

Multi-Agency Overarching Information Sharing Agreement Tier 2

***This document should only be completed once the organisation has signed the Tier 1 Overarching Information Sharing Agreement.**

**If printed, copied or otherwise transferred from its originating electronic file this document must be considered to be an uncontrolled copy.
Amendments may occur at any time and you should always consult the principle electronic file or contact the Agreement owner for the latest version.**

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Version Control			
Edit	Author	Version	Date
Draft version raised at Chief Executives meeting (A&S Police HQ) for consultation	Jeff Hines	0.1	10.12.12
Final draft version	Jeff Hines	1.0	09.05.13
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Agreement authorised by Acting Assistant Chief Constable Hayler, Avon and Somerset Constabulary	Jeff Hines	1.2	17.06.13
Agreement reviewed. Meeting held at Police HQ with interested parties. Indemnity removed and minor format changes made.	Jeff Hines	1.3	26.06.14
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South Glos. Council logo added	Jeff Hines	2.2	15.08.15
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Revisions to reflect the changes to data protection legislation – GDPR and Data Protection Act 2018	Ellena Talbot	3	12.07.18
Minor changes to the content and separation from the ISA tier 1	Kate Britton	3.1	05.02.19
Minor changes to front page recognising the need to complete the T1, amended the contact email address.	Kate Britton	3.2	24.06.21
Revisions to reflect NPCC template	Michelle Radcliffe	3.3	08.02.22

Section 1**Information Sharing Agreement Tier 2 Information**

Agreement Information	Reviewed by: (Name, Area/Dept.)	Date:
Signed off by Head of Department/Area:	Kate Britton, Data Protection Officer	February 2019
Reviewed for Code of Ethics Compliance:	Kate Britton, Data Protection Officer	February 2019
Start date:	June 2013	
Last reviewed:	February 2022	
Next due for review:	February 2023	

Section 2**About this Document**

Information Sharing Agreement (ISA) Tier 2 provides a template for specific information sharing agreements between Avon and Somerset Constabulary and the signatories. For the purposes of this document the terms Information Sharing Protocol (ISP), Information Sharing Agreement (ISA) and Data Sharing Agreement (DSA) are interchangeable and have the same meaning.

ISA Tier 2 can only be used only when ISA Tier 1 is already signed between the parties. This ISA Tier 2 can be signed off by local managers; asset owners; asset assistant; asset guardians or custodians, anybody who consider themselves accountable for the data and the data exchange.

Once signed it has to be sent to the Data Protection Officers of the parties that signed to be logged.

Contact or queries in relation to this agreement should be directed to:

The Data Protection Officer

Legal Services

Avon and Somerset Constabulary Police HQ

Valley Road

PO Box 37

Portishead

Bristol

BS20 8QJ

E-mail: InformationSharing@avonandsomerset.police.uk

Information Sharing Template Agreement (Tier 2)**between****Avon and Somerset Constabulary****and****Replace this text with names of partners****Replace this text with name of sharing initiative****Replace this text with date of ISA****Replace this text with version number of ISA****Administration:**

The organisations below are signatories to this ISA.

Organisation	Address	ICO Registration Number	SPoC*	SPoC Contact Details

*SPoC – This is the single point of contact/nominated person within each organisation to whom enquiries regarding the administration of this ISA or disclosure of this ISA should be directed.

Date ISA comes into force:	
Date for review of ISA:	
ISA Owner (Organisation):	
ISA Author(s):	

Introduction:

The creation of this Tier 2 Agreement is on the basis that all signatories accept and adopt the practices defined in the overarching Information Sharing Agreement (ISA Tier 1) hosted by Avon and Somerset Constabulary. Therefore, the baseline security and other specified requirements are not repeated because they are detailed in the ISA Tier 1. As per the ISA Tier 1 a Data Protection Impact Assessment should be carried out or the reason not to do so recorded.

This ISA Tier 2 identifies:

- Why the partners have agreed to share data (the purpose/benefits);
- The status of the partners;
- How sharing data will take place;
- Benefits of the intended sharing;
- Those with managerial oversight of the data sharing;
- Those who will carry out the data sharing;
- How the sharing can be legally justified;
- Review date.

The ISA contains a signatory section through which partners acknowledge and accept the requirements placed upon them and others within their organisations by the ISA.

The partners agree that for the purposes of this ISA the term 'sharing' data means providing or disclosing data including personal data to another partner by any means and/or the receiving or collection data including personal data from another partner by any means.

Controllership:

Under this initiative data sharing between the partners is considered to be on a Controller to Controller basis.

Why the partners have agreed to share data (the purpose/benefits):

The partners agree that the specific, explicit and specific purpose(s) for sharing data are

Replace this text with an explanation as to why the partners have agreed to share data and the intended benefits

How sharing data will take place:

Replace this text with a detailed explanation of how sharing will take place – there may be several processes, some that are proactive, some reactive etc. This may be assisted by the information lifecycle within the Data Protection Impact assessment (see below).

Information Lifecycle	
Stage of Processing	Description
Collection	
Storage	
Use	
Access	
Recording	
Review and Retention	
Disposal	

Those with managerial oversight of the data sharing

Replace this text with an explanation to show who in each partner has managerial oversight of the sharing, and consider use of a table such as the one below to show details of those involved in the sharing

Partner	Post Title	Name	Email	Phone

Those who will carry out the data sharing

Replace this text with an explanation to show the individuals or posts within each partner who will carry out the sharing, and consider use of a table such as the one below to show details of those involved in the sharing

Partner	Post	Name	Email	Phone

How the sharing can be legally justified:

The contents of this section are to be amended as necessary and guidance should be sought when completing this section from Information Governance professionals from all involved partners

The partners agree that the lawful basis for sharing are as follows:

Avon and Somerset Constabulary

The Police's underlying power to share personal data is derived from (i) Common Law Policing Purposes which may be summarised as: protecting life and property, preserving order, preventing the commission of offences, and bringing offenders to justice and/or (ii) any duty or responsibility arising from statute or other rule of law including court order and royal prerogative.

add any specific legislation that necessitates this sharing:

In terms of Data Protection legislation¹ where the sharing is for one of the [Law Enforcement Purposes](#) – defined as *the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security* – the sharing falls under the scope of [Part 3](#) of the Data Protection Act 2018 (DPA) with the Police acting as a [competent authority](#).

Where the sharing for purposes other than Law Enforcement Purposes the sharing falls under the scope of the [UK General Data Protection Regulation](#) (UK GDPR).

Where the Police process personal data for one of the **Law Enforcement Purposes**:

Compliance with the first principle 'Fair & Lawful Processing' ([DPA Section 35](#)) is achieved as follows:

- The processing is based on, and underpinned by, the Common Law Policing Purposes.
- The processing is necessary for the performance of a task carried out for a law enforcement purpose by the police acting as a competent authority ([DPA Section 30](#)).
- Where sensitive processing is involved the processing is strictly necessary for a law enforcement purpose, an Appropriate Policy Document exists ([DPA Section 42](#)) and the following [DPA Schedule 8 condition](#) is met: *the processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law², and is necessary for reasons of substantial public interest.*
- The processing is fair towards data subjects because (i) it is consistent with the data subjects' reasonable expectations that the police will process their personal data for law enforcement purposes; and (ii) the police have Privacy Notices which provide privacy information, adequately describes the purposes of processing including retention periods, recipients, and transfers.

add any necessary detail to the bullets above specific to this initiative

And/or

¹ [Data Protection Act 2018](#) and [UK General Data Protection Regulation](#)

² The 'rule of law' being Common Law Policing Purposes

Where the Police process personal data for **General Purposes**:

Compliance with the first principle 'Fair & Lawful Processing' ([UK GDPR Article 5\(a\)](#)) is achieved as follows:

- The processing satisfies the following **Processing Condition** within [UK GDPR Article 6\(1\)](#): **remove those of (a) to (e) below not applicable to this initiative**:
 - (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
 - (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
 - (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
 - (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
 - (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

add any necessary detail to justify the chosen processing condition(s) above specific to this initiative

Where Processing Condition (a) 'Consent' has been selected it complies with the definition at [UK GDPR Article 4\(11\)](#), the requirements at [UK GDPR Article 7](#) (Conditions for Consent), and is consistent with [ICO Guidance](#). **remove if (a) above has not been chosen**

- Where **Special Category Data** is processed, in addition to a UK GDPR Article 6(1) Processing Condition being met, the following [UK GDPR Article 9\(2\) Special Processing Conditions](#) applies: **remove if special category data is not involved or if it is involved remove those of (a) to (j) below not applicable to this initiative**
 - (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where domestic law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
 - (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
 - (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

- (d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
 - (e) processing relates to personal data which are manifestly made public by the data subject;
 - (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
 - (g) processing is necessary for reasons of substantial public interest, on the basis of domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
 - (h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of domestic law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
 - (i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of domestic law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
 - (j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) (as supplemented by section 19 of the 2018 Act) based on domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.
- Where any of the following **Special Processing Conditions** (b), (h), (i) or (j) are chosen the following [DPA Schedule 1 Part 1](#) condition relating to employment, health & research etc applies: remove if not applicable, if applicable retain and remove those of (1) to (4) below not applicable to this initiative
 - (1) Employment, social security and social protection
 - (2) Health or social care purposes
 - (3) Public health
 - (4) Research etc

- Where **Special Processing Condition** (g) is chosen the following [DPA Schedule 1 Part 2](#) substantial public interest condition applies: **remove if not applicable, if applicable retain and remove those of (6) to (28) below not applicable to this initiative**
 - (6) Statutory etc and government purposes
 - (7) Administration of justice and parliamentary purposes
 - (8) Equality of opportunity or treatment
 - (9) Racial and ethnic diversity at senior levels of organisations
 - (10) Preventing or detecting unlawful acts
 - (11) Protecting the public against dishonesty etc
 - (12) Regulatory requirements relating to unlawful acts and dishonesty etc
 - (13) Journalism etc in connection with unlawful acts and dishonesty etc
 - (14) Preventing fraud
 - (15) Suspicion of terrorist financing or money laundering
 - (16) Support for individuals with a particular disability or medical condition
 - (17) Counselling etc
 - (18) Safeguarding of children and of individuals at risk
 - (19) Safeguarding of economic well-being of certain individuals
 - (20) Insurance
 - (21) Occupational pensions
 - (22) Political parties
 - (23) Elected representatives responding to requests
 - (24) Disclosure to elected representatives
 - (25) Informing elected representatives about prisoners
 - (26) Publication of legal judgments
 - (27) Anti-doping in sport
 - (28) Standards of behaviour in sport
- Where a condition in DPA Schedule 1 Part 1 or 2 has been used an Appropriate Policy Document has been created and maintained by the NPCC in accordance with DPA Schedule 1 Part 4. **remove if not applicable**
- Where **Criminal Offence Data** is processed a compliance with [UK GDPR Article 10](#) is also achieved, an Appropriate Policy Document has been created and maintained by Avon and Somerset Constabulary in accordance with DPA Schedule 1 Part 4, the processing is authorised by law as a clear and foreseeable application of a common law task, function or power, a statutory provision, or statutory guidance, and the following DPA Schedule 1 Part 1, 2 or 3, condition is met: **add in relevant condition or remove whole para if not applicable**

Partners

Replace this text with a statement setting out their lawful basis to share data

ISA Tier 2 Review date:

(Replace this text with the intended ISA review date. All Tier 2 ISAs will normally be reviewed annually to establish if the sharing remains necessary, still operates as intended and, has or is, achieving the intended benefits. Include last review date and reviewer. In the event that this Tier 2 Agreement is not renewed or is otherwise withdrawn, it is incumbent on the parties to amend their records accordingly and to communicate the status of the agreement within their respective organisations, to interested parties and the wider public as necessary. Tier 2 Agreements may be set up for periods shorter than a year and reviewed accordingly)

Signatories:

By signing this ISA, all signatories acknowledge and accept the requirements placed upon them and others within their organisations by the ISA.

Signed on behalf of Avon and Somerset Constabulary

By:

Date signed:

Signed on behalf of Add in partner and repeat for additional partners

By:

Date signed: