

CHAPTER 24  
SECTION 2

## TELEPHONE REQUESTS

## 1. GENERAL

Personal information should **not** generally be disclosed in response to a telephone call. The caller should be asked to put the request in writing. The only acceptable departures from this rule are requests from the subject of the data or their representatives (including MPs [*see section 3 of this IDI*] and the police).

## 2. THE APPLICANT OR HIS REPRESENTATIVE

An applicant or his representative should not be given information about his case until the caller's identity has been established beyond reasonable doubt. This may require asking for personal details (e.g. the applicant's date or place of birth or, if the call is from his representative, the reference number which has been used in any correspondence) which can be compared with information held in our records.

## 3. THE POLICE

Whenever information is requested by telephone by someone claiming to be from the police, the caller should be asked to give his or her name, shoulder number and telephone number. The "call back" procedure should be employed **unless** in exceptional operational circumstances i.e. the officer has just arrested or intends to effect the arrest of the individual or individuals concerned. [*Further guidance on handling requests for information from the police including when to use the "call-back" procedure is contained in section 3*]

## 4. OTHER GOVERNMENT DEPARTMENTS AND PUBLIC BODIES

Whenever information is requested by telephone by someone claiming to be from another government department or public body such as a local authority, the caller should be asked to make their request in writing giving full details of what information is required and why it is needed. In particular, the requesting body should be invited to identify the statutory or non-statutory public policy objective the proposed disclosure is intended to support. Almost all government departments and public bodies have a standard Data Protection form which should be completed, referring to any relevant statutory provisions or relevant Data Protection Act exemption. This request can be faxed to us and the response made by either return fax or telephone call. Details of the call should be recorded on the applicant's file if possible, or a copy of the DPA form retained by the responding officer. [*For more detail see section 3*]

## 5. OTHER CALLERS

Staff should act with caution if they receive a telephone call purporting to come from a relative, employer or college asking for information, as employees of tracing agencies

and debt-collecting agencies have been known to try to obtain addresses in this way. If there are grounds for believing that an enquiry is bogus, the matter should be referred, via line management, to the UK Border Agency Security Unit. The UK Border Agency has standard procedures for handling queries from employers and any requests from employers should be directed to the Employers Helpline (0845 010 6677) **[see section 8 of this IDI]**.

Staff may only disclose information about an applicant to the applicant's relative where:

- we have the consent of the data subject (applicant) to do so; or
- the relative is requesting limited information about the applicant (e.g. for a case progress update, whether a document has been received by UKBA); **and**
- the relative has demonstrated knowledge of and is clearly supporting the applicant's case; **and**
- the relative has offered a reasonable explanation for why the applicant has not/cannot call the UKBA themselves (e.g. they cannot speak English/are detained by the UK Border Agency).

If a relative of an applicant requests more detailed information e.g. the specifics of the migrant's application, the decision made etc. staff should not disclose that information. Staff should explain that the information can only be provided to the migrant directly or with the consent of the migrant. **Staff should never disclose the address of an applicant to a relative.** If in doubt about a disclosure staff should speak to the Information Access Policy Team (0208 760 4657).

## 6. ALLEGATIONS

In our normal course of business the UK Border Agency will receive allegations of immigration fraud and other denunciatory information from members of the public including employers and in some cases other public bodies.

**This information must be treated in strict confidence and should not be disclosed to the subject of the allegation. If the subject makes a subject access request under section 7 of the DPA, the request will need to be considered on its facts, but it is likely that an exemption to the obligation to provide subject access will apply. [For more detail on subject access requests see section 11 of this IDI].**

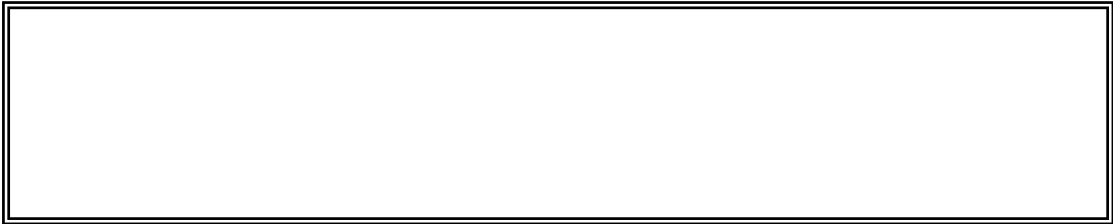
The information supplied to the UK Border Agency will be treated in the same way as any other personal data received by the UK Border Agency and the same duty of confidentiality will be attached to it and that of the individual supplying it. Conversely should the individual making the allegation make a request for any information relating to an investigation subsequent to them making the allegation, then that information **cannot** be disclosed due to our duty of confidentiality to the subject of the allegation.

In responding to a request of this nature, assure the enquirer that details of their allegation have been referred to the correct investigative body, whether it will be within the UK Border Agency or without (i.e. the police); reassure them that the information supplied by them will be treated in strict confidence and not further disclosed, but advise them that you are unable to provide them with any information

about the subject of the allegation due our duty of confidentiality to the individual concerned. In cases of this nature, the enquirer will be considered to be a third party and therefore our Common Law duty of confidentiality and the Data Protection Act 1998 preclude such a disclosure.

#### 6.1. **Allegations made in writing**

All allegations of offences against the immigration rules or laws received in writing by the Document Management Centre (DMC) are passed to Evidence and Enquiry (E&E) 12<sup>th</sup> Floor, Long Wing, Lunar House, Wellesley Road, Croydon who will then refer the allegation to the relevant Immigration Service (IS) enforcement office or intelligence unit as appropriate.



#### 6.2 **Allegations made by phone**

All allegations of offences against the immigration rules or laws received by phone should be directed to Immigration Enquiry Bureau (IEB) on the general support number of 0870 606 7766. IEB will then take details of the allegation on a proforma and pass them on to the relevant IS enforcement office or intelligence unit as appropriate.

IEB cannot deal with notification of withdrawal of sponsorship. The caller should be directed to put such information in writing to the UK Border Agency. Nor can IEB deal with matters relating to individuals currently living outside of the UK. The responsibility here lies with UK visas and the caller should be informed accordingly.