

Information Sharing Protocol

GENERAL

1.1. The Commissioner and the Chief Constable will share information where appropriate to fulfil the purposes of this Manual subject to any conditions imposed by the party providing the information in respect of such disclosure.

1.2. The Financial Management Code of Practice also specifically provides that:

“As set out in section 36 of the Act, a Chief Constable must give the relevant Police and Crime Commissioner such information on policing matters that the body may require. As a result, the Chief Finance Officer of the Police and Crime Commissioner must have full access to all relevant financial information. The details of this should be set in a locally agreed Information Sharing Protocol to be agreed by the two Chief Finance Officers in consultation with the Chief Executive.”

Each chief finance officer has a personal fiduciary duty by virtue of his or her appointment as the person responsible for proper financial administration under the Act. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by paragraph 188 of Schedule 16 to the Act). Nothing in this Protocol will fetter either the CFO (PCC) or the CFO in the discharge of their fiduciary duties.

DATA PROTECTION LEGISLATION

1.3. The Commissioner and the Chief Constable shall endeavour to ensure compliance with Data Protection legislation through proper application of the governance arrangements contemplated in this Manual.

1.4. For the purposes of the Data Protection Act 1998 the Commissioner and the Chief Constable shall maintain their data registration with the Information Commissioners office for any personal data recorded under their respective control.

FREEDOM OF INFORMATION ACT

1.5. For the purposes of the Freedom of Information Act 2000 (FOI) if either the Commissioner or the Chief Constable should receive a FOI request then the Commissioner or Chief Constable as appropriate would be responsible for responding to that request and with any subsequent compliance arrangements required by legislation or regulations.

1.6. Any FOI requests received by either the Commissioner or the Chief Constable which relate to or touch upon the subject matter of this Manual or any matters arising from it would be brought to the attention of the other party as soon as practicable, and where necessary the Commissioner and the Chief Constable will provide reasonable assistance to the other in order to facilitate a timely and compliant response to the FOI request or any subsequent compliance requirement.

ACCESS TO INFORMATION

1.7. Both parties agree that, during the term of this Manual, or at any time thereafter, neither they nor any of their employees, agents (including volunteer staff) or sub-contractors, shall divulge, furnish or make accessible to anyone any confidential information unless:

1.7.1. at the date of this MOU, the confidential information is already in the public domain or subsequently comes into the public domain through no fault of the other party;

1.7.2. the confidential information rightfully becomes available to the other party from sources not bound by obligations of confidentiality;

1.7.3. the confidential information was available to the other party on a non-confidential basis prior to its disclosure to such party;

1.7.4. the other party is required by compulsion of law to disclose.

CONFIDENTIAL NEGOTIATIONS

- 1.8. The parties agree that all discussions and negotiations between them shall be carried out on a strictly confidential basis and any statements (either written or oral) to be made in relation to the existence of the negotiations between the parties shall be subject always to written agreement by both parties and the overarching provisions of this Manual.

DISCLOSURE BY AGREEMENT

- 1.9. The disclosure of confidential information is a matter for discussion and agreement between the Commissioner and Chief Constable.

WAIVER

- 1.10. Any limitation or waiver of the right of confidentiality contemplated in the provisions of this Manual only applies to the relationship between the Commissioner and the Chief Constable and all staff will remain subject to an obligation of confidentiality in respect of third parties.

PUBLIC INTEREST DISCLOSURE ACT:

- 1.8 Nothing in this Information Sharing Protocol should prevent any personnel employed either by the Commissioner or the Chief Constable from disclosing information which they are entitled to disclose under the Public Interest Disclosure Act 1998 provided that such disclosures are made in accordance with the provisions of that Act.