



INFORMATION SHARING AGREEMENT

Bedfordshire Police and
Bedfordshire Police and Crime Commissioner

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1 Introduction

This Information Sharing Agreement (ISA) has been introduced to regulate sharing of personal data between the Chief Constable of Bedfordshire Police and the Police and Crime Commissioner for Bedfordshire (OPCC).

This agreement has been developed with reference to the Data Protection Act 1998, the Police Reform and Social Responsibility Act 2011 and the Policing and Crime Act 2017.

This agreement has been developed to:

- Define the purposes for which the Parties have agreed to share information.
- Describe the roles and structures that will support the exchange of information between Parties.
- Set out the legal gateway through which the information is shared.
- Describe the security procedures necessary to ensure compliance with agency specific security responsibilities and requirements.
- Describe how this arrangement will be monitored and reviewed.

2 Purpose

The purpose of this document is to set out the terms and conditions under which data held by Bedfordshire Police will be shared with the OPCC and vice versa. This agreement recognises that effective joint working is vital in the prevention and detection of crime, support to victims and witnesses and meeting the expectations of the public.

The Police and Crime Commissioner if required by law to hold the Chief Constable to account for the effective and efficient policing of Bedfordshire. Through the legislation listed above, the PCC is tasked to:

- Secure the maintenance of the police force for Bedfordshire.
- Secure that the force is efficient and effective.
- Hold the Chief Constable to account for the performance of the force and for the exercise of the functions under the direction and control of the Chief Constable.
- Set the Police budget, the police share of Council tax and the local 'Police and Crime Plan' which sets out the overall strategy for Policing in the area.
- Monitor and take a role in Police Complaints.

In order to successfully fulfil these functions, the PCC and the OPCC will need to be supplied by Bedfordshire Police with relevant information about policing matters. The PCC with an electoral mandate and public leadership role will receive complaints and enquiries about policing matters and other matters within the role of the PCC that will require liaison with the Chief Constable and sharing of information to ensure public confidence and the best service to the people making complaints and enquiries.

Section 36 of the Police Reform and Social Responsibility Act 2011 requires that the Chief Officer of Police must give the relevant elected local policing body (ie the PCC) such reports on policing matters that the body may require the Chief Officer to give. The Act also states that such information must be in a form (if any) specified by the elected local policing body. The Chief Constable of Bedfordshire Police will provide the OPCC access to Bedfordshire Police information technology systems. This will include all relevant applications required for the OPCC to carry out their role. This will not only provide access to a great deal of required Information (e.g. Intranet, performance management, HR, Finances etc.) but will ensure that costs are reduced by sharing the same technology systems.

The PCC and the OPCC will also require reports and information to be provided from Bedfordshire Police to enable the PCC to carry out their oversight role. These reports will include:

- Financial and budgetary reporting.
- Budget planning information.
- Information about performance.
- Complaints data.
- Information on specific operational queries.
- Human resource and diversity monitoring information.
- Anti- Social behavior data to fulfil wider community safety responsibilities.
- Information with regard to change programmes and business planning.
- Any other information that will allow the PCC to exercise their governance role.

Where possible, the OPCC will use Bedfordshire Police information to which it has access to provide information for the PCC. Reports will be requested where that information is not readily accessible or where it requires interpretation, comment or context from the force in order for the PCC to use the information.

Normal practice with regard to freedom of information (FOI) request will be observed by both Bedfordshire Police and the OPCC. The OPCC makes use of the Bedfordshire, Hertfordshire and Cambridgeshire (BCH) Information Management Department (IMD), a collaboration between the respective police forces, as it does the collaborated BCH Information Communications and Technology department (BCH ICT).

Details of the Bedfordshire Police FOI process can be found [here](#)
Details of the OPCC FOI process can be found [here](#)

3 Powers/ Legal Framework

The principal legislative that should be considered when sharing information under this agreement are:

- Police Reform and Social responsibility Act (2011)
- Policing and Crime Act 2017

The OPCC will need to make use of police data and provide the police with data given to the OPCC in order to properly fulfill their respective statutory functions. Information, including personal data may be shared by the 2 corporations sole in order to allow each to fulfil their statutory functions. In addition, if not required for statutory purposes, such data may be supplied with the consent of the subject(s) of the data for the better performance of their respective roles.

4 The Agreement

This agreement relates to any personal or confidential information, irrespective of the medium in which it is held e.g. paper based, electronic, images or disc. Legal advice on this agreement should be sought in any case of doubt. It should be applied while following established and agreed processes within the signatory organisations. In line with the Act as outlined above, the following principles will be applied when sharing information between Bedfordshire Police and the OPCC.

- The default will be to share all information required for the PCC to carry out their functions in an open and transparent way.

- Information requests will not interfere with operational policing e.g. there should be no need to request information about individual offenders or Victims, unless of high profile or public concern.
- Information requests will be proportionate, for a clearly defined purpose and will not place an unreasonable administrative burden on either party in this agreement.
- Data shall be shared using secure systems and when no longer required shall be disposed of securely in accordance with BCH IMD and BCH ICT procedures. This includes but is not limited to: retention periods, breach policies, training policies and privacy impact assessments.
- Bedfordshire Police, the PCC and the OPCC will work together to resolve any differences and find an appropriate way forward for working together.
- Personal data will be shared when it is the only effective way to allow the parties to fulfill their respective roles.
- When practicable personal data will be anonymized or pseudonomized but only where this will not impact on the ability of the parties to fulfill their statutory functions.
- The data will not be further shared without the other party's consent, and then only to organisations within the EU or EEA having similar security arrangements.
- The parties will make the data available after it is shared only to those who need to have it to carry out their functions.
- The effectiveness of this agreement will be reviewed by the parties annually.
- Special category data may also be shared pursuant to this agreement but usual additional consideration as to the need to share it in order to allow the parties to fulfill their statutory obligations will be given.
- The OPCC will observe the requirement of the constabulary with regard to vetting and physical security of officers, systems and offices where data is shared.

The head of BCH IMD is the single point of contact (SPOC) for all matters related to information sharing. The SPOC will advise on the legality and practicality of sharing data. As much notice as is reasonably possible should be given to request. However, this should be at least 10 working days for formal information requests. All information should be provided back to the OPCC as soon as practicable in a timely manner. Officers in the OPCC have access to force systems and have contacts with force colleagues in their area of business and will use these contacts as appropriate for less formal requests.

Unmarked documents that are shared between Bedfordshire Police and the OPCC are presumed OFFICIAL.

Information classified as OFFICIAL includes:

- The day to day business of policing, including Crime records and intelligence
- The majority of public safety, criminal justice, and law enforcement activities
- Many aspects of defense, security, and resilience
- Any commercial interests, including information provided in confidence and intellectual property
- Personal information that is required to be protected under the Data Protection Act (1998) or other legislation

OFFICIAL SENSITIVE is a sub category of OFFICIAL and denotes particularly Sensitive personal, operational or other data where inappropriate access may have damaging consequences for the individual or organisation. If correspondence bears this marking it should NOT be shared without the express permission of the originator and in accordance with the handling instructions. It is the responsibility of each signatory to ensure that:

- Information shared is in accordance with the law
- Appropriate staff training and awareness sessions are provided in relation to this agreement
- Information is shared responsibly and in accordance with professional and ethical standards
- All information is shared, received, stored and disposed of securely
- Any restrictions on the sharing of the information contained in the disclosure, in addition to those contained within this agreement, should be clearly noted
- Information exchanges and refusals are recorded in such a way as to provide an auditable record
- Any electronic information exchange is fully secure (to IL/3 standard, e.g., those email addresses with PNN or GSI etc. extensions)
- Arrangements are in place to check that this agreement, its associated working practices, and legal requirements are being adhered to
- Any data will only be used for the specific purpose for which it is shared, and recipients will not release information to any third party without obtaining the express written authority of the Bedfordshire Police SPOC, including requests from the public
- The PCC and the OPCC must have been trained in appropriate procedures for the secure handling of Bedfordshire Police information. NCALT training is available and should form part of the induction process for new staff and annually thereafter.

5 Movement, Storage and Disposal of information

Information will move from Bedfordshire Police to the PCC and the OPCC via secure systems. Information will be kept on the OPCC secured shared drive, in folders which only members of the OPCC have access to. Access permissions to these folders are only granted on a 'need-to-know' basis and access to the Bedfordshire Police network is only possible with an individual username and password.

It is not the intention of this agreement that information will be produced in a hard format. If the information is printed off an electronic system, it will be the party's responsibility to keep the information secure by measures such as storing documents in a locked container when not in use. Access to printed documents must be limited only to those with a valid 'need to know' that information. There should also be a clear desk policy where Bedfordshire Police information will only be accessed when needed and stored correctly and securely when not in use.

All Bedfordshire Police data will be disposed of in line with Bedfordshire Police data retention policies on an annual basis and / or once it is no longer needed. If information is printed off an electronic system, the PCC and OPCC will ensure that the papers will be disposed of either via their confidential waste disposal system, or via a cross-shredder.

6 Security

ISO/IEC 27002:2013 code of practice for information security Management provides a baseline for security arrangements. Parties should ensure they have appropriate security arrangements in place. Certification For ISO/IEC 27002:2013 may not be possible for some partners, but both parties should seek to comply with the principles it contains.

7 Liability

Bedfordshire Police cannot be held responsible for breaches of this protocol by the OPCC, or complaints arising from these breaches. The OPCC is not responsible for breaches of this protocol by Bedfordshire Police, or complaints arising from these breaches.

All information that is disclosed under this agreement remains the property of the original data owner, and partners must obtain expressed permissions from the original owner prior to further dissemination. The original data owner is responsible for the accuracy of its information, and must inform partners of any subsequent changes to it.

Each party will be accountable for any misuse of the information supplied to it and the consequences of such misuse by its employees, servants, or agents. Any disclosure of information by an employee which is made in bad faith, or for motives of personal gain, will be the subject of an internal inquiry and be treated as a serious matter.

It is the responsibility of the party to ensure it complies with this agreement and any associated legislation. It is understood that breaches of this agreement could lead to the termination of this agreement, and the destruction of all previously shared information.

Complaints and breaches must be dealt with by utilising each party's established policies and procedures for breaches and complaints. Breaches and any immediate action taken to mitigate the risk caused by that breach must be notified to the originating partner as soon as is practicable, and in any case, within 72 hours.

8 Management and Operation of the Protocol

This ISA will be active from 25 May 2018. The review of this protocol will be completed 6 months after commencement, and annually from the date of commencement thereafter or after an appointment of a new PCC or Chief Constable. This will be undertaken by both parties. The purpose of the review is to ensure it is fit for purpose, covers all that is required and is neither too extensive nor too narrow for its purpose.

Bedfordshire Police may want to request a copy of the partner's information security policy (where it exists) when sensitive personal data is to be shared.

Signatories to this agreement shall grant BCH IMD and ICT all reasonable access to enable an audit to take place to ensure compliance with the information management, and security requirements and obligations of this agreement.

Signatories shall provide all reasonable assistance to enable the audit to be completed. The signatory can exercise its right under this agreement to audit compliance in relation to its own information shared with Bedfordshire Police .

Signatures

Chief Constable. Bedfordshire Police

Print Name CC Garry Forsyth

Signatory 

Date 16/09/19

Chief of Staff, Office of the Police and Crime Commissioner for Bedfordshire

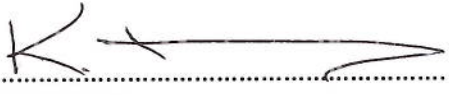
Print Name Clare Kelly

Signatory 

Date 16.9.19

Police and Crime Commissioner for Bedfordshire

Print Name PCC Kathryn Holloway

Signatory 

Date 18/9/19