disclosure. The claimant will be asked to give written consent to the disclosure and issue of specified information /material by the Force. If any such consent is given, then it must be fully informed and the person consenting must be the person to whom the information relates. The Claimant will also be asked to indicate whether they wish to be sent a copy of the information / material at the same time as it is forwarded to the Insurer/loss adjusters. A copy of the form with the Claimant's written explicit consent will be forwarded to the Force prior to disclosure being made.
- 4.9 A general consent to disclosure at the proposal or claim stage will not be acceptable under these guidelines. This would put undue pressure on the individual to agree to disclosure. The Insured would not have any idea of what disclosures were being made.
- 4.10 Refusal by the Claimant to give consent to disclosure will not, by itself provide grounds for the Insurer to revert to Section 5 of this MOU for disclosure of information.



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

- 5.1 When an Insurer has evidence which suggests a fraudulent claim, the form at Appendix E should be completed. This should include: -
- Why the claim is believed to be fraudulent – for the police to be able to comply with the request both insurer and the police must suspect a fraud has been committed,
  - What information is requested,
  - Why this information is requested

Applications for information made by Insurance Companies and Loss Adjusters in this category will not breach the Data Protection Act 1998 due to the Section 29(3) exemption provided that the force has information to support the suspicion or the investigating officer has reason to suspect that a fraudulent claim is being made and that failure to release the information would prejudice the prevention or detection of crime or the apprehension or prosecution of an offender.

- 5.2 Forces will undertake to advise Insurers when there is evidence to demonstrate that a fraudulent insurance claim has been made. They would normally be advised as part of the investigation. This would be a disclosure under police powers for the prevention and detection of crime exempt by Section 29 (3) of the Data Protection Act 1998. (Appendix F may be used)
- 5.3 No fee will be charged under this section.
- 5.4 Liaison will be allowed with the investigating officer in appropriate cases.
- 5.5 In addition, formal interviews may be allowed following the conclusion of any criminal proceedings. A decision will be taken by the Force concerned whether it would be appropriate to charge the standard fee.
- 5.6 Insurers must note that in order to comply with the legal basis for the disclosure of information under this section of this MOU, they are responsible for notifying the Force of the outcome of their investigation. Where the Insurer has any further evidence of criminal conduct they will notify the relevant Force and provide assistance to enable the Force to consider criminal proceedings.
- 5.7 Should a Claimant be successfully prosecuted or cautioned in relation to a fraudulent insurance claim the Force will notify the Insurer.

## 6. Post claim procedures

- 6.1 Where the Insurer is a victim of a fraudulent claim, which results in criminal proceedings then the Force, will keep the Insurer advised in order that they may claim compensation.
- 6.2 **Having settled a claim**, if in accordance with the Lloyd's Market Association 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 Force.
- 6.3 The Force will endorse the crime report accordingly, no acknowledgement will be sent.
- 6.4 The Insurer (not the Insured) should be advised that 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 promptly.
- 6.5 In the event of conflicting claims appropriate legal advice may be obtained.
- 6.6 If a person (including a juvenile) has been convicted or cautioned, received a final warning or a reprimand, their name and address can be released to the Insurer for the purpose of claiming compensation.

## 7. Additional Guidance to assist forces when a request for disclosure of personal information is received in connection with an Insurance Claim

7.1 Forces may receive a request for disclosure of names and addresses from 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 person's insurance is required to meet the claim because failure to do so could prevent the third party claiming damages to which they are entitled. These incidents may have occurred when a vehicle has been stolen.

7.2 The following scenarios may assist forces in their decision making: -

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 there's someone to sue.

If a thief steals a car, causes personal injury/damage to property and runs off, leaving the car at the scene, the Motor Insurers' Bureau (MIB) meets the claim (subject to a £300 excess in respect of the property damage element).

If a thief steals a car, causes personal injury/damage to property, and drives off (i.e. "hit and run"), the MIB meets the personal injury element only. Property damage is excluded altogether, in view of the likelihood of fraud.

## 8. Signatures

8.1 This agreement is signed for and on behalf of ACPO

.....

date: 01 October 2009

Name:

Title:

8.2 This agreement is signed for and on behalf of LMA

.....

date: 01 October 2009

Name: David Gittings

Title: Chief Executive

## INSURANCE INFORMATION LIAISON DETAILS

Members of the Lloyd's Market Association that are participating in this Agreement are listed below. NB For each member stated below, participation in this agreement extends to all subsidiary and/or group companies.

AEGIS London  
110 Fenchurch Street  
London  
EC3M 5JT  
0207 265 2100

Amlin Plc  
St Helen's  
1 Undershaft  
EC3A 8ND  
020 7746 1000

Beaufort Underwriting Agency Ltd  
Third Floor, One Minster Court,  
Mincing Lane,  
London  
EC3R 7AA.

Canopus Managing Agents Ltd  
Gallery 9  
One Lime Street  
London EC3M 7HA  
UK

Chaucer Syndicates Ltd  
Plantation Place  
30 Fenchurch Street  
London  
EC3M 3AD  
Tel: 020 7397 9700

Equity Syndicate Management  
Library House  
New Road  
Brentwood, ESSEX  
CM14 4GD  
01277 206589

Hardy (Underwriting Agencies) Ltd  
4<sup>th</sup> Floor, 40 Lime Street  
London  
EC3M 7AW  
0207 626 0382

**Association of Chief Police Officers & Lloyd's Market Association**

Heritage (Argo Group)  
47 Mark Lane  
London  
EC3R 7QQ

KGM Underwriting Agencies Ltd  
KGM House  
George Lane  
London  
E18 1RZ  
0208 530 7351

RJ Kiln & Co Ltd  
106 Fenchurch Street  
London  
EC3M 5NR

Max at Lloyd's  
4<sup>th</sup> Floor, 70 Gracechurch Street  
London  
EC3V 0XL  
0203 102 3100

Mitsui Sumitomo Insurance Group  
2nd Floor, 25 Fenchurch Avenue,  
London ,  
EC3M 5AD

Montpelier Underwriting Agencies Ltd  
7<sup>th</sup> Floor, 85 Gracechurch Street  
London  
EC3V 0AA  
0207 648 4501

Novae Group Plc  
71 Fenchurch Street  
London  
EC3M 4HH  
0207 903 7300

Travelers Syndicate Management Ltd  
Exchequer Court  
33 St Mary Axe  
London  
EC3A 8AG  
0203 207 6000

**POLICE LIAISON DETAILS**

<b>Force</b>	<b>Liaison Point</b>	<b>Contact Details</b>
Avon & Somerset Constabulary PO Box 37 Portishead Bristol BS20 8QJ	Data Protection Officer	Telephone 01275 816183 Fax 01275 816316
Bedfordshire Police Woburn Road Kempston Bedford MK43 9AX	Data Protection Officer	Telephone 01234 275072 Fax 01234 275076
Cambridgeshire Police Hinchingsbrooke Park Huntington PE18 8NP	Data Protection Officer	Telephone 0345 456 4564 [ext 8155 or 8136] Fax 01480 428192
Cheshire Constabulary Headquarters Clemonds Hey Oakmere Road Winsford Cheshire CW7 2UA	Data Protection Officer	Telephone 01244 612363 Fax 01244 614133
Cleveland Constabulary PO Box 70 Ladgate Lane Middlesborough TS8 9EH	Data Protection Officer	Telephone 01642 301317 Fax 01642 301257
Cumbria Constabulary Carleton Hall Penrith CA10 2AU	Data Protection Officer	Telephone 01768 217194 Fax 01768 217134
Derbyshire Constabulary Butterley Hall Ripley Derby DE5 3RS	Data Protection Officer	Telephone 01773 572082 Fax 01773 572035
Devon & Cornwall Constabulary Middlemoor Exeter EX2 7HQ	Data Protection Officer	Telephone 01392 452371 Fax 01392 452024
Dorset Police Winfrith Dorchester DT2 8DZ	Data Protection Officer	Telephone 01305 223929 Fax 01305 223987

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Durham Constabulary Aykley Heads Durham DH1 5TT	Data Protection Officer	Telephone 0191 375 2278 Fax 0191 375 2270
Dyfed - Powys Police PO Box 99 Llangunnor Carmarthen SA31 2PF	Data Protection Officer	Telephone 01267 226466 Fax 01267 226459
Essex Police PO Box 2 Springfield Chelmsford CM2 6DA	Data Protection Officer	Telephone 01245 452523 Fax 01245 452256
Gloucestershire Constabulary County Police HQ No.1 Waterwells Waterwells Drive Quedgeley Gloucester GL2 2AN	Data Protection Officer	Telephone 01452 754304
Greater Manchester Police PO Box 22 (S. West PDO) Chester House Boyer Street Manchester M16 0RE	Data Protection Officer	Telephone 0161 856 2532 Fax 0161 856 2535
Gwent Constabulary Croesyceiliog Cwmbran NP44 2XJ	Data Protection Officer	Telephone 01633 642209 Fax 01633 642487
Hampshire Constabulary West Hill Winchester SO22 5DB	Data Protection Officer	Telephone 01962 871014 Fax 01962 871199
Hertfordshire Constabulary Stanborough Road Welwyn Garden City SL8 6XF	Data Protection Officer	Telephone 01707 354396 Fax 01707 354349
Humberside Police Queens Gardens Kingston Upon Hull HU1 3DJ	Data Protection Officer	Telephone 01482 220836 Fax 01482 220837
Kent County Constabulary Sutton Road Maidstone ME15 9BZ	Data Protection Officer	Telephone 01622 652668 Fax 01622 652319
Lancashire Constabulary PO Box 77 Fax 01772 618736 Hutton Nr Preston	Data Protection Officer	Telephone 01772 618198

## Association of Chief Police Officers & Lloyd's Market Association

PR4 5SB

Leicestershire Constabulary  
St John's  
Enderby  
Leicester  
LE19 2BX

Information Security Manager

Telephone 0116 2485219  
Fax 0116 248 5217

Lincolnshire Constabulary  
PO Box 999  
Lincoln  
LN5 7PH

Data Protection Officer

Telephone 01522 558247  
Fax 01522 558327

London Metropolitan Police  
New Scotland Yard  
Broadway  
London  
SW1H 0BG

Data Protection Officer

Telephone 020 7230 3291  
Fax 020 7230 4586

London City of Police  
26 Old Jewry  
London  
EC2R 8DJ

Data Protection Officer

Telephone 020 7601 2704  
Fax 020 7601 2711

Merseyside Police  
PO Box 59  
Liverpool  
L69 1JD

Data Protection Officer

Telephone 0151 777 8907  
Fax 0151 777 8142

Norfolk Constabulary  
Falconers Chase  
Wymondham,  
Norfolk  
NR18 0WW

Data Protection Officer

Telephone 01953 424098  
Fax 01953 424080

Northamptonshire Police  
Wootton Hall  
Northampton  
NN4 0JQ

Data Protection Officer

Telephone 01604 703153  
Fax 01604 703148

Northumbria Police  
Ponteland  
Newcastle Upon Tyne  
NE20 0BL

Data Protection Officer

Telephone 01661 868305/6  
Fax 01661 868988

North Wales Police  
Colwyn Bay  
LL29 8AW

Data Protection Officer

Telephone 01492 511050  
Fax 01492 511013

North Yorkshire Police  
Newby  
Wiske Hall  
Northallerton  
DL7 9HA

Data Protection Officer

Telephone 01609 789139  
Fax 01609 789983

Nottinghamshire Constabulary  
Sherwood Lodge  
Arnold  
Nottingham  
NG5 8PP

Data Protection Officer

Telephone 0115 967 2565  
Fax 0115 967 2549

South Wales Police

Data Protection Officer

Telephone 01656 869356



## Association of Chief Police Officers & Lloyd's Market Association

Bridgend CF31 3SU		Fax 01656 869469
South Yorkshire Police Sheffield S3 8LY	Data Protection Officer	Telephone 0114 252 3238 Fax 0114 252 3105
Staffordshire Police Cannock Road Stafford ST17 0QG	Data Protection Officer	Telephone 01785 232402 Fax 01785 232463
Suffolk Constabulary Martlesham Heath Ipswich IP5 7QS	Data Protection Officer	Telephone 01473 613632 Fax 01473 611269
Surrey Police Mount Browne Sandy Lane Guildford GU3 1HG	Data Protection Officer	Telephone 01483 482875 Fax 01483 482530
Sussex Police Malling House Lewes BN7 2DZ	Data Protection Officer	Telephone 01273 404049 Fax 01273 404276
Thames Valley Kidlington Oxon OX5 2NX	Data Protection Officer	Telephone 01865 846033 Fax 01865 846424
Warwickshire Constabulary PO Box 4 Leek Wootton Warwick CV35 7QB	Data Protection Officer	Telephone 01926 415097 Fax 01926 415306
West Mercia Constabulary PO Box 55 Hindlip Hall Worcester WR3 8SP	Data Protection Officer	Tel 01905 331935 Fax 01905 331422
West Midlands PO Box 52 Lloyd House Colmore Circus Queensway Birmingham B4 6NQ	Data Protection Officer	Telephone 0121 626 5407 Fax 0121 626 5102
West Yorkshire PO Box 9 Wakefield WF1 3QP	Data Protection Officer	Telephone 01924 293604 Fax 01924 293538
Wiltshire Police Wood Lane Chippenham SN15 3DH	Data Protection Officer	Telephone 01380 733445 Fax 01225 794690

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Police Service of Northern Ireland  
George Cross  
"Brooklyn", Knock Road  
Belfast  
BT5 6LE

Data Protection Officer

Telephone 02890 700778  
Fax 02890 700983

States of Jersey Police  
PO Box 789  
St Helier  
Jersey  
JE4 8ZD

Data Protection Officer  
Fax 01534 612577

Telephone 01534 612609

Guernsey Police  
Hospital Lane  
St Peter Port  
Guernsey

Data Protection Officer  
Fax 01481 719483

Telephone 01481 725111

British Transport Police  
PO Box 260  
15 Tavistock Place  
London  
WC1H 9SJ

Data Protection Officer  
Fax 020 7830 8804

Telephone 020 7830 8893

Isle of Man Constabulary  
Police Headquarters  
Glencrutchery Road  
Douglas  
Isle of Man  
IM2 4RG

Data Protection Officer

Telephone 01624 631212  
Fax

**LLOYD'S MARKET ASSOCIATION INDEMNITY**

1. In consideration of the provision of information by the Police to assist insurance companies and loss adjusters which are qualifying members (as defined below) in their work, the Lloyd's Market Association on behalf of such of its members as are notified by LMA to the ACPO from time to time ("qualifying members"), undertakes to indemnify any of the persons or any authority referred to in Para 2 below against any liability, which may be incurred by such person or authority as a direct result of the provision of such information except where liability arises out of the negligence, fraud or wilful deceit of such a person or authority.
  
2. Persons who can claim the benefit of this indemnity are in respect of any participating Police Force, as follows:
  - a) Any Police Authority
  - b) The Chief Constable of any Constabulary
  - c) Any serving or former Police Officer of any Constabulary
  - d) Any serving or former staff member of any Constabulary

Signed: ..... Date: 01 October 2009

Name: David Gittings ..... Position: Chief Executive, LMA

**REQUEST TO THE INSURED FOR CONSENT TO DISCLOSURE OF INFORMATION HELD BY THE POLICE**

**Details of Insurer**

Claim No:.....Name:.....

Address: .....

**If appropriate Name of Loss Adjuster**.....

Address.....

**Details of Insured**

Name:.....Address:.....

.....

In order to assist with the progress of your claim, we would ask for your consent to enable us to obtain the following information from the ..... Police / Constabulary.

**Details of Crime/Lost Property**

\*Crime/Lost Property Reference Number:.....

(\* delete the inapplicable as crime/lost property records kept separately)

Date and Time of report to Police:.....

Reporting Person: .....

Location of crime/loss: .....

The reason we need this information is:.....

.....

.....

**Consent:** I \*consent / do not consent to the release of this information.

Do you wish the Police to send you a copy of their response to these questions? Yes/No\*

\*(The claimant should delete as appropriate)

Signed: ..... Date: .....

Name:.....

*(block capitals)*

**REQUEST TO THE INSURED FOR CONSENT TO DISCLOSURE  
OF INFORMATION HELD BY THE POLICE**

**Details of Insurer**

Claim No:.....Name:.....

Address: .....

**If appropriate Name of Loss Adjuster**.....

Address.....

**Details of Insured**

Name:.....Address: .....

.....

**Details of Crime**

.....

.....

.....

.....

**Date and Location of Crime**

In order to assist with the progress of your claim, we would ask for your consent to enable us to obtain the following information from the ..... Police / Constabulary. The information requested and the reason for seeking it is set out below.

---

**Information Requested**

Details of Crime

Crime Reference Number:.....

Date and Time of report to Police:.....

Aggrieved Person:.....

Location of Crime:.....

The reason we need this information is .....

.....

.....

Association of Chief Police Officers & Lloyd's Market Association

.....

**Consent:** I \*consent / do not consent to the release of this information.

Additional information

1. **Reasons**

.....  
.....

2. **Consent:** I \*consent / do not consent to the release of this information.

.....

1. **Reasons**

.....  
.....

2. **Consent:** I \*consent / do not consent to the release of this information.

.....

1. **Reasons**

.....  
.....

2. **Consent:** I \*consent / do not consent to the release of this information.

.....

Do you wish the Police to send you a duplicate copy of their response to these questions? Yes/No\*  
\*(The claimant should delete as appropriate)

Signed: ..... Date: .....

Name:.....  
(block capitals)

**APPENDIX E**

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

From: (Insurer and/or Loss Adjustor\*) .....

Address: .....

\*For Loss adjusters acting for (Insurer's name and address):.....  
.....

To: (Constabulary) .....

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 permitted under Section 29(3) of the Data Protection Act 1998 where failure to do so would prejudice the purpose

Ref No: .....

Nature of enquiry and information requested:  
.....  
.....

Summary of evidence to suspect a fraudulent insurance claim has been made (to be supplemented by copies of documentation):  
.....  
.....  
.....

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.

Signed: ..... Date: .....

Name: .....  
(*block capitals*)

Post: ..... Department: .....

Supervisory signature:

Signed: ..... Date: .....

Name: ..... (*block capitals*)Post:

Under the terms of the Information Sharing Memorandum of Understanding 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**

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

**RESTRICTED**

From: (Constabulary) .....

To: (Insurer) .....

I am in possession of information which leads me to believe that this individual is intending to attempt to obtain money fraudulently through an insurance claim. 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 is permitted under the Data Protection Act 1998, Section 29(3).

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.

Signed: ..... Date: .....

Name: .....

*(block capitals)*

Post: ..... Division/Department: .....

Countersigned (Supervisory officer)

Signed: ..... Date: .....

Name: .....

*(block capitals)*

Post: .....

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

**COPY TO BE KEPT ON FILE**



## GUIDANCE NOTE FOR LLOYD'S MARKET ASSOCIATION MEMBERS

### Background

1. In 1978 the ACPO Crime Committee issued guidelines on the exchange of information between Police and insurers. In 1999, the ABI and ACPO agreed to draft revised guidelines in recognition that the current system was not working well in practice. The joint ABI/ACPO Working Party has now agreed a set of revised guidelines, which have again been reviewed and updated in 2004 and 2008. They are intended to complement the joint ABI/ACPO document "Acceptance Criteria and Guidelines for the Reporting of Suspected Fraudulent Insurance Claims to the Police".
2. The arrangements agreed in 1978 were felt to be inadequate because the Police were overwhelmed by the volume of requests for information received from insurers and loss adjusters and the administratively burdensome way in which they were made. The Police considered that in a large number of cases it was not made clear to them whether there was suspicion of crime, namely insurance fraud, leading to the request. It is in insurers' interests to build a workable protocol for requesting information from the Police so that cases where they have evidence or reasonable grounds to suspect fraud are dealt with.
3. Paragraph 2.7 of the "ACPO/ABI Guidelines On The Exchange Of Information Between The Police and Insurance Companies and Loss Adjusters" (the Guidelines), sets out that the ABI will provide additional guidance to its members in respect of applying to the Police for information under the Guidelines. This Guidance Note provides that additional material.

### Complying with the Guidance Note

4. LLOYD'S MARKET ASSOCIATION has agreed with ACPO that requests from insurers and loss adjusters will only be responded to by the Police if they comply with the guidance set out in this Note and the Guidelines themselves, and if requests are made by on or on behalf of the list of participating insurers at Appendix A to the Guidelines.
5. This Note refers to "insurers" but the term should be read as including loss adjusters acting on behalf of insurers. As LLOYD'S MARKET ASSOCIATION members, insurers are responsible for ensuring that loss adjusters acting on their behalf comply with the terms of the Guidelines and this Note.

### Basis for requesting information

6. The Guidelines set out that there are two bases on which insurers should approach the Police for information:
  - Where there is specific reason to check a claim (section 4);
  - Where there is evidence to suspect a fraudulent insurance claim (section 5).
7. Insurers - or loss adjusters working on their behalf - who make approaches to the Police which do not comply with the Guidelines or this Note risk being deleted from the list of participating insurers at Appendix A of the Guidelines with the result that the Police will not supply any information to them or their agents.

**Correspondence**

8. All requests for information must be made according to the agreed format set out in the Appendices to the Guidelines. Other correspondence as a rule should be limited to supporting information sent with the appropriate form. The police will not acknowledge letters registering the insurer's interest in a particular case. Insurers are asked to keep these to a minimum and not send them as a matter of routine because many forces do not have the resources to deal with large volumes.
9. Loss adjusters will need to confirm to the Police that they are requesting information as an appointed agent of a named insurer who appears on the list at Appendix A to the Guidelines.
10. Paragraph 21 of this Note sets out that the Police also wish to be informed about the outcome of an insurer's investigations where information had been requested under section 5 of the Guidelines.

**Dispute Resolution**

11. Any disputes in relation to the provision of information under these guidelines should be escalated within the police force and the insurance company in an effort to resolve the issues. For example, a claims handler should refer the matter to the head of claims or claims director. Similarly, police officers should refer disputed requests to more senior officers.

**Section 4 : Supply of information where there is specific reason to check a Claim**

This section relates to cases where the insurer has reason to check a claim but where there is not yet enough evidence to make a reasonable decision that fraud is being attempted. A crude example might be that goods reported stolen in a burglary appear to the insurer to be well beyond the means of the claimant (eg. 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. A Police crime report could assist the insurer's decision whether or not to settle the claim.

12. Requests under this section require the explicit consent of the insured for an approach to be made to the Police. Clearly this could make the insurer's request for information useless because a claimant would be extremely unlikely to give consent where they were aware that a crime report would not back up an insurance claim. To deal with this the insurer should seek the insured's consent at two stages:
  - Firstly, at proposal stage, the insured should be notified that, with the consent of the insured, the insurer might exchange information with the Police where this is needed to validate a claim;
  - Secondly, at the point of claim, explicit prior consent must be obtained before information can be requested from the Police but settlement of the claim can be made dependent on consent being given if the insured had been notified at proposal stage.
13. The insurer must satisfy themselves that true and explicit consent has been properly and appropriately obtained.

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14. All requests for information must be made in the agreed format shown at Appendix D of the Guidelines. This takes the form of a "Request To The Insured For Consent To Disclosure Of Information Held By The Police". The insured is hereby shown the Request Form which will be sent to the Police so that their consent or otherwise is explicitly obtained on the exact information about them which will be passed from the insurer to the Police. They can also indicate if they wish to see an exact duplicate of the information which is sent by the Police to the insurer in response. If the insured gives consent then the original Form D should be sent to the Police.
15. Insurers may request limited information such as the crime/lost property reference number, date and time of loss, reporting person and location of crime/loss using the form at Appendix D(a). More detailed information should be requested by asking specific questions and using the form at Appendix D(b).
16. Form D requires reasons to be given for why the information is requested. A short summary of the grounds for making a suitable check must be given so that the Police can understand that it is appropriate for them to respond. Using the example above, a reason might be, "Exceptionally valuable items claimed for, no proof of ownership supplied, sum insured is very modest." The insured will see this in advance when consent is requested.
17. 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 of £75 for each request made to cover administrative costs.

### **Section 5 : Supply of information where there is evidence to suspect a fraudulent insurance claim**

18. This section relates to cases where the insurer has evidence to support their suspicion of insurance fraud. Requests for information from the Police will be made under s29 of the Data Protection Act 1998.
19. In these cases the explicit consent of the claimant is not required in order to request information from the Police.
20. All requests for information must be made in the agreed format shown at Appendix E of the Guidelines. 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 reach the required standard of suspicion, since keys may be cloned. Requests for information are only likely to fall under section 5 of the Guidelines where the insurer has carried out some detailed investigations into a claim. On receipt, the police will assess the information in their possession to see if they have any information which supports the suspicion and the investigating officer may be given the information provided in order to decide if a disclosure under this section can be justified as compliant with the Data Protection Act 1998. If a disclosure cannot be justified the insurer may be referred back to Section 4 (App D)
21. No fee will be charged for requests made under this section.
22. The Police have asked that where they have supplied information in response to a request under section 5 of the Guidelines, 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.