

INFORMATION SHARING AGREEMENT WITH DEPARTMENT OF JUSTICE	4th September 2018
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Innovation and Transformation
Outcome	The processing of Applications and Handling of data in affair and efficient manner
Lead Officer	Head of Health & Built Environment
Income: (If applicable)	Not Applicable

Background

Environmental Health Officers of the Council's licensing and emergency planning team act as "warranted officers" on behalf of the Department of Justice to enforce provisions related to:

- (a) The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (as amended) and;
- (b) The Explosive (Fireworks) Regulations (Northern Ireland) 2002 in relation to the licencing of fireworks displays.

Information Sharing Agreement

As a consequence of the Data Protection Act 2018 an agreement between Council and the Department of Justice is necessary to facilitate the legitimate and secure disclosure of relevant and proportionate information including personal data. This will be used for the purposes of conducting the necessary health and safety prosecution checks, Manufacture and Storage of Explosives Regulations related inspections, licencing fireworks displays and other relevant explosive-related matters of mutual interest with the intention of preventing serious risk to the public. An information sharing agreement is necessary to ensure that information is handled and disposed of in accordance with legislative requirements and agreed policy.

The draft agreement (Appendix 1) has been considered by the Council's Information Governance Officer who has no objections to its contents.

Recommendation

It is recommended that the Head of Health & Built Environment is authorised to sign and return the agreement on Council's behalf to facilitate the continuation of this normal business.

INFORMATION SHARING AGREEMENT

1. Parties

1.1. This agreement is between Department of Justice Firearms and Explosives Branch, Protection and Organised Crime Division, (DOJ) and District Councils (the Councils).

2. Purpose of the Sharing

2.1. The purpose of this agreement is to facilitate the legitimate and secure disclosure of relevant and proportionate information, including personal data, between DOJ and the Councils for the purposes of conducting MSER (the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 as amended) related health and safety prosecution checks, carrying out MSER related inspections, licensing fireworks displays and other relevant explosive-related matters of mutual interest, to ensure that information is handled and disposed of in accordance with legislative requirements and agreed policy.

2.2. A party receiving data will not share it with any other party without the disclosing partner's written permission.

3. Duration and Review

3.1. This agreement will come into effect on the date it is signed by both parties and will be evaluated after it has been operating for six months and then on a 3-yearly basis thereafter, or when any significant change is proposed to either the range of personal data to be processed, or to the types of processing carried out.

3.2. Any provision contained in this document may be amended at any time with the consent of both signatory parties.

3.3. The review mechanism will involve a discussion between both parties to seek to identify any shortcomings or potential to improve the sharing arrangements.

4. Basis for Sharing and Information to be Shared

4.1. Information is shared between the Councils and DOJ, as required, for the purposes of conducting MSER related health and safety prosecution checks, carrying out MSER related inspections and licensing fireworks displays considered under and stipulated by any relevant legislation, as amended from time to time.

4.2. The legislation governing the sharing of information under this agreement includes:

- The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006;
- Explosives (Fireworks) Regulations (Northern Ireland) 2002;
- Health and Safety at Work (Northern Ireland) Order 1978;
- The Data protection Act 2018, Schedule 1 Part 2.

4.3. The basis for sharing is to ensure that all relevant information is made available to inform DOJ's licensing and registration decisions with the intention of preventing serious risk to the public¹. Any other explosives-related information of mutual interest to DOJ and the Councils may also be shared in order to address potential health and safety risks/concerns.

4.4. Information shared between DOJ FEB and the District Council will include;

- personal details including name, address and contact information contained within fireworks display applications (initially supplied by the applicant);

¹ GDPR Article 6 1(c) 'processing is necessary for compliance with a legal obligation to which the controller is subject' and Article 6 1(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'

- name, date of birth, address, business contact details and details of Health and Safety and/or firework related convictions within MSER storage registration applications (initially supplied by the applicant);
- information relating to previous planning applications and approvals/refusals
- information concerning convictions related to retail operations

4.5. Information will only be handled by staff in DOJ FEB and Council staff.

4.6. Information is transmitted via secure email or recorded or track and trace Royal Mail deliveries.

5. Handling, Storage, Retention and Disposal of Information

5.1. The parties agree to receive, handle, store and dispose of all information provided by the other party in an appropriate manner and in line with approved retention and disposal schedules.

6. Awareness, Management, Access Requests, Queries and Complaints

6.1. Both parties are committed to ensuring that staff involved in information sharing are aware of this Agreement, are adequately trained and that they understand the responsibilities and obligations imposed by this ISA.

6.2. Both parties are committed to ensuring that staff are fully aware that they are required to comply with their respective organisation's policies on:

- Information Security;
- Records and Information Management;
- Data Breach Management; and
- Security Classification.

6.3. Both parties agree to comply with current data protection legislation and other legal requirements relating to confidentiality.

6.4.If any party receives a request for personal data under Data Protection or Freedom of Information legislation which is identified as belonging to another party, the receiving party will contact the Information Owner to determine if they wish to claim exemption under the provisions of the relevant legislation.

6.5.Complaints about the improper use or disclosure of sensitive information must be addressed by/forwarded to the disclosing party.

6.6.It is the responsibility of both parties to investigate improper use of information. Breaches involving information shared under this agreement must be reported to the other party immediately, and will be recorded and investigated.

Signed: Karen Pearson

Protection and Organised Crime Division, Department of Justice

Date: 3 July 2018

Position: Deputy Director, POCD, DOJ

Signed: _____

For _____ **District Council**

Date: _____

Position: _____