

# INFORMATION SHARING PROTOCOL SUMMARY SHEET



<b>Title of Agreement</b>		<b>HTS (Property &amp; Environment) Ltd Information Sharing Agreement</b>				
<b>Organisation Name</b>	<b>Head Office Address</b>	<b>Phone</b>	<b>Email</b>	<b>Named Data Protection Officer</b>	<b>ICO Notification reference</b>	
Harlow District Council	Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG	01279 446099	Simon.hill@harlow.gov.uk	Simon Hill	Z7603332	
HTS (Property & Environment) Ltd	Mead Park Industrial Estate River Way Harlow, Essex CM20 2SE	01279 446603	alex.morris@htsgroupltd.co.uk	Alex Morris	ZA213736	
<b>Version Control</b>						
<b>Date Agreement comes into force</b>		April 2020				
<b>Date of Agreement review</b>		April 2021				
<b>Agreement owners (Organisations)</b>		Harlow District Council and HTS (Property & Environment) Ltd				
<b>Agreement drawn up by (Author(s))</b>		Bev Thomas & Alex Morris				
<b>Status of document – DRAFT/FOR APPROVAL/APPROVED</b>		Approved				
<b>Version</b>		2				

# Wider Eastern Information Stakeholder Forum

This Information Sharing Protocol is designed to ensure that information is shared in a way that is fair, transparent and in line with the rights and expectations of the people whose information you are sharing.

This protocol will help you to identify the issues you need to consider when deciding whether to share personal data. It should give you confidence to share personal data when it is appropriate to do so but should also give you a clearer idea of when it is not acceptable to share data.

Specific benefits include:

- transparency for individuals whose data you wish to share as protocols are published here;
- minimised risk of breaking the law and consequent enforcement action by the Information Commissioner's Office (ICO) or other regulators;
- greater public trust and a better relationship by ensuring that legally required safeguards are in place and complied with;
- better protection for individuals when their data is shared;
- increased data sharing when this is necessary and beneficial;
- reduced reputational risk caused by the inappropriate or insecure sharing of personal data;
- a better understanding of when, or whether, it is acceptable to share information without people's knowledge or consent or in the face of objection; and reduced risk of questions, complaints and disputes about the way you share personal data.

Please ensure all sections of the template are fully completed with sufficient detail to provide assurance that the sharing is conducted lawfully, securely and ethically.

Item	Name/Link /Reference	Responsible Authority
Overarching Privacy Notice	<a href="https://www.htsgroupltd.co.uk/privacy-notice/">https://www.htsgroupltd.co.uk/privacy-notice/</a>	HTS (Property & Environment) Ltd
Privacy Impact Assessment (PIA/DPIA)		
Supporting Standard Operating Procedure	Record of Processing Activities (ROPA)	HTS (Property & Environment) Ltd
Associated contract		
Associated Policy Documents		
Other associated supporting documentation		

Published Information Sharing Protocols can be viewed on the [WEISF Portal](#).

1.	Purpose	REFERENCES
	<p>The purpose of the agreement is to formalise the sharing of data between the Council and HTS (Property &amp; Environment) Ltd especially the processing of personal and sensitive data in accordance with the obligations of General Data Protection Regulations.</p> <p>Harlow District Council as the “Data Controller” is responsible and able to demonstrate compliance (accountability) principles “relating to processing of personal data” in Article 5 (1 ) (a-e).</p> <p>HTS (Property &amp; Environment) Ltd as the “Data Processor” is responsible for providing all the Council services and functions set out in the Schedule 1 (Output Specification) of the Services Agreement. Depending on how the personal and sensitive data is processed will be determine by the legal basis for processing. Generally, the legal bases for processing by HTS (Property &amp; Environment) Ltd will be:</p> <ol style="list-style-type: none"> <li>1. To perform a function or provide a service required by statute (Article 6(1)(e) GDPR);</li> <li>2. To comply with a legal obligation (Article 6(1)(c) GDPR);</li> <li>3. Where the processing is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract (Article 6(1)(b) GDPR);</li> <li>4. Where disclosure is in the vital interests of yourself or another person (Article 6(1)(d) and 9(2)(c) GDPR); and</li> <li>5. With your explicit consent (Articles 6(1)(a) and 9(2)(a) GDP.</li> </ol>	<p>GDPR Go to article 5</p>
	<p><b>2. Information to be Shared</b></p> <p>As set out in clause 5.5 (<i>details of the processing activities</i>) of the Deed of Variation to the Services Agreement and the HTS (Property &amp; Environment) Ltd Record of Processing Activities (ROPA).</p> <div data-bbox="1045 1904 1101 1971" data-label="Image"> </div> <p data-bbox="1109 1836 1157 2038">HTS (PE) Ltd (ROPA) Final.xlsx</p>	<p>GDPR Go to articles 6 - 9</p>
	<p><b>3. Legal Basis</b></p> <p><b>General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018.</b></p>	<p>GDPR Go to articles 6-14</p>

Personal Data (identifiable data)	Special Categories of Data (Sensitive identifiable data)	Law Enforcement data (e.g. community safety partnerships)
<b>Article 6:</b>	<b>Article 9:</b> (if appropriate):	<b>DPA Part 3</b> (if appropriate):
Under Contract	Health & Social Care	Archiving, Research & Stats
Legal Obligation	Explicit Consent	
Consent		

#### 4. Responsibilities

GDPR

Go to articles 13-14, 24 - 31

For the purposes of this Protocol the responsibilities are defined as follows: For help go to <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&amp;from=EN</a> Articles 24 – 29 where these roles are explained.	Tick box	Organisation Name(s)
The Sole Data Controller for this sharing is:	<input checked="" type="checkbox"/>	Harlow District Council
The Joint Data Controllers for this sharing are:	<input type="checkbox"/>	
In the case of <b>Joint Data Controllers</b> , the designated single contact point for Individuals is:	<input type="checkbox"/>	
Data Processors party to this protocol are (please list):	<input checked="" type="checkbox"/>	HTS (Property & Environment) Ltd

This Protocol will be reviewed one year after it comes into operation to ensure that it remains fit for purpose. The review will be initiated by **Harlow District Council Relationship & Commissioning Manager & Contract Administrator**.

#### 5. Subject Rights

Essex Partner Agencies' Information Sharing Agreements are made publicly available on the Wider Eastern Information Stakeholder Forum website to enable compliance with article 12 of the GDPR.

It is each Partner's responsibility to ensure that they can comply with all of the rights applicable to the sharing of the personal information. It is for the organisation initiating the ISP to identify which rights apply, and then each Partner to ensure they have the appropriate processes in place.

## Subject Rights

### Select the applicable rights for this sharing according to the legal basis you are relying on

	Processes are in place to enact this right - please check the box
GDPR Article 13 & 14 – <b>Right to be Informed</b> – Individuals must be informed about how their data is being used. This sharing must be reflected in your privacy notices to ensure transparency.	<input checked="" type="checkbox"/>
GDPR Article 15 – <b>Right of Access</b> – Individuals have the right to request access to the information about them held by each Partner.	<input checked="" type="checkbox"/>
GDPR Article 16 – <b>Right to Rectification</b> – Individuals have the right to have factually inaccurate data corrected, and incomplete data completed.	<input checked="" type="checkbox"/>
GDPR Article 17 (1)(b)&(e) – <b>Right to be forgotten</b> – This right may apply where the sharing is based on Consent, Contract or Legitimate Interests, or where a Court Order has demanded that the information for an individual must no longer be processed. Should either circumstance occur, the receiving Partner must notify all Data Controllers party to this protocol, providing sufficient information for the individual to be identified, and explaining the basis for the application, to enable all Partners to take the appropriate action.	<input checked="" type="checkbox"/>
GDPR Article 18 – <b>Right to Restriction</b> – Individuals shall have the right to restrict the use of their data pending investigation into complaints.	<input checked="" type="checkbox"/>
GDPR Article 19 – <b>Notification</b> – Data Controllers must notify the data subjects and other recipients of the personal data under the terms of this protocol of any rectification or restrict, unless it involves disproportionate effort.	<input checked="" type="checkbox"/>
Article 21 – <b>The Right to Object</b> – Individuals have the right to object to any processing which relies on Consent, Legitimate Interests, or Public Task as its legal basis for processing. This right	<input type="checkbox"/>

GDPR  
Go to articles  
12 – 15

GDPR  
Go to article  
16 & 22

<p>does not apply where processing is required by law (section 3). Individuals will always have a right to object to Direct Marketing, regardless of the legal basis for processing.</p>		
<p><b>Article 22 – Automated Decision Making including Profiling</b> – the Individual has the right to request that a human being makes a decision rather than a computer, unless it is required by law.</p>	<input type="checkbox"/>	
<p><b>Freedom of Information (FOI) Act 2000 or Environmental Information Regulations (EIR) 2004</b> relates to data requested from a Public Authority by a member of the public. It is best practice to seek advice from the originating organisation prior to release. This allows the originating organisation to rely on any statutory exemption/exception and to identify any perceived harms. However, the decision to release data under the FOI Act or EIR is the responsibility of the agency that received the request.</p>	<input checked="" type="checkbox"/>	
<b>6. Security of Information</b>		
<b>Security measures in place</b>		
<p>There are good quality access control systems in place</p>	<input checked="" type="checkbox"/>	GDPR articles 30 - 45
<p>Paper information is stored securely</p>	<input checked="" type="checkbox"/>	
<p>Paper and electronic information is securely destroyed with destruction log for electronic information</p>	<input type="checkbox"/>	
<p>Laptops and removable media such as memory sticks are secured when not in use</p>	<input checked="" type="checkbox"/>	
<p>Technical security appropriate to the type of information being processed is applied</p>	<input checked="" type="checkbox"/>	
<p>Arrangements are in place to meet the requirements for confidentiality, integrity and availability</p>	<input checked="" type="checkbox"/>	
<p>Disaster recovery arrangements are in place</p>	<input checked="" type="checkbox"/>	
<p>Encryption of personal data is fully implemented</p>	<input type="checkbox"/>	
<p>Data minimisation has been considered</p>	<input checked="" type="checkbox"/>	
<p>Can pseudonymised or anonymised data be used to meet your processing needs?</p>	<input checked="" type="checkbox"/>	
<p>There are sufficient access controls for systems/networks in place</p>	<input checked="" type="checkbox"/>	
<p>Routine and regular penetration tests are carried out</p>	<input type="checkbox"/>	
<p>Article 40 Codes of Conduct are adhered to (where applicable)</p>	<input type="checkbox"/>	

Appropriate security is applied to external routes into the organisation; for example, internet firewalls and remote access solutions	<input checked="" type="checkbox"/>	
Confirm entry in Records of Processing Activity	<input checked="" type="checkbox"/>	
Any risks associated with this data sharing have been assessed by your organisation and approval to proceed granted by your authorising signatories	<input checked="" type="checkbox"/>	
<p>Personal information will be securely shared via <b>Orchard, Callsys, Customer Access Management System (CAMS), Contact Harlow, Emails and Phone Calls.</b></p> <p>Partners receiving information will:</p> <ul style="list-style-type: none"> <li>• Ensure that their employees are appropriately trained to understand their responsibilities to maintain confidentiality and privacy;</li> <li>• Protect the physical security of the shared information;</li> <li>• Restrict access to data to those that require it, and take reasonable steps to ensure the reliability of employees who have access to data, for instance, ensuring that all staff have appropriate background checks</li> <li>• Maintain an up to date policy for handling personal data which is available to all staff</li> <li>• Have a process in place to handle any security incidents involving personal data, including notifying relevant third parties of any incidents</li> <li>• Ensure any 3<sup>rd</sup> party processing is agreed as part of this protocol and governed by a robust contract and detailed written instructions for processing.</li> </ul> <p><b>International Transfers (Where applicable)</b></p> <p>If any personal data is to be transferred outside of the EEA, please ensure you capture the relevant supporting adequacy decision for such a transfer here (articles 40-43).</p>		
Adequacy Decision in place <a href="https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en">https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en</a>	Date of approval by EU Commission is:	N/A
ICO Approved standard contract clauses in place <a href="https://ico.org.uk/media/1571/model_contract_clauses_international_transfers_of_personal_data.pdf">https://ico.org.uk/media/1571/model_contract_clauses_international_transfers_of_personal_data.pdf</a>	Date of approval by ICO is:	N/A

ICO Approved Binding Corporate Rules in place <a href="https://ico.org.uk/for-organisations/guide-to-data-protection/binding-corporate-rules/">https://ico.org.uk/for-organisations/guide-to-data-protection/binding-corporate-rules/</a>	Date of approval by ICO is:	N/A
The Individuals have given explicit consent to the transfer and understand the risks associated with the transfer.	Confirm this consent has been recorded appropriately	N/A
The receiving organisation in a 3rd country is bound by an approved Code of Conduct recognised by the EU	Date of approval by ICO is:	N/A

ICO guidance on International Transfers can be found at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/>

## 7. Format and Frequency

- The format of the information to be shared in is the ROPA.
- The frequency with which the information will be shared varies across the different functions, daily, weekly, monthly and annually.

If a shared system is being used by partners:

- What system is being shared? **Orchard and Callsys**
- Who is the owner of the system? **Orchard (Harlow District Council) and Callsys (HTS Property & Environment) Ltd**

## 8. Data Retention

GDPR  
Go to article 5

Information will be retained in accordance with each partners' published data retention policy available on their websites, and in any event no longer than is necessary.

## 9. Data Accuracy

GDPR

Go to articles 5, 16 - 18

Please check this box to confirm that your organisation has processes in place to ensure that data is regularly checked for accuracy, and any anomalies are resolved



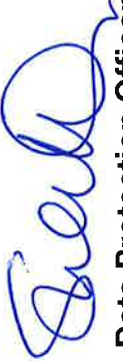

<p><b>10. Breach Notification</b></p>	<p>Where a security breach linked to the sharing of data under this protocol is likely to adversely affect an Individual, all involved Partners must be informed within 48 hours of the breach being detected. The email addresses on page 1 should be used to contact the Partners. The decision to notify the ICO can only be made after consultation with any other affected Partner to this protocol, and notification to the ICO must be made within 72 hours of the breach being detected. Where agreement to notify cannot be reached within this timeframe, the final decision will rest with the Protocol owner as depicted on page 1 of this document.</p> <p>All involved Partners should consult on the need to inform the Individual, so that all risks are fully considered, and agreement is reached as to when, how and by whom such contact should be made. Where agreement to notify cannot be reached, the final decision will rest with the Protocol owner as depicted on page 1 of this document.</p> <p>All Partners to this protocol must ensure that robust policy and procedures are in place to manage security incidents, including the need to consult Partners where the breach directly relates to information shared under this protocol.</p>	<p>GDPR Go to articles 33, 34, 77 - 84</p>
<p><b>11. Complaints</b></p>	<p>Partner agencies will use their standard organisational procedures to deal with complaints from the public arising from information sharing under this protocol.</p>	<p>GDPR Go to articles 16 - 22 &amp; 77</p>
<p><b>12. Commencement of Protocol</b></p>		
<p>This Protocol shall commence upon date of the signing of a copy of the Protocol by the signatory partners. The relevant information can be shared between signatory partners from the date the Protocol commences.</p>		

### 13. Withdrawal from the Protocol

Any partner may withdraw from this Protocol upon giving 4 weeks written notice to the WEISF administration team [weisf@essex.gov.uk](mailto:weisf@essex.gov.uk). The WEISF administration team will notify other Partners to the Protocol. The Partner must continue to comply with the terms of this Protocol in respect of any information that the partner has obtained through being a signatory. Information, which is no longer relevant, should be returned or destroyed in an appropriate secure manner.

### 14. Agreement

This Protocol must be approved by the responsible person within the organisation (SIRO/Caldicott Guardian/Chief Information Officer).

Approvers Names	<b>Simon Hill, Interim Data Protection Officer (Harlow District Council)</b>  Signature:  <b>Alex Morris, Data Protection Officer (HTS Property &amp; Environment Ltd)</b>  Signature: 
Organisations Names	Harlow District Council & HTS (Property & Environment) Ltd
Date of Agreement	31 March 2020

**Please submit this Protocol to [weisf@essex.gov.uk](mailto:weisf@essex.gov.uk) with list of approved signatories. The Protocol will then be published on [weisf.essex.gov.uk](mailto:weisf.essex.gov.uk). Email approvals will only be accepted from an authorised signatory role from each organisation. Please see the list of authorised roles per organisation on [weisf.essex.gov.uk](http://weisf.essex.gov.uk)**