



HM Prison &
Probation Service

Memorandum of understanding between

**HMI Prisons and HM Prison and Probation
Service**

January 2025

Introduction

1. HM Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose Chief Inspector is a Crown appointment. HM Chief Inspector of Prisons' responsibilities are set out in sections 5A and 43 of the Prison Act 1952 (as amended). They are to inspect (or arrange for the inspection of) and report to the Secretary of State on:
 - prisons, young offender institutions (YOIs), and secure training centres (STCs) in England and Wales;
 - court custody facilities in England and Wales and escorts to and from these facilities; and
 - immigration removal centres (IRCs), short-term holding facilities, pre-departure accommodation and escort arrangements throughout the UK.

In particular, the Chief Inspector shall report to the Secretary of State on the treatment of detainees and the conditions in establishments. The majority of inspections undertaken by the Chief Inspector benefit from the assistance of other inspectorates and inspections of STCs are undertaken jointly with Ofsted and the CQC. The Chief Inspector may also carry out inspections of military custody and other jurisdictions by invitation. The Chief Inspector must prepare an annual report to be laid before parliament.

2. HM Prison and Probation Service (HMPPS) is an Executive Agency of the Ministry of Justice (MOJ), and delivers the orders of the court in custody and the community. The Agency brings together HM Prison Service and the Probation Service to enable a more effective delivery. Within England and Wales, HMPPS is responsible for running prison and probation services, rehabilitation services for people in our care leaving prison, making sure support is available to stop people reoffending, contract managing private sector prisons and services such as Prisoner Escort Service (PECS) and Electronic Monitoring (EM).
3. HMI Prisons' work is carried out in accordance with the UK's obligations as a party to the Optional Protocol to the United Nations Convention against Torture and other cruel, inhumane or degrading treatment or punishment (OPCAT). OPCAT requires each state party to designate an independent National Preventive Mechanism (NPM), which monitors places of detention for the purpose of preventing torture and ill-treatment. HMI Prisons is a member of the UK NPM.

Purpose

4. The purpose of this Memorandum of Understanding (MOU) is to set out working arrangements between HMI Prisons and HMPPS during the inspection process. It replaces the MOU signed in October 2019.

Programming

5. The Police and Justice Act 2006 requires HMI Prisons to consult annually on its inspection plans and framework, and on the joint plan of the Chief Inspectors of criminal justice. Consultation is undertaken with a range of stakeholders, including HMPPS. However, the decision to inspect a particular establishment is ultimately a matter for HMI Prisons.
6. Currently, HMI Prisons will inspect adult prison establishments at least once every five years.
7. Since April 2022, children and young people's establishments have annual visits for an inspection or Independent Review of Progress (IRP). They are subject to a full inspection every 18-24 months. The Inspectorate carries out an Independent Review of Progress (IRP) 8-12 months after each full inspection, to review the progress leaders and managers have made in addressing recommendations or areas of concern made at the previous inspection.
8. Inspections are normally unannounced, although may be announced on occasion. Any announced inspections will usually be notified six months before the date of inspection. The nature and timing of an inspection will be at the discretion of HMI Prisons and will be informed by HMI Prisons' dynamic risk assessment.
9. Under the Police and Justice Act 2006, HMI Prisons is the "gatekeeper" for other inspectorates seeking to inspect in prison custody. To minimise burdens and maximise effectiveness, HMI Prisons will seek to ensure that all its partners inspect simultaneously under its auspices and, in so far as possible, produce uniform and consistent judgments. HMI Prisons will put in place Memoranda of Understanding with all its partners to ensure that they adhere to the requirements placed upon HMI Prisons by this MOU, which are available on the HMI Prisons website.

Access

10. In line with the Government's obligations under the Optional Protocol to the Convention Against Torture (OPCAT), inspectors will be given free access to any facilities or areas where people are, or may be, detained and to people who are, or may be, deprived of their liberty. Inspectors have the right to carry out inspections and cannot be refused entry or access that impedes their ability to inspect.
11. HMPPS will provide authorised HMI Prisons staff, acting on the instructions of the Chief Inspector, unfettered access to establishments, records and prisoners. This will include the immediate provision of keys on arrival for authorised inspection staff. Records will include electronic images and records identified by inspectors relevant to the inspection, as well as relevant records held regionally or nationally.

12. In accordance with OPCAT, HMPPS will inform HMI Prisons of the location of any new prisons or Young Offender Institutions before they are operational.
13. HMI Prisons will have immediate access to the Mercury security information system or other security information reporting arrangements where this is relevant to their inspections. During an inspection, members of the inspection team may need to submit a security intelligence report if they witness anything of significance that raises security concerns. HMI Prisons will ensure that security information is dealt with confidentially. Where records or files relate to covert surveillance and/or the use of a covert human intelligence source (CHIS), the establishment's Governing Governor will be notified in case any additional and proportionate arrangements are required for their secure viewing.
14. HMI Prisons will ensure that all staff, including partners, have appropriate security vetting, personal photographic identification and security training. HMI Prisons is covered by Crown immunity from prosecution under the Offender Management Act 2007 regarding the conveying of items in and out of the establishment related to their designated duties. HMI Prisons has agreed not to take mobile phones into establishments, Prison Service Instruction (PSI) 10/2012 [Conveyance and Possession of Prohibited Items and other Related Offences](#). [HMI Prisons](#) will routinely take in cameras (which it will use to photograph its findings as appropriate), Annex A: HMI Prisons and HMPPS protocol for taking photographs within HM Prisons to demonstrate findings as appropriate: (HMI Prisons and HMPPS protocol for taking photographs within HM Prisons) and on occasion take in digital audio recording equipment (which it will use to record interviews it may carry out with detainees), subject to safety and security considerations. HMI Prisons and its partners will take secure laptops with secure internet access and related mobile media devices into establishments as part of the inspection process — without the need for individual authorisations.
15. HMI Prisons may on occasion invite visitors or guests to accompany an inspection (such as senior visitors from partner inspectorates, officials from the Ministry of Justice or representatives of external organisations). All visitors will sign an agreement with HMI Prisons, which sets out that it is the responsibility of HMI Prisons to organise all aspects of their visit, that they must follow HMI Prisons' Code of Conduct, and that they will be subject to a confidentiality agreement with HMI Prisons. HMI Prisons will inform the inspected establishment of the visitors in advance of their visit. HMI Prisons will consult with the MOJ press office should they wish to invite media representatives to an inspection.

Data and Retention Periods

16. This MOU is also the data sharing agreement between HMPPS and HMI Prisons. HMPPS will supply HMI Prisons with (or provide access to) case level information centrally, when requested. This will include paper and electronic records. HMI Prisons will ensure that it uses suitably encrypted media when sharing sensitive electronic data (see Annex B for the Data Sharing Agreement for the HMPPS Performance Hub).
17. HMI Prisons will meet all legal and government requirements such as GDPR for the protection of personal information, records and images accessed on inspection.
18. In the absence of suitable publicly available data, HMI Prisons reserve the right to include data provided by HMPPS (including where access to data has been provided centrally) or inspectorate fieldwork processes in our inspection reports. This will be done in a way so that individuals will not be identifiable. In the event that any report is intending to use unpublished data, HMIP will notify HMPPS at the earliest opportunity to allow any concerns to be raised. HMPPS will have a final opportunity to raise any objections to the publication of specific pieces of data during the Fact Check process. Annex B contains more detail about the use of HMPPS Performance Hub data; where HMPPS do not provide a response to a request to use Hub data publicly, the process in this MOU will be followed.
19. HMPPS has a specific set of retention periods about the length of time offender data should be kept. Personal data provided to HMI Prisons by HMPPS will be kept for retention periods defined by HMI Prisons and then destroyed in accordance with standard MOJ policy.
20. HMIP will share their concerns database on a quarterly basis with the Performance, Assurance and Risk Group Intelligence Team. This will be sent to HMPPSIntelligenceTeam@justice.gov.uk.

Inspections

21. HMI Prisons will seek in all instances to minimise unnecessary burdens on establishments during inspections.
22. HMI Prisons will issue pre-inspection instructions about the conduct of inspections, either as part of a pre-inspection visit (for announced inspections) or on the day the inspection is announced or as soon as possible after notification. In particular, the establishment will be required to appoint a liaison officer and provide a suitable room or rooms for the inspection team. HMI Prisons will also appoint a co-ordinator as a first point of call for establishments.

23. On full inspections, the inspection team will endeavour to provide informal feedback throughout the inspection to explain its findings and evidence base. HMI Prisons will provide a formal debrief with indicative judgments on the final day of the inspection. This will provide an opportunity for the Governor or Director to raise any issues with HMI prisons before the inspection has concluded. The location of and attendance at the final debrief will be a matter for the Governor or Director and may also include the Chair of the Independent Monitoring Board. HMPPS will ensure that the Prison Group Directors (PGD) and/or the Executive Director (ED) for the establishment attend the final debrief, or consider sending a representative if they are unable to attend. This will be of particular importance if a report is likely to be critical and will in part enable appropriate support to be provided to local leadership. If the ED or PGD are unable to attend this should be communicated to the Inspection Team Leader in advance of the final de-brief. Where this is the case, the inspection Team Leader may raise any concerns with the PGD/ED following the final debrief so that ongoing support can be provided to local leadership.
24. It is recognised that the scrutiny and profile of HMIP inspections, particularly where there are poor outcomes, may be personally challenging for Governors and their teams. HMIP, whilst maintaining their independent scrutiny role will act with professionalism and sensitivity to mitigate the associated risks and where necessary alert HMPPS if serious concerns regarding wellbeing of individuals are apparent during the inspection.
25. At the formal debrief, HMI Prisons will provide the Governor with a debrief note that details the key judgements made during the inspection. These judgements will be provisional and may be subject to review as evidence is considered further. In addition, HMI Prisons will send a copy of the debrief note to HMPPS Headquarters. This will be done the week following the inspection and will be co-ordinated in HMPPS by the Director General, Operations. There is a requirement that the debrief note will not be made public or quoted publicly, and that it will only be communicated in a targeted way consistent with the requirements of specific pieces of work. It will not be circulated generally. In the case of an Urgent Notification being issued, a debrief summary will be published alongside the letter to the Secretary of State by HMIP.

Operational Managers Loan Arrangements

26. HMI Prisons may, at its discretion, engage some operational prison managers formally employed by HMPPS where this is necessary to achieve a reasonable experience and skill mix amongst its inspectors. Posts will be offered by HMI Prisons from time to time on a permanent, fixed term or secondment/loan basis. Secondments/loans between HMPPS and HMI Prisons will be for an initial fixed term but are intended to be flexible and can be extended as determined by HMI Prisons and

HMPPS subject to agreed regular reviews (initially at the three-year point). Secondments/loans will only take place on terms and conditions acceptable to HMI Prisons and HMPPS, including those which allow HMI Prisons to ensure its independence. These arrangements seek to address HMI Prisons' requirement to second/loan skilled individuals whilst ensuring its independence as a member of the National Preventive Mechanism.

Conduct and Complaints

27. The conduct of inspectors, including partner inspectors, will be the responsibility of the on-site inspection team leader. Complaints about inspection staff should be referred to the inspection team leader or to the Chief or Deputy Chief Inspector as appropriate. Formal complaints will be dealt with in accordance with HMI Prisons' complaints process. Where appropriate, these will be actioned through the partner organisation's complaints process.
28. Formal complaints by inspectors about prison staff, or the behaviour of prisoners, will be made to the Governor or Director or, if necessary, the relevant Prison Group Director or Executive Director or equivalent authority.
29. HMI Prisons will seek voluntary feedback for quality assurance purposes from establishments after each inspection. In addition, HMI Prisons will conduct an annual stakeholder survey to inform performance improvement.

Correspondence

30. Correspondence received from prisoners or members of the public that raise issues or matters of potential concern or urgency about a prisoner's safety will ordinarily be referred to the Safer Custody Team or Governor of the establishment to which the concern relates. In exceptional circumstances, or where the nature of the correspondence requires it, correspondence will be referred directly to HMPPS : Director General – Operations.

Report production

31. The content of inspection reports and the decision to publish are entirely matters for HMI Prisons. However, HMI Prisons will send a draft report to HMPPS' Scrutiny Team within the Performance, Assurance and Risk Group for factual accuracy checks within seven weeks (the target timeline is 32 working days) of the completion of an inspection. A covering letter will specify an indicative publication date between seven and eight weeks (approximately 38 days) later.

32. The Scrutiny Team will ensure that factual accuracy checks are undertaken within three weeks (15 days). This process is used to identify any inaccuracies in the text, such as in data, names or titles, and is not an opportunity to challenge the findings or judgements of HMI Prisons. Inaccuracies may also arise in descriptions of process or events; however HMI Prisons will refer to the evidence gathered during inspection, based on the triangulation of multiple evidence sources, to determine accuracy. During this time Scrutiny Team will indicate whether HMPPS is content for publication to go ahead on the indicative date, although HMI Prisons reserves the right to move to publication if HMPPS does not meet this deadline.
33. HMI Prisons will respond to any factual accuracy or clarification points within two weeks (10 days). Matters of judgement will remain entirely for HMI Prisons.
34. HMI Prisons will publish within a further two to three weeks; this will include printing, circulation to Ministers, media handling and ensuring the availability of relevant senior staff. In total, HMI Prisons aims to publish inspection reports within 14 weeks of the end of inspection.

Media handling

35. HMI Prisons will issue a press notice or a full press release on publication of all reports. HMCIP's press officer engages with the media at the discretion of HMCIP and will liaise with the MoJ press office on issues where appropriate. Press notices and releases will be shared with HMPPS prior to publication.
36. HMI Prisons and HMPPS will manage independently their own media relations.

Action plans

37. HMPPS will ensure that, within three months of report publication, the establishment puts in place an action plan that responds to the concerns identified by the Inspectorate. The action plan should set out the action taken or planned in response to each area of concern and the timeline for each action. The Scrutiny Team in PAR will work with the operational line to develop and quality assure these plans and clear them with the Executive Directors. This action plan should be available three months after publication of the report. Action plans from inspected bodies will be published on the HMI Prisons website.
38. Establishments will keep their action plan up to date and a current working version will be sought by HMI Prisons as part of its next inspection.

Urgent Notification

39. During the inspection of prisons, young offender institutions (YOIs) and secure training centres (STCs) (the latter with the agreement of HMCI Ofsted and the CQC's Chief Inspector of Primary Medical Services and Integrated Care), HMCIP may identify significant concerns with regard to the treatment and conditions of those detained. In this eventuality, an Urgent Notification (UN) will be issued to the Secretary of State for Justice within seven calendar days of the end of the inspection.
40. UNs are not subject to formal factual accuracy checks, and HMPPS do not receive a draft of UNs before they are sent to the Secretary of State, but HMPPS reserve the right to advise HMIP of any key errors in the letter to the Secretary of State or inspection debrief that accompanies it on receipt.
41. For prisons and young offender institutions, HMCIP will write to the Secretary of State (copied to relevant stakeholders) within seven calendar days of the end of the inspection providing urgent notification of the significant concerns and the reasons for those concerns. The notification will summarise the judgements and identify issues that require improvement. As part of the inspection process the Governor or Director of the respective institution will have been briefed concerning HMCIP's intent. Twenty-four hours after the letter has been sent privately to the Secretary of State, it will be published on the HMI Prisons website and distributed to the media and through social media.
42. Inspections of STCs are carried out by Ofsted, HMI Prisons and the Care Quality Commission under a Joint Inspection Framework.¹ For STCs, if the Chief Inspectors decide to invoke the urgent notification process, Ofsted, as lead inspectorate, will write to the Secretary of State for Justice on behalf of the inspectorates setting out their shared concerns. As part of the inspection process the Director of the respective institution will have been briefed concerning the intent to issue an urgent notification. The Director will also receive a copy of the letter at the same time as it is sent to the Secretary of State. Twenty-four hours after the letter has been sent privately to the Secretary of State, it will be published by Ofsted.
43. Having received an urgent notification, the Secretary of State has 28 calendar days to publicly respond to the concerns raised in the published letter. The response will explain how outcomes for those detained in the institution will be improved in both the immediate and longer term. Further

¹ Inspections of STCs are carried out by Ofsted, HMI Prisons and the Care Quality Commission under a Joint Inspection Framework, [Joint inspection framework: secure training centres - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/joint-inspection-framework-secure-training-centres). For a full explanation of the joint methodology, please refer to that Framework.

information on the UN process can be found in the HMI Prisons Inspection Framework.

44. Following an urgent notification of a prison or YOI, HMI Prisons will re-inspect the establishment in due course at a date determined by the risk-based scheduling process. Following an urgent notification of an STC, the next inspection or visit will take place in accordance with the Joint Inspection Framework.

Independent Reviews of Progress

45. In addition to its programme of inspections, HMI Prisons also carries out Independent Reviews of Progress (IRPs) [*Guide to IRPs for prison staff*](#). The purpose of an IRP is to assess progress in implementing the recommendations or areas of concern from previous inspection reports, to support improvement in prisons, and to identify barriers to progress.
46. Independent Reviews of Progress differ from inspections, which assess the treatment of prisoners and the conditions of detention against HMI Prisons' Expectations and healthy prison tests. The IRPs instead follow up on a selection of recommendations or areas of concern made and make judgements about the extent of progress made. Judgements on progress will be made in line with the HMI Prisons Inspection Framework ([*HMI Prisons Inspection Framework*](#)).
47. HMI Prisons will identify establishments for an Independent Review of Progress based on a number of factors, including healthy prison test scores over time; the key risks at the establishment; and levels of confidence in the leadership and capacity for change and improvement.
48. HMI Prisons will undertake 15 to 20 Independent Reviews of Progress each business year. Reviews will typically take place 8 to 12 months following the inspection.
49. Independent Reviews of Progress are short, announced visits, involving four or five inspectors for 2.5 days.
50. The IRP reports will be published within 25 working days, which includes ten working days for a factual accuracy check. A letter is also sent to HMI Prisons detailing any response HMPPS would wish to make.

Thematic Reviews

51. HMI Prisons may undertake thematic reviews. The nature and subject of these reviews will be a matter for the Chief Inspector but will be informed by the annual consultation arrangement set out above.
52. Where additional fieldwork is required for thematic reviews, individual Governors or Directors will be approached directly to agree access and

make appropriate arrangements. HMI Prisons will discuss the emerging findings of its thematic inspections with HMPPS before the report is finalised.

53. The report publication, media handling and action plan stages set out above will apply but, where necessary, will be tailored to the nature, length and complexity of a thematic report. The Scrutiny Team in PAR will co-ordinate handling of thematic reviews on behalf of HMPPS, including reports about a single policy area.

Business Development

54. The Scrutiny Team in PAR, on behalf of HMPPS, will act as the first point of contact for any issues arising from the MOU or on proposed changes within the review period.

Reviewing the MOU

55. The MOU will be reviewed annually. Lead contacts for the MOU will be the Deputy Chief Inspector (HMI Prisons) and the Head of Assurance, Risk Management & Governance (HMPPS).

Signed



Amy Rees
Chief Executive Officer, HMPPS
[date] January 2025



Charlie Taylor
HM Chief Inspector of Prisons
2 January 2025

Annex A: HMI Prisons and HMPPS protocol for taking photographs within HM Prisons to demonstrate findings as appropriate:

- **Accuracy** - Any photographs taken should be a true representation of the situation they are meant to highlight and not inadvertently misleading.
- **Identity** - Photographs will not be taken that may identify any individual prisoners or members of staff, without obtaining prior written consent from the individual concerned which may be withdrawn at any time by that person. The consent must state what the pictures are being used for, how they will be stored, for how long and who they will be shared with. **No photographs** should be published within Inspection Reports of prisoners of interest, and no pictures that might cause undue upset to any victims should be published.
- **Photographs** – Photographs will be used within published inspection reports to demonstrate the Inspectorate’s findings. They may also be used and shared on the Inspectorate’s website and through other digital channels on publication of the report.
- **Decency** - Photographs will not be taken of anyone (staff or prisoner) in a vulnerable state where the individual may not be fully able to give their consent to be photographed.
- **Security** – No photographs should be taken showing keys, details of locking arrangements or any other establishment security measure that would not be obvious to prisoners.
- **Equipment** – Prisons should be notified in advance of what equipment will be accompanying inspectors, noting make, model and serial numbers. Equipment must be kept to the minimum necessary and logged with the prison on entry and accounted for on departure. There must be a local agreement with the prison as to how equipment will be safeguarded and where it will be stored when not in use. The Inspectorate remains responsible for the safekeeping of equipment and any losses must be reported immediately to the prison as a security incident.

To comply with PSI 10/2012 (Conveyance and Possession of Prohibited Items and Other Related Offences) paragraph 5.29, the following points will be adhered to:

“HMPPS has asked the Ombudsman and Chief Inspector of Prisons to agree that they and their staff do not bring in mobile phones to closed prisons. They have also been asked to keep to the minimum that is essential for their work the bringing in of sound recording devices and cameras. Both the Ombudsman and HMCIP staff will of course wish to take away documents which may be considered “restricted documents” under this legislation. Subject to these voluntary restrictions both organisations have been granted authorisation outside of this PSI to convey in and out of the prison those items necessary for their work. This includes data storage devices where required”.

HMPPS will adhere to key points in relation to security vetting, personal photographic identification, security training, taking cameras into establishments and the retention and disposal of documents/photographs as set out in the Memorandum of Understanding between HMIP and HMPPS.

HMIP will afford HMPPS the opportunity to consult with Governors/Directors on the suitability of photographs HMIP intends to include in its reports, before they appear in the published report. HMPPS will confirm whether they have any objections to individual pictures been published, as part of their factual accuracy checks.



Ministry
of Justice

**Memorandum of Understanding
for the access and use of the
MoJ's HMPPS Performance Hub**

This is a Memorandum of Understanding between Data Improvement Team – Data and Analysis (D&A) and His Majesty's Inspectorate of Prisons (HMIP)

DATED **25th July 2023**
BETWEEN **Ministry of Justice – Data Improvement Team (D&A)**
AND **HM Inspectorate of Prisons (HMIP)**

Collectively hereafter **“the Parties”**

1. Purpose

- 1.1. This Memorandum of Understanding (“MoU”) sets out the general context and conditions under which HMI Prisons will access the HMPPS Performance Hub.
- 1.2. This MoU also records the levels of service committed to by the signatories and reflects the organisations’ obligation to enforce conformance to service procedures and agreed usage. Each party to this MoU will use all reasonable endeavours to deliver the obligations set out in this MoU.

2. Overview of The Performance Hub (hereafter “the Hub”)

- 2.1. The Hub is a web-based corporate reporting service that provides staff from prisons, probation, Ministry of Justice and associated organisations (collectively referred to “Users”) with data collection, validation, collation and reporting.
- 2.2. The Hub is hosted by Data and Analysis (D&A). HMI Prisons acknowledges that participation and access to the Hub is subject to accepting the terms of this MoU. Access to, and use of, the Hub requires explicit written and current authorisation and is limited to purposes of the conduct of Ministry of Justice business. Anyone using the Hub consents to having their activities on the Hub audited.
- 2.3. Unauthorised access or attempts to alter, damage or destroy data, programs or equipment will result in immediate revoking of a User’s access to the Hub and may lead to criminal prosecution.
- 2.4. Users must abide by the "Conditions of Use": <https://hmpps-performance-hub.service.justice.gov.uk/page/Conditions-of-Use-.aspx> and the terms of this MoU. Where there is a conflict between the Conditions of Use and this MoU, the Conditions of Use shall prevail.

- 2.5. User's line managers are responsible for informing the Hub users mailbox (hubusers@justice.gov.uk) when a User no longer requires access to the Hub, e.g. on changing role or leaving the HMI Prisons in order that the user's access rights to the hub can be removed.
- 2.6. Notwithstanding any breach of the terms of this MoU, D&A may at its absolute discretion revoke or restrict a user's access to the Hub at any time.

3. *General Conditions of Use*

- 3.1. The Conditions of Use are subject to amendment from time to time by D&A in its absolute discretion.
- 3.2. Usernames and passwords are personal; the User must not disclose them to others.
- 3.3. Use of the Hub is logged and monitored by the Ministry of Justice to inform future development and to ensure that the Hub is used appropriately. Application logs will contain a User's Hub username and internet IP address, but no other personal information. By accepting the terms of this MoU and the Conditions of Use a User consents giving consent for their activity on the Hub being recorded, including but not limited to:
 - 3.3.1. Login and logout actions;
 - 3.3.2. Submission of returns and upload of data;
 - 3.3.3. Running reports and downloading data.
- 3.4. Data from the Hub **should not** be circulated more widely than is necessary for the proper conduct of MoJ business.
- 3.5. Data **should not be** downloaded onto personal computers or transmitted via personal email accounts.
- 3.6. In line with legislation from the National Statistician, data from the Hub does not represent national statistics and as such **should not be** published outside of the Ministry of Justice (see below Publication). Where data is circulated or shared outside of the Ministry of Justice for business purposes, it should be made clear that the data is management information and, due to the potential application of different validation rules, may not tally with official statistics.
- 3.7. Data from the Hub **must not be** used to answer requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or Parliamentary Questions without checking its use (please email hubusers@justice.gov.uk in the first instance). Data which is due to be released is covered by section 44 of the Freedom of Information Act 2000 and is exempt from release because of the conditions imposed by the Statistics and Registration Service Act 2007 (<http://www.legislation.gov.uk/ukpga/2007/18/contents>).
- 3.8. User administration information is available to local user administrators only to meet Hub business needs and with the primary purpose of identifying for deletion user accounts which are no longer required.
- 3.9. A User's line manager is responsible for informing D&A team when a user no longer requires access to the hub, e.g. on changing role or leaving the agency, in order that the User's access rights to the Hub can be removed.

- 3.10. Users are responsible for ensuring that their environment and connection methods are secure. The User is responsible for ensuring they are not in an environment where bystanders or members of the public can view sensitive information and that the terminal they login from is safe and trusted. Public WiFi hotspots (for example coffee shops, airport lounges) are not considered safe or secure and should not be used for connecting to the Hub.
- 3.11. Users **must ensure** that they do not enter sensitive information into the Hub (for example, into free text fields).
- 3.12. A User acknowledges that failure to abide by this MoU and the Conditions of Use may prejudice access to the data both for the User and the wider community of users.

4. *Publication*

- 4.1. The Hub is intended to provide performance management information. To do this effectively, timeliness is considered more important than complete accuracy. Performance data based on returns from areas/establishments is therefore not subject to full checks which would delay its inclusion on the Hub. For this reason, the accuracy of data from the Hub **cannot** be guaranteed. Such data **should not be** used explicitly or implicitly in circumstances in which complete accuracy and certainty are required.
- 4.2. Where publicly available official statistics and national statistics on www.gov.uk exist, this information should always be used in preference to any management information available on the Hub.
- 4.3. If a User wishes to publish in the public domain any material on the Hub which does not come under the publicly published statistics outlined in 4.2, the User must seek the prior consent of D&A in writing, such consent to be granted at D&A's absolute discretion. To request consent, the User must email hubusers@justice.gov.uk.
- 4.4. Users of this unpublished management information must:
 - 4.4.1. abide by the Conditions of Use attached to the data and Hub use;
 - 4.4.2. avoid comment on, or report, unpublished data; and
 - 4.4.3. not make any public statement that prejudices or pre-empt the contents of any subsequent statistical release
- 4.5. All Users must abide by the UK Statistics Authority's Code of Practice on Publication, as may be amended from time to time.
(<https://www.statisticsauthority.gov.uk/code-of-practice/the-code/trustworthiness/t3-orderly-release/>)
- 4.6. The User shall comply with all applicable laws, statutes, regulations and codes from time to time in force.
- 4.7. If you have any queries, please email hubusers@justice.gov.uk in the first instance.

5. *Review of MoU*

- 5.1. A review of this MoU and the Conditions of Use will be conducted by D&A annually.

Signed

We, the undersigned, agree to be bound by the terms of this MoU.

SIGNED for and on behalf of
Data Improvement Team (D&A), Ministry of Justice

By: Sarah Blake (email signature)

Name: Sarah Blake

Title: Deputy Director
(Interim) D&A Ministry of
Justice

Address: 3rd Floor Print
Room, 10 South Colonnade
Canary Wharf E14 4PU

SIGNED for and on behalf of
HM Inspectorate of Prisons

By: Charlie Taylor (email signature)

Name: Charlie Taylor

Title: Chief Inspector of
Prisons

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